



## THE RIGHTS YOU SHARE WHEN YOU POST YOUR IP ON SOCIAL MEDIA

1. When posting your ideas and products on social media such as twitter and Instagram, you are still the owner of this content; however, posting information on the social media, or the Internet in general, may result in the loss of patent rights (see below).
2. By use of these sites you are agreeing that they have the right to use your content through a non-exclusive, royalty-free license to use, copy, reproduce, modify, publish, transmit or distribute your content in any and all media. In some rare instances, the site may own an interest in the items that you post.
3. Their policies and permissions that you give by your use agreement are an evolving set of rules, so when you are producing new content, keep in mind that the agreements can update
4. Please be familiar with their policies for use and publication, especially in terms of your copyrighted products and inventions you wish to patent

## COPYRIGHT

### 1. What information can be copyrighted?

Any work containing artistic expression (including music, graphics, designs, poems, etc.) qualifies as an original work of authorship fixed in any tangible medium such as a CD, MP4, metal casting, now known, or later developed, from which they can be perceived, reproduced, or otherwise communicated. Rights in copyright automatically attach once your work is fixed. Registration is not necessary to acquire rights, although federal registration allows for evidence of validity, enables you to claim damages, file a lawsuit and creates a public record that your works are protected by copyright.

### 2. What cannot be copyrighted?

Facts; ideas & functional designs; instructions & rules; titles of books, movies, songs, slogans, and short phrases; printed forms or mere completions of fact; works consisting entirely of public domain property like lists and tables taken from public documents.

### 3. What is the timeline of a federally protected copyright?

Copyright is effective from the date of application once the appropriate fees are paid, a copyright for a work that is created after 1978 lasts for the lifetime of the author plus 70 years. Anonymous and pseudonymous and works made for hire have a term of protection of 95 years from the date of publication or 120 years from the date of creation.

### 4. What is a license in copyright?

A license is a permission that a copyright owner/holder can grant to any and all persons for use of their copyright. A license can be exclusive or non-exclusive. An exclusive license must be writing.

## PATENT

### 1. Am I able to get a patent if my invention has been published or disclosed? What is the time limit?

Generally, a patent will not be granted to an applicant unless it is filed prior to any public use or public disclosure anywhere in the world. This includes foreign and domestic publications, including social media posts. The USPTO allows for a grace period of up to one (1) year to file your patent from the earliest date of disclosure. It is advisable to file your patent as early as possible as someone could file for the invention after it is disclosed and could have priority filing if it is submitted before your application.

## 2. Are there different kinds of patents?

There are three kinds of patents, design patents, utility patents, and plant patents. A design patent is granted to new, original, and ornamental design inventions for an article of manufacture. A utility patent is for inventions or discoveries of new and useful process, machine, article of manufacture, or compositions of matters, including improvements. A plant patent is for distinct and new variety of plants either invented or discovered.

## TRADEMARK

1. **Common Law Trademark** – Common Law use of a trademark exists once the mark is used in association with the sale of goods or their transportation in commerce, and with services, common law rights arise once the mark is used in association with the advertising or rendering of the service in commerce. This requires no cost and rights can be exercised in limited capacity. Most common law trademarks can be enforced in a regional geographical capacity. If you are seeking to protect your mark for in-state use only, you can register your trademark with the state instead, or continue use with your common law rights.
2. **Federally Registered Trademark** – a federally registered trademark creates rights throughout the entire United States, and its territories.
3. **Use in commerce** – for a trademark to be federally registered and to be considered “in use” it must be used in conjunction with the sale of goods sold over in interstate commerce, internationally, or between your state and US territories or between you and a Native American Tribe.
  - a. **Goods** – the mark must be placed on the goods, their containers or their displays associated with the **and** the goods must be sold or transported in commerce
  - b. **Services** – the mark is used or displayed in the sale or advertising of services that are rendered in commerce.

## WORKING WITH THIRD PARTIES, REQUIREMENT OF EXTERNAL APPROVAL PARTNERSHIPS AND OPERATING AGREEMENTS

For FDA FAQs Please see: <https://www.fda.gov/drugs/special-features/frequently-asked-questions-about-fda-drug-approval-process>

For HIPAA FAQs Please see: <https://www.hhs.gov/hipaa/for-professionals/faq/index.html>