



## ***Identifying different types of Intellectual Property***

We've all heard of intellectual property. And you likely know that many marketing activities impact intellectual property. For example, logo design and creation of substantive marketing content can result in the creation of intellectual property assets. But did you know that using or creating social media content may also trigger intellectual property issues?

In order to understand and identify intellectual property issues, you first need to know the basics. Trademarks, copyrights, and patents are the three main types of intellectual property. These names are frequently (and mistakenly) used interchangeably, which only confuses matters. Outlined below are simple explanations of these different types of intellectual property and some examples.

### **Trademarks and Service Marks**

As a marketing professional, you may “run into” this category of Intellectual Property most frequently. In short, a trademark is a source identifier or a brand name for a product. You may also see the term service mark used interchangeably with the word trademark. In short, a trademark is used as a source identifier for a product, and a service mark is source identifier for a service.

A trademark/service mark can sometimes be a business name. And a trademark/service mark can also be a symbol or tag line that is used to associate a product or service with a particular business or other source. There are other types of non-traditional trademarks/service marks such as trade dress, colors, sounds, and scents, but those will not be covered in this post.

Some examples of trademarks include: APPLE, the McDonald's Golden Arches, the Nike tag line, “Just Do It.”

### **Copyrights**

Copyrights are sometimes more difficult to grasp. A copyright protects original works created by an author that are “fixed in a tangible medium.” These original works can be artistic, musical, literary, or dramatic works. For example, photographs, blog posts, screenplays, digital content, artwork, and sculptures are among the types of works protectable by copyright. Some portions of computer code may also be protectable by copyright.



One key factor to remember is that ideas are not copyrightable or protectable-only *tangible* expressions of ideas. In addition, facts and methodologies are not copyrightable.

As a marketing professional, you are most likely to create copyrightable content while developing things like marketing materials, Web site content, photographs for use on Instagram, or creating videos for YouTube.

## **Patents**

Patents are the third type of Intellectual Property. A patent provides an inventor with an exclusive right to his or her patent for a period of time. A patent confers a competitive advantage to the inventor.

There are different types of patents. The two main types of patents are utility patents and design patents. Utility patents protect the invention of a new and useful process, machine, or a chemical formula. Utility patents tend to protect the functional aspects of a product or invention.

A design patent protects the new, original, and ornamental design of a product for manufacture. A design patent may protect the way an object looks. For example, the curved shape of the Coca-Cola bottle or the design of the Apple iPhone.

As a marketing professional, you may not encounter utility patents very often, but if you assist with product design your work may result in the creation of a work that may be the subject of a design patent.

The varying types of Intellectual Property can be nuanced and may even overlap from time to time. But knowing the basic differences between trademarks, copyrights, and patents may assist you with identifying valuable assets.