

INTELLECTUAL PROPERTY RESEARCH GUIDE

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Introduction and Purpose

Intellectual property is defined as “products of the mind” which are created by authors, inventors, or other business people. (U.S. Patent and Trademark Office, retrieved on November, 16, 2008, from <http://www.uspto.gov/main/glossary/index.html#i>). There are four main ways to protect intellectual property. These are patents, trademarks, trade secrets, and copyright.

This guide will give you a brief overview of the law in this area and outline the print and electronic resources available in the OCU collection. The guide will also mention freely-available electronic resources.

Defining Patents

According to the U.S. Patent and Trademark Office patents are “grants of property rights to an inventor” which give inventors the right to “exclude others from making, using, offering for sale, or selling the invention in the United States.” This means that the inventor has exclusive rights to their invention (U.S. Patent and Trademark Office, retrieved November 16, 2008, from <http://www.uspto.gov/main/glossary/index.html#p>).

Patent Research

You may be required to research if any “prior art” (previous inventions or publications that show this invention is not new) exists before an inventor spends time, money, and effort applying for a patent. In order to conduct a thorough search, it is best to follow the U.S. Patent and Trademark Office’s (USPTO’s) [seven step search strategy](#).

The steps link to the various online databases available from the USPTO Web site. You should also search PubWest, the database used by patent examiners. However, that database can only be accessed at a [USPTO \(U.S. Patent and Trademark Office\) Depository Library](#).

The [USPTO Depository Library in Oklahoma](#) is located at Oklahoma State University (OSU) in Stillwater, Oklahoma. You can contact the library to schedule an appointment with a librarian. The librarian can get you started on patent searching.

After you have verified that no “prior art” exists, you will need to [file a patent](#) application. Once you have filed a patent application you can check its status by using the [PAIR system](#). If the patent application is not approved you can [appeal](#) the decision.

OCU Resources

Below is a sample list of materials you may find helpful when researching a patent law issue or applying for a patent. These resources are available electronically or at the Oklahoma City University Law Library. This list is not all-inclusive.

Secondary Materials

***Note-Check each title for specific holdings and availability.**

1. *Fundamentals of Patent Prosecution* by Practising Law Institute at [KF3120.Z9 F86 2000](#).
3. *IDEA Intellectual Property Review* available in print in the Periodicals wing of the Law Library and electronically via the subscription database Hein Online.
4. *Intellectual Property & Technology Law Journal* available in print in the Periodicals wing of the Law Library and electronically via the subscription database Hein Online.
5. *Intellectual Property Journal* available in print in the Periodicals wing of the Law library.
6. *Intellectual Property Law Bulletin* available in print in the Periodicals wing of the Law Library, also available electronically via the subscription database, Hein Online.
7. *Intellectual Property Magazine* available electronically via the subscription database Lexis-Nexis.
8. *Intellectual Property Newsletter* available in print in the Periodicals wing of the Law Library.
9. *Intellectual Property Strategist* available electronically via the subscription database Lexis-Nexis.
10. *Intellectual Property Today* available electronically via the subscription databases Lexis-Nexis and Westlaw.
11. *Loyola Law and Technology Annual* available in print in the Periodicals wing of the Law Library and electronically via the subscription database Hein Online.
12. *Patent Files* by David Lindsay is a book about the invention process and is available in print at [T21 .L463 1999](#).
13. *Principles of Patent Law* by Donald S. Chisum available in print at [KF3113 .P75 1998](#) and electronically via the subscription database Lexis/Nexis.

Primary Materials

***Note-Check each title for specific holdings and availability.**

1. *U.S.C.* is available in print at [KF62 1958 .A2](#) and electronically via various Web sites such as <http://www.law.cornell.edu/uscode/>.
2. *U.S.C.A.* is available in print at [KF62.5 .W45](#) and electronically via the subscription database Westlaw.
3. *U.S.C.S.* is available in print at [KF48 .U54](#) and electronically via the subscription database Lexis-Nexis.
4. *C.F.R.* is available in print at [KF70 .A3 date](#) and electronically via the subscription databases Lexis-Nexis and Westlaw. The publication is also freely-available via the government sponsored Web site <http://www.gpoaccess.gov/cfr/index.html>.

Other Resources

1. The subscription database Westlaw contains two tabs with useful information for attorneys and others interested in patent law. The database has a general intellectual property tab and a patent practitioners' tab.
2. The subscription database Lexis-Nexis has a topical section devoted to patent law. There you will find a combination of secondary and primary materials devoted to patent law.
3. <http://www.libraries.psu.edu/instruction/business/Patents/> -Patent search online tutorial by Shreyer Library at Penn State University.
4. <http://www.lib.utexas.edu/engin/patent-tutorial/index.htm> -Patent search online tutorial by McKinney Engineering Library at the University of Texas-Austin.
5. <http://www.lib.lsu.edu/sci/ptdl/step8a.htm> -A list of available online tutorials sponsored by Louisiana State University.

Defining Trademarks

Trademarks vary from patents in several key aspects. Trademarks are “words, names, symbols, or devices that are used in trade with goods” that “distinguish [one good] from the goods of others.” Trademarks can be anything from colors and shapes to words and logos (U.S. Patent and Trademark Office, retrieved on November 16, 2008, from <http://www.uspto.gov/main/glossary/index.html#t>). Unlike patents, users can apply for federal or state trademark protection. In Oklahoma, applicants must contact the [Secretary of State's office](#). More information about Oklahoma trademark applications can be found at <http://www.sos.state.ok.us/forms/fm0054.pdf>.

Trademark Research

You can begin trademark research at the [USPTO Web site](#). Trademark research is similar to patent research but does not contain as many classifications. To search live and dead trademarks, you can use USPTO's [TESS or Trademark Electronic Search System](#). To search design elements researchers should use the [Design Search Code Manual](#).

OCU Resources

Below is a sample list of materials you may find useful when conducting trademark research. These resources are available electronically or at the Oklahoma City University Law Library. This list is not all-inclusive.

Secondary Resources

***Note-Check each title for specific holdings and availability.**

1. *Trademark Law* by Robert C. Lind available in print at [KF3180.Z9 L56 2006](#).
2. *Trademark Guide for Entrepreneurs* by Robert E. Lee available in print at [KF3180 .L44 1996](#).
3. *Trademark Law : A Practitioner's Guide* by Siegrun D. Kane available in print at [KF3180 .K36 2002](#).
4. *Practitioner's Trademark Manual of Examining Procedure* by James E. Hawes and Amanda V. Dwight available electronically via the subscription databases Lexis-Nexis and Westlaw.
5. *Trademark and Unfair Competition Deskbook* by Beverly W. Pattishall available electronically via the subscription database Lexis-Nexis.
6. *Trademark Dilution : Federal, State, and International Law* by David S. Welkowitz available in print at [KF3193 .W449 2002](#).

Primary Resources

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1. *U.S.C.* is available in print at [KF62 1958 .A2](#) and electronically via various Web sites such as <http://www.law.cornell.edu/uscode/>.
2. *U.S.C.A.* is available in print at [KF62.5 .W45](#) and electronically via the subscription database Westlaw.
3. *U.S.C.S.* is available in print at [KF48 .U54](#) and electronically via the subscription database Lexis-Nexis.
4. *C.F.R.* is available in print at [KF70 .A3 date](#) and electronically via the subscription databases Lexis-Nexis and Westlaw. The publication is also freely-available via the government sponsored Web site <http://www.gpoaccess.gov/cfr/index.html>.

5. *Oklahoma Statutes* are available in print at [KFO1230 .O5](#) and electronically via the subscription databases Lexis-Nexis and Westlaw. The statutes are freely-available via <http://www.oscn.net>.

Other Resources

1. The subscription database Westlaw has a section focused on trademarks and trademark law. This section contains state, federal, and international trademark resources.
2. The subscription database Lexis-Nexis has organized primary and secondary trademark law resources into a useful compilation of trademark law materials.
3. <http://www.wipo.int/ipdl/en/> -WIPO (World Intellectual Property Organization) intellectual property digital library.
4. <http://www.inta.org/> -International trademark association.

Defining Copyright

As defined by the U.S. Copyright Office, copyright is “a form of protection grounded in the U.S. Constitution and granted by law for original works of authorship fixed in a tangible medium of expression” (U.S. Copyright Office, retrieved on November 16, 2008, from <http://www.copyright.gov/help/faq/>). This means that copyright extends to literary, musical, and dramatic works.

Copyright Research

Depending on the issue, you can begin your research at the U.S. Copyright Office Web site at <http://www.copyright.gov> or with a treatise about copyright law. Information found at either source will help you understand the law surrounding your particular copyright issue.

OCU Resources

Below is a sample list of materials you may find useful when conducting copyright research. These resources are available electronically or at the Oklahoma City University Law Library. This list is not all-inclusive.

Secondary Resources

***Note-Check each title for specific holdings and availability.**

1. *Copyright* by Paul Goldstein available in print at [KF2994 .G65 2005](#) and electronically via the subscription database Lexis-Nexis.
2. *Copyright and Multimedia Products : a comparative analysis* by Stamatoudi available in print at [K1441 .S73 2002](#).
3. *Copyright and Free Speech : Comparative and International Analyses* edited by Jonathan Griffiths and Uma Suthersanen available in print at [K1420 .C67 2005](#).

4. *Copyright Book : A Practical Guide* by William S. Strong available in print at KF2994 .S75 1999.

Primary Resources

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1. *U.S.C.* is available in print at KF62 1958 .A2 and electronically via various Web sites such as <http://www.law.cornell.edu/uscode/>.
2. *U.S.C.A.* is available in print at KF62.5 .W45 and electronically via the subscription database Westlaw.
3. *U.S.C.S.* is available in print at KF48 .U54 and electronically via the subscription database Lexis-Nexis.
4. *C.F.R.* is available in print at KF70 .A3 date and electronically via the subscription databases Lexis-Nexis and Westlaw. The publication is also freely-available via the government sponsored Web site <http://www.gpoaccess.gov/cfr/index.html> .

Other Resources

1. <http://fairuse.stanford.edu/> -Copyright and fair use Web site sponsored by Stanford University.
2. <http://www.utsystem.edu/ogc/Intellectualproperty/cprtindx.htm> -Introductory and advanced materials related to copyright sponsored by the University of Texas system.
3. http://www.okcu.edu/library/OCU_Copyright_Policy.pdf -Copyright Policy of Oklahoma City University.

Defining Trade Secrets

Trade secrets are another aspect of intellectual property law that you may need to research. As defined by Black's Law Dictionary, a trade secret is a "formula, pattern, compilation, program, device, method, technique or process" that is used in "business . . . to gain an economic advantage over competitors who do not know or use it" (Black's Law Dictionary, 1494, 6th ed. 1990).

Trade Secret Research

Conducting research on a trade secrets issue may lead you to state law because trade secrets law is largely a creature of state and common law. However, some federal statutes may apply.

OCU Resources

Below is a sample list of materials you may find useful when conducting trade secrets research. These resources are available electronically or at the Oklahoma City University Law Library. This list is not all-inclusive.

Secondary Resources

***Note-Check each title for specific holdings and availability.**

1. *Trade Secret Handbook: Protecting Your Franchise System's Competitive Advantage* by Michael J. Lockerby available in print at [KF3197 .T73 2000](#).
2. *Trade Secret Protection and Litigation : Protecting Confidential Business and Technical Information* Victoria A. Cundiff, chairperson available in print at [KF3197.Z9 T7 1992](#).
3. *Protecting Trade Secrets, Patents, Copyrights, and Trademarks* by Robert C. Dorr and Christopher H. Munch available in print at [KF2979 .D67 2000](#).

Primary Resources

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1. *U.S.C.* is available in print at [KF62 1958 .A2](#) and electronically via various Web sites such as <http://www.law.cornell.edu/uscode/>.
2. *U.S.C.A.* is available in print at [KF62.5 .W45](#) and electronically via the subscription database Westlaw.
3. *U.S.C.S.* is available in print at [KF48 .U54](#) and electronically via the subscription database Lexis-Nexis.
4. *C.F.R.* is available in print at [KF70 .A3 date](#) and electronically via the subscription databases Lexis-Nexis and Westlaw. The publication is also freely-available via the government sponsored Web site <http://www.gpoaccess.gov/cfr/index.html>.
5. *Oklahoma Statutes* are available in print at [KFO1230 .O5](#) and electronically via the subscription databases Lexis-Nexis and Westlaw. They are also freely-available at <http://www.oscn.net>.

Other Resources

1. http://www.wipo.int/sme/en/ip_business/trade_secrets/trade_secrets.htm - Trade secrets information from WIPO (World Intellectual Property Organization).
2. http://www.uspto.gov/web/offices/dcom/olia/ir_pat_tradesecret.htm -Facts about trade secrets from the U.S. Patent and Trademark office.

Professional Associations

1. <http://www.aipla.org/>-American Intellectual Property Association
2. <http://www.abanet.org/intelprop/> -American Bar Association Section of Intellectual Property

3. http://www.ibanet.org/legalpractice/Intellectual_Property_Communications_and_Technology_.cfm –International Bar Association

Practice Information

1. <http://www.uspto.gov/web/offices/dcom/gcounsel/oed.htm> -U.S. Patent Bar Examination Information

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