

MAJOR CHARACTERISTICS OF INTELLECTUAL PROPERTY TYPES

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	Patent	Design Patent	Copyright	Trademark	Trade Secret	Mask Work
Requirements	Useful, novel, non-obvious	Novel, non-obvious	Original, fixed in a tangible medium of expression	Used to identify goods or services; not generic, merely descriptive, deceptive, disparaging, scandalous, obscene; not confusingly similar to another mark	Valuable, not generally known, reasonable efforts to preserve secrecy	Original, not familiar in the industry
Protects	Processes, methods of operation, machines, articles of manufacture, compositions of matter	Ornamental, nonfunctional features of an article of manufacture	Literary, artistic, pictorial, graphic, photographic, audio & audiovisual works; computer programs; compilations of facts, pictures, stories, or other elements	Word, phrase, design, symbol or other device to identify goods or services	Technical, financial, marketing and other information, processes and know-how	Three-dimensional design of a semiconductor chip product
Protects against	Use of process, method, etc., or manufacture of article or composition	Use of design	Copying, distributing copies, preparing derivative works, performing or displaying publicly	Use of a confusingly similar trademark	Use or disclosure	Reproduction, distribution, importation
Does not protect against	Prior invention	Prior use of design	Independent creation; fair use of small portions; use of ideas, facts, processes, or functional elements in work	Previously used or registered marks; marks which are not confusingly similar; similar marks used on unrelated goods	Independent development	Independent development; reverse engineering to analyze (but not to reproduce)

Duration	20 years from filing of patent application	14 years from issuance of patent	If individual author, life of author plus 70 years; if work made for hire, shorter of 95 years from publication or 120 years from creation	Can last indefinitely	Can last indefinitely	10 years from registration or commercial exploitation
Relative Cost	High - \$3,000 - \$7,000 minimum, can be much higher	Moderate	Very low - \$100 to \$200	Moderate - \$800 to \$1,200, more if multiple classes or problems encountered	Moderate - cost of security measures, non-disclosure agreements, etc.	Moderate