

Copyright Law Basics

****Copyright****

Concept: a legal right that gives creators of original works exclusive rights to reproduce, distribute, and display their work for a certain period of time.

Related terms: original works of authorship, exclusive rights, public domain

Copyright law protects original works of authorship, which can include literary, dramatic, musical, and artistic works, such as poetry, novels, movies, songs, computer software, and architecture. The owner of a copyright has the exclusive right to reproduce, distribute, and display the copyrighted work publicly, as well as to create derivative works. These exclusive rights last for a certain period of time, after which the work enters the public domain and can be used freely by anyone.

****Copyright Infringement****

Concept: the unauthorized use or reproduction of a copyrighted work.

Related terms: fair use, Digital Millennium Copyright Act (DMCA)

Copyright infringement occurs when someone uses or reproduces a copyrighted work without the permission of the copyright owner. This can include copying a copyrighted work, distributing it, displaying it publicly, or creating derivative works based on the copyrighted work. Copyright infringement can result in legal consequences, including damages and injunctions. However, there are some exceptions to copyright infringement, such as fair use, which allows limited use of copyrighted material for certain purposes, such as criticism, commentary, news reporting, teaching, scholarship, or research.

****Digital Millennium Copyright Act (DMCA)****

Concept: a US law that criminalizes the production and dissemination of technology that can circumvent measures taken to protect copyrighted works.

Related terms: safe harbor, online service provider

The Digital Millennium Copyright Act (DMCA) is a US law that was enacted in 1998 to address copyright issues related to digital technology. The DMCA makes it illegal to produce or distribute technology that can be used to circumvent measures taken to protect copyrighted works, such as digital rights management (DRM) systems. The DMCA also provides a safe harbor for online service providers, which allows them to avoid liability for copyright infringement if they follow certain procedures, such as removing infringing material from their sites upon notification.

****Fair Use****

Concept: a legal doctrine that allows limited use of copyrighted material without permission from the copyright owner.

Related terms: copyright infringement, transformative use

Fair use is a legal doctrine that allows limited use of copyrighted material without permission from the copyright owner. Fair use is determined on a case-by-case basis, and courts consider four factors in determining whether a use is fair: the purpose and character of the use, the nature of the copyrighted work, the amount and substantiality of the portion used, and the effect of the use on the market for the original work. Transformative use, which involves using a copyrighted work in a way that adds new meaning or value, is more likely to be considered fair use than non-transformative use.

****Original Works of Authorship****

Concept: works that are created by an author and have a minimal degree of creativity.

Related terms: copyright, fixation, idea-expression dichotomy

Original works of authorship are works that are created by an author and have a minimal degree of creativity. To be protected by copyright, an original work of authorship must be fixed in a tangible medium of expression, such as a paper or a computer file. Ideas cannot be copyrighted, but the expression of those ideas can be. This is known as the idea-expression dichotomy, which means that copyright only protects the particular way an idea is expressed, not the idea itself.

****Public Domain****

Concept: works that are not protected by copyright and can be used freely by anyone.

Related terms: copyright, exclusive rights, expiration

The public domain is the term used to describe works that are not protected by copyright and can be used freely by anyone. Works enter the public domain when their copyright expires, or if they were never eligible for copyright protection in the first place. For example, works created by the US federal government are not eligible for copyright protection and are automatically in the public domain.

I hope you find this glossary helpful. Let me know if you have any questions or need further clarification on any of the terms.

****Patent****

Concept: a legal right that gives inventors exclusive rights to make, use, and sell their invention for a certain period of time.

Related terms: invention, novelty, non-obviousness

A patent is a legal right that gives inventors exclusive rights to make, use, and sell their invention for a certain period of time. In order to be eligible for a patent, an invention must be novel, non-obvious, and useful. The term of a patent is generally 20 years from the date of filing, but maintenance fees must be paid in order to keep the patent in force.

****Patent Application****

Concept: a formal request to the patent office to grant a patent for an invention.

Related terms: patent specification, patent claims, prior art

A patent application is a formal request to the patent office to grant a patent for an invention. The patent application includes a patent specification, which describes the invention in detail, and patent claims, which

define the scope of the invention and what the inventor is claiming exclusive rights to. The patent office will review the patent application and search for prior art, which is any existing knowledge or product that is relevant to the invention. If the patent office determines that the invention is novel, non-obvious, and useful, and that the patent application meets all of the formal requirements, it will grant a patent.

****Patent Examination****

Concept: the process by which the patent office reviews a patent application to determine whether the invention is patentable.

Related terms: prior art, patentability, office action

Patent examination is the process by which the patent office reviews a patent application to determine whether the invention is patentable. The patent office will search for prior art, which is any existing knowledge or product that is relevant to the invention. If the patent office determines that the invention is novel, non-obvious, and useful, and that the patent application meets all of the formal requirements, it will grant a patent. If the patent office determines that the invention is not patentable, it will issue an office action, which is a written communication explaining the reasons for the rejection. The applicant can then respond to the office action and argue for the patentability of the invention.

****Patent Infringement****

Concept: the unauthorized making, using, or selling of a patented invention.

Related terms: direct infringement, indirect infringement, contributory infringement

Patent infringement is the unauthorized making, using, or selling of a patented invention. There are two types of patent infringement: direct infringement and indirect infringement. Direct infringement occurs when someone makes, uses, or sells a patented invention without the permission of the patent owner. Indirect infringement occurs when someone helps or encourages someone else to infringe a patent. Contributory infringement is a type of indirect infringement that occurs when someone sells a component of a patented invention with the knowledge that the component is intended to be used in a way that infringes the patent.

****Patent Litigation****

Concept: a legal dispute over the validity or infringement of a patent.

Related terms: patent infringement, invalidity, injunction

Patent litigation is a legal dispute over the validity or infringement of a patent. In a patent infringement lawsuit, the patent owner (the plaintiff) alleges that someone (the defendant) has made, used, or sold the patented invention without permission. The defendant may argue that the patent is invalid, or that its actions do not infringe the patent. If the court finds that the patent is valid and that the defendant has infringed the patent, it may issue an injunction, which is a court order prohibiting the defendant from continuing to infringe the patent. The court may also award damages to the patent owner.

****Patent Troll****

Concept: a person or company that acquires patents not to use them, but to assert them against others for the purpose of generating licensing fees.

Related terms: non-practicing entity, patent assertion entity, patent thicket

A patent troll, also known as a non-practicing entity or patent assertion entity, is a person or company that acquires patents not to use them, but to assert them against others for the purpose of generating licensing fees. Patent trolls often acquire patents that they did not create, and then threaten to sue companies that are using the technology covered by the patent unless they pay a licensing fee. Patent trolls can be a problem for small businesses and startups, which may not have the resources to defend themselves against a patent infringement lawsuit. Patent thickets, which are dense webs of overlapping patents, can also be a problem