

INTRODUCTION



We, as designers, chose this career because we love to create visually appealing designs. We would spend hours utilizing our craft to produce beautiful banners for our personal or social website, or designing an eye-catching brochure or flyer for a client. However, there are a lot of people out there, surfing the web, and take a design and claim it as their own. Having your work stolen or copied is notably frustrating and annoying, especially when you can't prove that you created the design initially.

As aspiring designers, we have to ensure that the law protects our creation.

Before you get discouraged, know that there are laws implemented by the government to help protect your creation and this Interactive Portable Document File (*PDF*) will discuss each law to ensure that no one will infringe your work without consequences.

This document will cover the following:

- **Copyright:** Form of protection provided by the laws of the United States to authors of "original works of authorship."
- **Trademark:** Any word, name, symbol, or design, or any combination thereof, used in commerce to identify and distinguish the goods of one manufacturer or seller from those of another and to indicate the source of the goods.
- **Patent:** A limited duration property right relating to an invention, granted by the United States Patent and Trademark Office in exchange for public disclosure of the invention.

COPYRIGHT



Now that you have developed an idea and created it in a physical or digital form, you, as the designer, can simply add a copyright symbol © (a circle with a capital letter “C” inside) to claim that the design is copyrighted.

However, it might be necessary to submit your art to be copyrighted by law. By doing this, you can take legal action and receive compensation if someone copies your work. Once your creation has been approved, the design is then immediately filed and considered copyrighted from when you produced the work (Perkins, 2015). you have the right to sell the design publically or display it for everyone to see and purchased.

U.S. COPYRIGHT LAW COVERS

1. Published and unpublished fiction and nonfiction.
2. Catalogs and advertising copy.
3. Drawings and other designs.
4. Fabric designs and sketches for garments.
5. Photographs.
6. Sculpture, paintings, and other works of fine art.
7. Architectural plans, drawings, and models.
8. Musical scores and lyrics.
9. Musical performances captured on records, tapes, discs, et cetera.
10. Choreographic works that have been notated or recorded.
11. Dramatic works such as stage plays and screenplays.
12. Motion pictures captured on film, video, DVD, et cetera.
13. Computer programs, including source code and distinctive screen displays.

WHAT IT DOESNT COVER

Anything that is written or created by the U.S. government, along with titles, names, short phrases, and facts, and lastly, any utilitarian works.

List 1.A Copyright list from “Talent is not enough: Business secrets for designers” by Perkins (2015), page 221.

TRADEMARK



Have you ever noticed that some popular are really distinctive? Think about Coca-cola or Mc'Donald's, what about StarBucks? You most likely pictured their product logo, and companies ensure that the general public can distinguish these designs from their competition.

Companies, such as the examples given above, would spend a lot of money and time to ensure that their logo matches the federal trademark requirements of "Principal Register" or "Supplemental Register," or lawyers would commonly call this as the "continuum of distinctiveness" (Perkins, 2015). Once these logos are created, they are then rechecked for any conflicting mark or designs through the U.S. Patent and Trademark Office, and when it passes, the logo or "service brand" is then registered and officially Trademarked. You can find these trademark symbols at the top right end corner of each logos, a superscripted T & M letters TM.

A registered Trademarked design does not last forever, however, and it is imperative that these companies renew their application in five (5) years, and then ten (10) years or the trademark is considered "abandoned" and these companies risks of losing the logo to their competitors (Perkins, 2015).

TRADITIONAL TRADEMARKS

A word, letter, number, or phrase, along with a design, or shape, and or a combination of these elements are considered traditional trademark.

NON-TRADITIONAL TRADEMARKS

Any motion design, hologram (3-D logos), sounds, color or smell, are deemed non-traditional trademark.

List 2.A Trademark list from "Talent is not enough: Business secrets for designers" by Perkins (2015), page 226.

PATENT

Let us talk about your original concept and idea, note that the keyword here is “original.” Think about your idea carefully and thoroughly research your conception online to ensure that no one else has invented the same thing in the past. Don’t get discouraged though, even if someone has already thought of it, your idea might have some differences and features to differentiate it from the original.

Having an experienced intellectual property (IP) attorney present is also beneficial because they can help you through your research to ensure that your idea is legitimate. You can then send your application to the Patent Office, and if everything checks out, then the Patent Office will issue a “Patent Pending” on the product and the “U.S. Patent Number XXX” once the process has been completed (Perkins, 2015).



DIFFERENT TYPES OF PATENTS

There are two different types of patents: The “Design Patent” is to protect any new and original design for an article of manufacturer and is valid for fourteen (14) years from it was first conceived and the patent has been issued, while the “Utility Patent” protects the machines, such as computer graphic cards, medications, and articles of manufacturers (Perkins, 2015, pg. 237).

Now that you understand the difference between each law (Copyright, Patent and Trademark), how they can protect your ideas and designs, and how to utilize each of them, you are now free to be as creative as you can without having a fear of someone stealing or copying your ideas.

If you want to know more, please visit the U.S. Patent and Trademark Office website at: <https://www.uspto.gov/>.

REFERENCES

CC0 License. *Pexels*. [Administration, ancient, architecture, art]. Retrieved from <https://www.pexels.com/photo/administration-ancient-architecture-art-208603/>.

Fancycrave. *Pexels*. [Assorted Bottle And Cans]. Retrieved from <https://www.pexels.com/photo/assorted-bottle-and-cans-811108/>.

Mars, B. *Pexels*. [Woman Sitting While Holding Pen]. Retrieved from <https://www.pexels.com/photo/woman-sitting-while-holding-pen-920377/>.

Perkins, S. (2015). *Talent is not enough: Business secrets for designers*. San Francisco, CA: New Riders.

Rawpixel. *Pexels*. [Women's in Gray Turtleneck Sweater Pointing White Contract Paper]. Retrieved from <https://www.pexels.com/photo/women-s-in-gray-turtleneck-sweater-pointing-white-contract-paper-1089549/>.