



**Research &  
Economic Development**

# **Intellectual Property Types of IP, Disclosure Process**

**Monthly Research Administration Meeting  
August 2022**

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# AGENDA

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- Introduction
- Intellectual Property Overview
- FIU IP disclosure process

# What is Intellectual Property?

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**Intellectual property** refers in general to creations of the mind: inventions, literary and artistic works, symbols, names, images, designs, confidential information, etc. that can be protected.

# Types of Intellectual Property

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The major legal mechanisms for protecting intellectual property rights are patents, copyrights and trademarks.

- Patents
- Trade Secrets
- Trademarks
- Copyrights

## Patents

The grant of a property right by the government to the inventor(s) (or assignee).

U.S. Patents grant their owners the right to “exclude” others from:

*making, using, offering for sale, or selling the invention or importing the invention into the United States.*

# Types of Intellectual Property: Trade Secrets

## Trade Secret

- Is a formula, practice, process, compilation of information, etc. which is generally not known or reasonably ascertainable, by which a business can obtain an economic advantage.
- Can be protected through non-compete and non-disclosure agreements.
- Can extend indefinitely so may provide an advantage over patent protection.
- Need to protect the information in order for it to be a trade secret.

# Types of Intellectual Property: Copyrights/Trademarks

## Copyrights

A **copyright** is a form of protection for original works of expression fixed in a tangible form, including: literary, musical, pictorial, graphic, sculptural, audiovisual works

Copyright protects the expression of the idea, not the idea or subject matter.

## Trademarks & Service marks

A **trademark** comprises “anything” that identifies the source of goods or services when used in commerce.

A **servicemark** is the same as a trademark except that it identifies and distinguishes the source of a service rather than a product.

The terms “trademark” and “mark” are commonly used to refer to both trademarks and servicemarks.

# Process for getting a Patent

## Utility Patent Application

- Requires specific Patent Office format:  
*formal drawings, specification, claims.*
- Examined for utility, novelty and non-obviousness.
- If it issues as patent, patent maintenance fees due: 3 ½, 7 ½, and 11 ½ years (no fees for Design patents).



# Requirements for an invention to become patented

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## **An invention needs to be:**

- Useful**
- Novel**
- Not Obvious**

**Patent Application needs to describe and enable the invention**

## Some pitfalls related to patents

Losing the ability to file a United States patent due to a statutory bar, which include:

Public use of the invention for over a year prior to filing a patent application on the invention.

Making a printed publication of the invention over one year prior to filing a patent application.

Offering the invention for sale over one year prior to filing a patent application.

It is worth noting that most countries outside of the United States are “absolute novelty” countries which do not provide this one year grace period.

# FIU IP Disclosure Process

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- FIU Inventor develops/discovers a technology
- Submits an *online IP disclosure (preferably prior to any “publication”)*

Electronic IP disclosure form can be found at:

<http://research.fiu.edu/disclosure>

### **Sections of the IP Disclosure Form:**

- Description of the technology
- History of the invention/discovery
- Publications, Public Use and Sale
- Prior Art Search
- Sponsorship Information (i.e., federal)
- Identification of Contributors

# Summary of IP Evaluation Process

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## **Technology Evaluation for inventions**

- Review for patentability (i.e. public disclosure dates, prior art, ownership, etc.)
- Technology transfer potential (i.e. commercial potential: any interest from external party to acquire technology)

### **Externally Sponsored Projects:**

- Sponsor terms and conditions apply, participants in sponsored project will be bound by terms of sponsor agreement
- Invention reporting requirements for federally sponsored projects

# Questions

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**Questions?**