OTHER FORMS OF INTELLECTUAL PROPERTY PROTECTION

1. Copyrights

Dartmouth students, professors and staff routinely create new written scholarship, literary works, computer software, artistic works and other items of copyrightable work. Copyright is a narrow form of intellectual property protection. It protects only the fixed expression of an idea, not the idea itself. The Federal Copyright Law provides that most original works of authorship are protected by copyright automatically when they are fixed in tangible form. However, it is advisable to provide a notice to the public that the copyright holder does not wish the material copied. This is best done by placing a copyright notice at the beginning of the work, as follows:

Copyright © , [date]
[name]

The [date] is the year in which the work was created; the [name] is the name of the author(s) for works not owned by an employer and the name of the employer when the employer asserts rights in the copyrightable works. The holder of copyright to a work has the exclusive right to copy or perform the work or to publish derivative works based on the original.

The Dartmouth College Copyright Policy governs copyright ownership of the works created by Dartmouth faculty and other classes of employees. The Dartmouth College Copyright Policy is available as a separate document.

2. Trade Secrets

A trade secret is any invention, or other valuable business information which is not protected by a patent and is not known or accessible to others. The inventor receives no monopoly in the form of a patent, and thus has no protection against someone who independently comes up with the same development. The advantage to the trade secrets however, is their unlimited lifespan (as long as the secret is maintained). A classic example of a trade secret is the formula for Coca Cola. To be protected as a trade secret, the information or invention must be used in a business, and positive measures must be employed to keep it secret. Since a university's task is exactly the opposite - the dissemination of technical information - universities are seldom involved with trade secrets.

3. Trademarks

Trademarks are defined in the Lanham Act (Title 15 United States Code) as "any word, name, symbol, or device or any combination thereof adopted and used by a manufacturer or merchant to identify his goods and distinguish them from those manufactured or sold by others". A trademark can also be protected, and the procedure is relatively simple. Unlike as in the case of patents, no utility, novelty or non-obviousness need be shown. It is only necessary that the trademark be easily distinguishable from other trademarks in the same class of products. Dartmouth trademarks are managed by the Legal Affairs department.