

Intellectual Property (IP) Overview for Information Professionals and Educators



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Information presented here should not be considered legal advice.
Proper legal consultation should be obtained when necessary for your
specific and unique needs.

IP Topics Covered



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- Librarians' and educators' intellectual property (IP) customers:
 - Creators (authors or inventors)
 - Consumers (customers or users)
- Intellectual Property (IP) defined
- Basic types of IP: copyrights, patents, trademarks
- IP information literacy and ties to the curriculum or outreach of library colleagues and customers
- Patent and trademark basics including searching introduction
- Best practices and associated IP topics: opportunities to extend IP awareness and information literacy for library customers



Creators and Consumers



- Librarians' and educators' intellectual property (IP) customers:
 - Creators (authors or inventors)
 - Consumers (customers or users)
- Creators (owners) rely on the defensive and financial aspects of IP.
- Creators (owners) of effective trademarks and/or patents are distinctive and often the first in their field or the competitive marketplace.
- Consumer rely on the creative output for availability, as well as fair use, 17 US Code, US Copyright Law, Section 107, for when they need to reuse copyrights for educational instruction, or freedom of expression.

Intellectual Property Defined

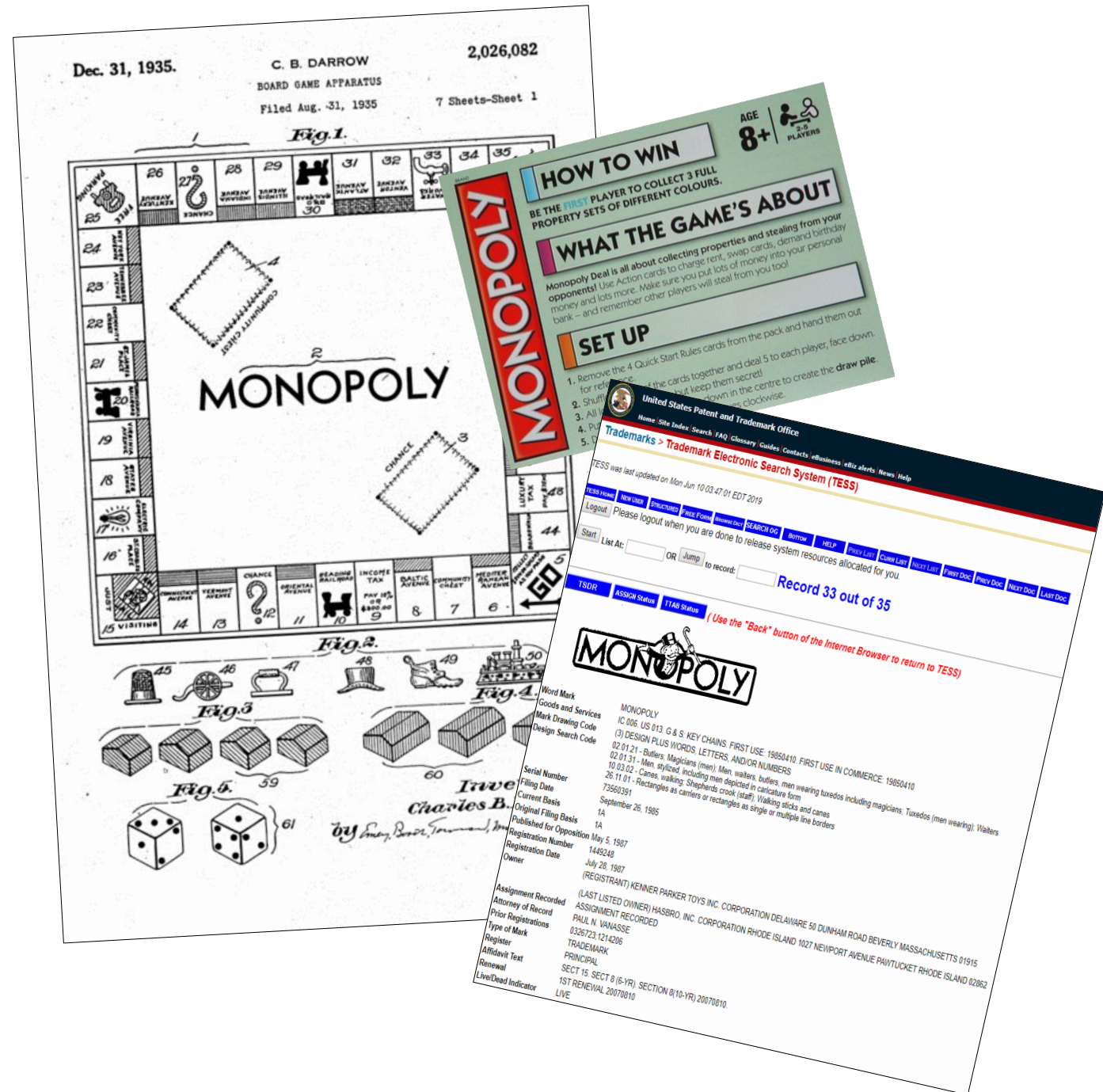


Image source (public domain): <https://thenounproject.com/>

- The World Health Organization defines IP as “the overall term for property in the creation of the mind, including inventions, literary and artistic works, but also images, and designs.”

Intellectualopoly: Types of IP

- The ever popular Monopoly® board game is an example of something comprising all three primary intellectual properties:
- U.S. Utility Patent 2,026,082 issued in 1935, protected the functional invention of the game, since fallen into the public domain.
- Copyright still protects the expression of the published rules of the game and other creative expressions.
- Registered ® federal trademarks are still active, including logos and game pieces.



“If you don’t measure it, you can’t manage it”.

Intellectual Property Overview (Highlights)

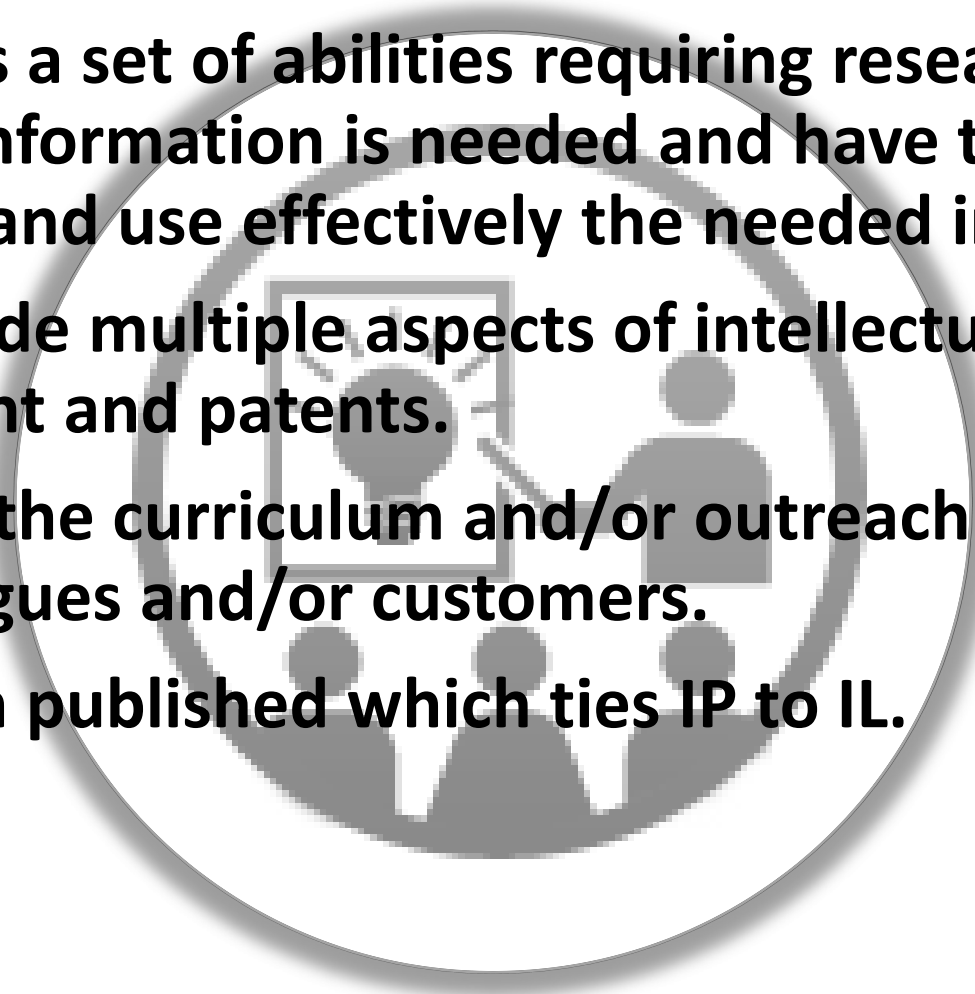
	Copyright	Trademark	Patent	Trade Secret
Law Source	U.S. Copyright Act (Federal) Title 17 U.S. Code	Lanham Act (Federal) Title 15 U.S. Code; state statutes; and common law	U.S. Patent Act (Federal) Title 35 U.S. Code	State statutes (Uniform Trade Secrets Act); common law
Subject Matter (Protected)	Art, writings and other forms of expression; not facts or ideas	Words, symbols, logos, designs or slogans that identify and distinguish products or services	Utility Patent: inventions Design Patent: ornamental (non-functional) designs	Formula, device, pattern, program, technique, or process
Protection Standard	Originality; authorship; fixation in tangible medium	Distinctiveness; secondary meaning; use in commerce	Novelty; non-obviousness; and utility (ornamentally for design patents; distinctiveness for plants)	Commercial value; unknown or unavailable information; effort to maintain secret
Protection Scope	17 U.S. Code §106: rights of reproduction, distribution, performance, public display, and derivative works	15 U.S. Code §1051: rights in U.S.; likelihood of confusion; and §1125(a) false designation of origin §43(a), false description, dilution	35 U.S. Code §154: right to exclude others from making, using, offering for sale, or selling the invention	Defense against misappropriation: acquisition by improper means or disclosure without consent
Protection Duration	Life of author plus 70 years	Perpetual until abandonment or loss of distinctness or secondary meaning	Utility/Plant: 20 years Design: 15 years	Potentially protected forever until publicly disclosed
Rights of Others	Fair use; compulsory licensing (music); independent creation	Truthful communication; fair use and collateral use (commentary)	Unless licensed, none.	Independent discovery; reverse engineering
Examples	Harry Potter books, movies and music soundtrack recordings	Coca-Cola name, distinctive logo and trade dress of bottle shape	iPhone mobile device, both utility and design aspects	Coca-Cola formula and KFC secret recipe

Chart Source: Original content by John Schlipp

- **IP Audit is a systematic review of IP assets owned, used, or acquired by a business.**
- It uncovers under-utilized IP assets, identifies any threats to a company’s bottom line, and enables business planners to devise informed strategies that will maintain and improve market position of a company.
- It identifies company strengths and weaknesses. Brings together different departments within an organization.
- **Source: IP Audit – "How to" Guide**, by Ian Cockburn, WebEditor, Manager Advertising & Marketing at PIPERS - Global, A Patent attorney Firm with Offices in the United Kingdom, New Zealand, Australia, Singapore and Malaysia.
- www.wipo.int/sme/en/documents/ip_audit_fulltext.html

IP Information Literacy (IPIL)

- **ACRL defines IL as a set of abilities requiring researchers “to recognize when information is needed and have the ability to locate, evaluate, and use effectively the needed information.”**
- **IL standards include multiple aspects of intellectual property, including copyright and patents.**
- **IPIL offers ties to the curriculum and/or outreach opportunities to our library colleagues and/or customers.**
- **Yet little has been published which ties IP to IL.**





Proactive IL = IP Awareness



- Nicholas Joint, “**Teaching Intellectual Property Rights as part of the Information Literacy Syllabus,**” *Library Review* 55.6 (2006): 330-336.
- Joint suggests that a **proactive information literacy curriculum** (including intellectual property awareness) is the best way of enhancing students’ understanding of intellectual property issues (both creator and consumer rights’ aspects).
- Janis Tyhurst, “**Exploring the Need for Intellectual Property Literacy for Business and STEM Disciplines,**” in *Information Literacy in the Workplace*, 5th European Conference, ECIL 2017, January 2018: 257-266.
- Tyhurst expands on Joint’s reference by promoting the larger realm of IP awareness **beyond copyright and fair use, such as including patents.**
- IPIL goes beyond college students and IP specialists. It also supports other users such as school children, teenagers, and the general public. Tyhurst also targets business and entrepreneurs as prospective users.

IP Information Literacy: Ethical and Legal Ties

- Before providing IPIL, one should be aware of the *Code of Ethics* published by the ALA, which advises librarians to clarify their role as information providers and not as interpreters of information when assisting customers with specialized information, such as health, patents, or other legal issues.
- Information Literacy Standards are often associated with IP awareness for school and college instruction.
- Such examples include the *Code of Ethics of the American Library Association*, the *Standards for the 21st-Century Learner* of the American Association of School Librarians (AASL), and the more recently published *Framework for Information Literacy for Higher Education* from the Association of College & Research Libraries (ACRL), *AASL Standards Framework for Learners* of the AASL, and others.

ACRL Framework for Information Literacy

- ACRL published a set of six frames for information literacy in higher education:
 - Authority Is Constructed and Contextual
 - Information Creation as a Process
 - Information Has Value
 - Research as Inquiry
 - Scholarship as Conversation
 - Searching as Strategic Exploration
- Academic librarians have developed learning outcomes, tools, and resources based upon these frames. Some have used these specific four frames to convey IP information literacy concepts and skills:
 - Information Has Value – “As creators and users of information, experts understand their rights and responsibilities when participating in a community of scholarship.”
 - Research as Inquiry – “Learners...follow ethical and legal guidelines in gathering and using information.”
 - Scholarship as Conversation – “Learners...cite the contributing work of others.”
 - Searching as Strategic Exploration – Patents and patent information (covered next)

Frames tied to Patents



- The six frames tied to patents further reinforce the role of library research consultations and instruction of intellectual property information literacy.
- **Searching as Strategic Exploration**, demonstrating the intricate steps of how to search patents, fosters learners to develop their information literate abilities to:
 - Match information needs and search strategies to appropriate search tools;
 - Understand how information systems (i.e. collections of recorded information) are organized in order to access relevant information;
 - Use different types of searching language (e.g. controlled vocabulary, keywords, natural language) appropriately;
 - Manage searching processes and results effectively.
- **Information Has Value** applies to the economic value of patents to inventors and society.
- Role of patents in research and development for STEM disciplines fits well with the frames **Research as Inquiry; Scholarship as Conversation; and Information Creation as a Process**.
- Ultimately, as government documents, patents could be applied to discussion of the frame, **Authority is Constructed and Contextual**.
- For more, see Dave Zwicky, "Thoughts on Patents and Information Literacy," *Journal of the Patent and Trademark Resource Center Association*, Volume 29, March 1, 2019, Article 1.

Copy what?



Source: Jump Start by Robb Armstrong

- Copyright is a form of protection provided by the laws of the United States (Title 17, U.S. Code) to the authors of “original works of authorship.”
- In simple terms...the right to copy.

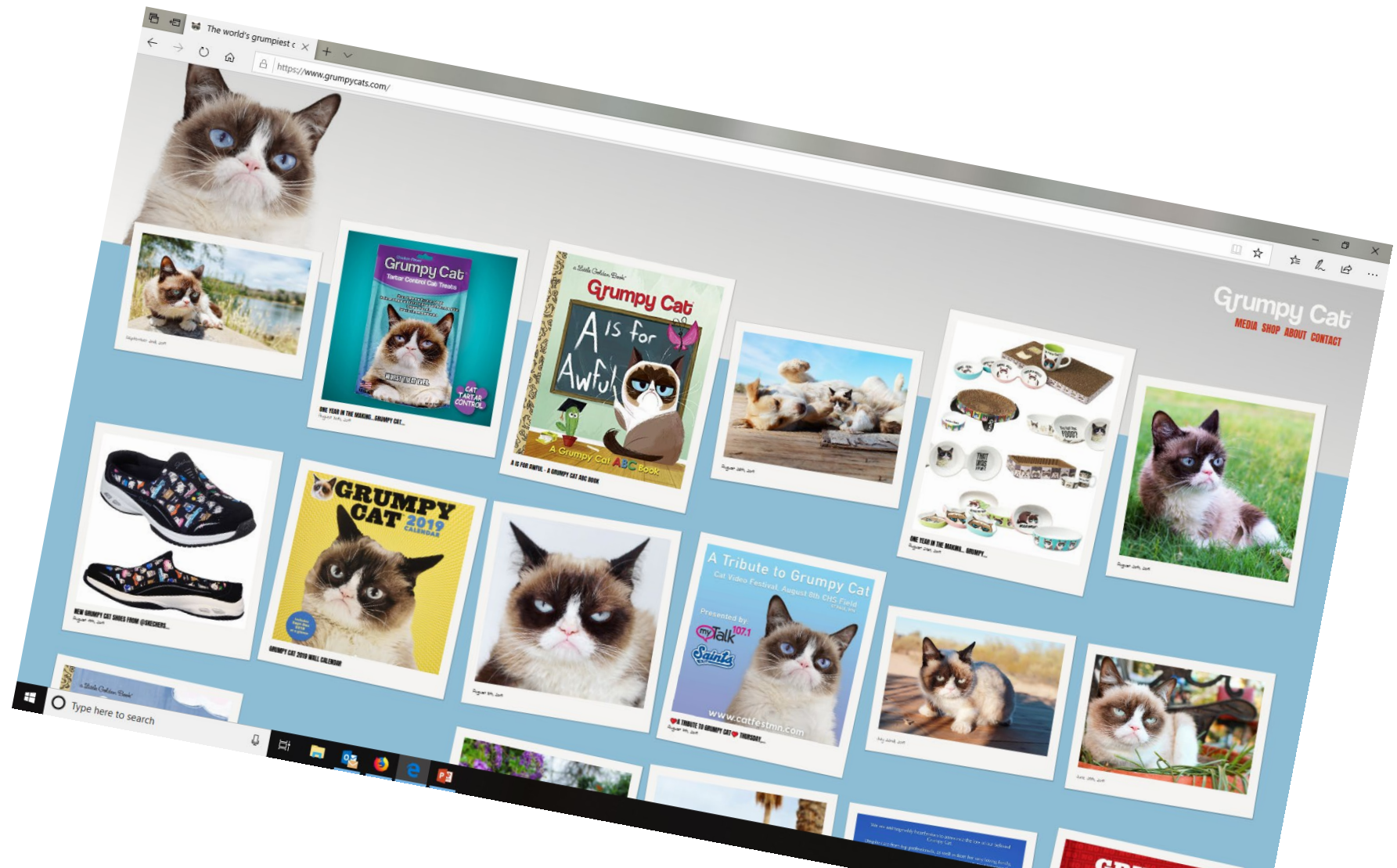
Fair use is a user exception to copyright infringement in certain instances, e.g. teaching and criticism.

What may be copyrighted?



- Literary works
- Musical works and lyrics
- Dramatic works accompanying music
- Pantomimes and choreographic works
- Pictorial, graphic, and sculptural works
- Motion pictures, audiovisual works
- Sound recordings
- Architectural works

What could a Grumpy Cat[®] teach us about IP?



Catastrophic Copyright Case



Grumpy Cat is a highly successful enterprise of an internet-famous feline's scowling image, first posted on social media in 2012. The owners of the sourpuss sensation built an effective and robust IP strategy, capitalizing on the likeness of Grumpy Cat on T-shirts, coffee mugs, books, and calendars.

- The copyright owner of the popular cultural icon Grumpy Cat® won over \$700,000 from an infringing beverage maker selling an unlicensed coffee product, which exceeded the limits of its licensing agreement with Grumpy Cat's owner.
- A beverage maker was licensed by Grumpy Cat to sell a single product line of "Grumpy Cat Grumppucino" bottled iced coffees.
- The coffee producer later started selling other products, such as packaged Grumpy Cat Roasted Coffee and T-shirts, which went beyond the initial terms of the licensing agreement for Grumppucino bottled beverages.
- The sale of the packaged Roasted Coffee products and T-shirts by the beverage maker not only infringed on Grumpy Cat's copyrights and trademarks, but it also breached the terms of the license agreement.

Trademark Tizzy



Some social media posts sharing images and headlines of this news story mistakenly referred to Grumpy Cat's **patents, which do not exist**. The posts should have only referred to copyrights or trademarks.

- There were more trademark issues when Grumpy Cat also sued the beverage maker Grenade for cybersquatting, as it obtained the internet domain grumpycat.com, **using its trademark without permission**.
- The lesson learned from this situation sustains the two sides of IP. The **creator** of an IP, should register his or her IP rights to the creation as soon as possible to be ready to guard those rights ferociously. The other side of the equation is the **consumer or licensee** respecting those rights.
- Not only is it essential to get **permission**, but also to **read the fine print of any contract** carefully to avoid such consequences. Just because a popular name such as Grumpy Cat is reposted on social media does not mean it is available to commercialize without permission.

Patents & Trademarks



- PTRCs are a nationwide network of public, state, and academic libraries that are designated by the USPTO to disseminate patent and trademark information and to support the diverse IP needs of the public.
- By accessing the patent and trademark information at a PTRC, with instruction by a trained specialist, one is able to determine if someone else has already patented an invention or obtained a federal registration for a trademark on goods or services.
- There are over 80 PTRCs. These libraries are trained by the US Patent & Trademark Office to support other libraries and their patrons.



Trademarks vs. Patents



**IMPORTANT
DIFFERENCE:**
Unlike copyrights,
federally
registered
trademarks
or patents are
subject to
approval by the
US Patent &
Trademark
Office before
being granted.

- Trademarks are words, names, phrases, or symbols which identify and distinguish the business or provider of goods, services, or ideas.
- Trademarks registered with the USPTO are marked with an encircled letter “®,” while those registered by a state government (or common law) are marked with a “TM” after the trademarked name or symbol, e.g. NKU Norse logo.
- **Trademarks last forever as long as they are renewed and used in commerce.**
- Patents are for inventions. Patent documents provide names of inventor/s, description of patented device or composition of matter and legal description of what’s protected (claims). Often includes name of patent assignee (owner).
- **Claims are the heart of a patent; they define exclusive rights, similar to how a real estate deed defines the dimensions of property.**
- Life of a patent is limited to 15-20 years depending on the type.

Trademarks Are Not Monopolies



- Trademarks are **brand names or logos** that identify the producers of products or services in the marketplace, so that customers can find what they are looking for.
- Trademark law prevents your competitors from using a name or logo that would confuse customers to buy their product or service instead of yours.
- But a trademark is not a monopoly.
- A trademark is used in connection with a specific good or service.
Different companies can use similar marks in connection with different goods or services.
- Source: Donna Ray Berkelhammer, “Trademarks Are Not Monopolies,” LexisNexis.com: www.lexisnexis.com/legalnewsroom/intellectual-property/b/copyright-trademark-law-blog/posts/trademarks-are-not-monopolies

Common Grounds for Refusing Federal ® Registration

- Likelihood of Confusion is the primary obstacle when applying for a Federal registration of a trademark.
 - Marks are confusingly similar.
 - Goods or services are related.
- X-SEED for agriculture seeds versus EXCEED for live plants might be confusing for customers of such products.
- Meanwhile, Dove® soap should not be confused with Dove® chocolates.

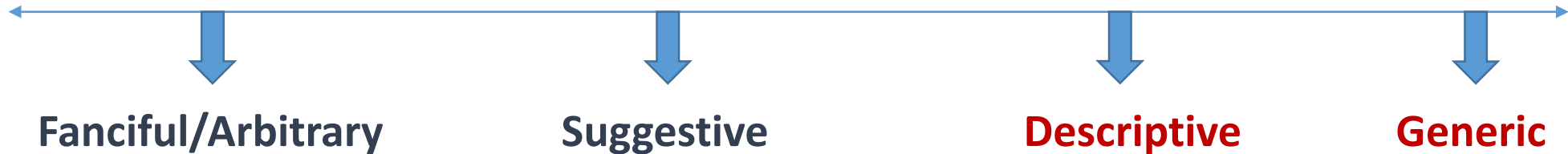
Common Grounds for Refusing Federal ® Registration



Descriptiveness



- Strength of a mark determines its **registrability** and protectability:



☐ **Strong marks** - serve as unique identifiers of source and distinguish goods/services of one source from another

☐ High probability of being registrable and protects against infringement

☐ **Weak marks** – more commonly used by others to describe a characteristic or quality about the product/service itself not its source

☐ Low to zero probability of being registrable and/or protectable

Examples of Strong Marks



- **FANCIFUL** – Invented words



- **ARBITRARY** - Actual words but don't convey any association with the goods/services

Apple



BlackBerry

- **SUGGESTIVE** - Suggest a quality or an intended/desired effect of the goods/services

Ex. COPPERTONE for suntan lotion

EVEREADY for batteries

Examples of Weak Marks



- **DESCRIPTIVE** - Words or designs that describe the goods or services

URBANHOUSING for real estate services

APPLE PIE for potpourri

*** Descriptive marks are less likely granted than distinctive marks**

- **GENERIC** – Common everyday names for goods or services

MILK for a dairy-based beverage

LAWYERS.COM for providing online databases featuring information about the field of law and legal services

*** Generic marks are incapable of being source identifiers; not registrable**



Additional Possible Grounds for Refusal

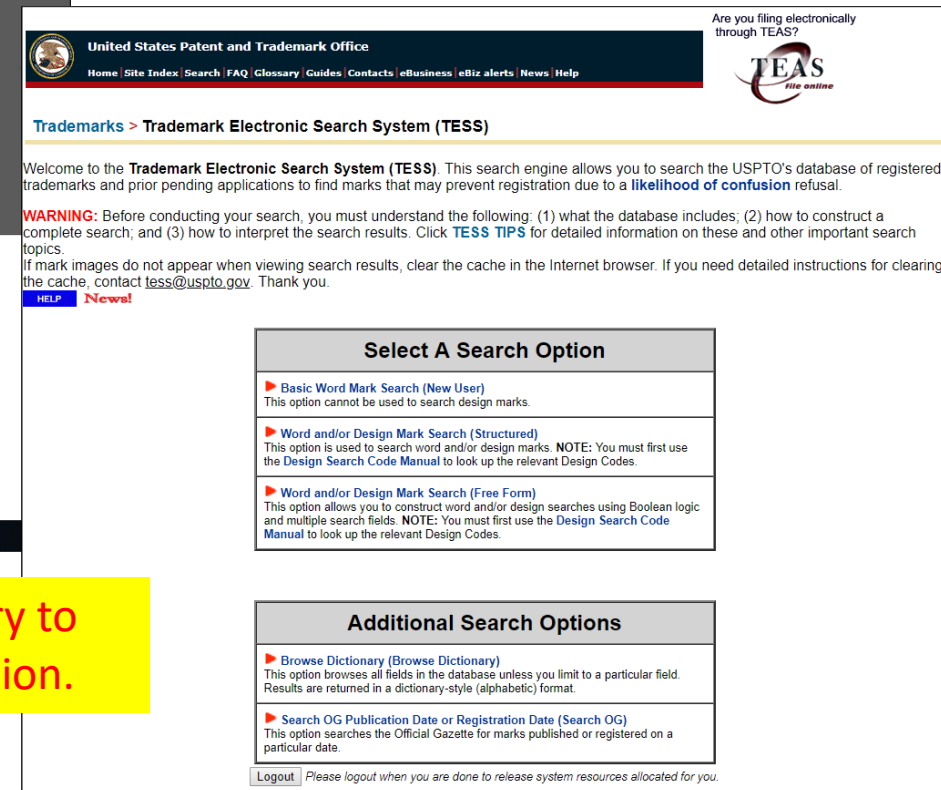


- Some marks when initially refused might eventually be registrable after providing evidence of a **secondary meaning (acquired distinctiveness)**
 - **Surname** i.e., MILLER LAW GROUP primarily a surname for legal services
 - **Geographic** i.e., DENVER WESTERNS for western-style shirts originating in Denver
- Some marks require consent in order to be registered
 - **Name** or **portrait** of a **living individual**
- Some marks are completely barred from registration
 - **False connection**
 - **Deceptive**
 - **Generic**

TESS Database Searching: Prospective Registration



The USPTO will only search federally registered marks. TESS database only contains federal marks.



When selecting a mark, try to avoid likelihood of confusion.

United States Patent and Trademark Office

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WARNING: AFTER SEARCHING THE USPTO DATABASE, EVEN IF YOU THINK THE RESULTS ARE "O.K.," DO NOT ASSUME THAT YOUR MARK CAN BE REGISTERED AT THE USPTO. AFTER YOU FILE AN APPLICATION, THE USPTO MUST DO ITS OWN SEARCH AND OTHER REVIEW, AND MIGHT REFUSE TO REGISTER YOUR MARK.

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Search Term: monopoly | Field: Basic Index (combined MP+PM+MN) Operator: AND ▼

Search Term: hasbro | Field: Owner Name

Submit Query

1.

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TSDR | ASSIGN Status | TTAB Status (Use the "Back" button of the Internet Browser to return to TESS)




Word Mark: MONOPOLY
Goods and Services: IC 006, US 013, G & S, KEY CHAINS, FIRST USE: 19850410, FIRST USE IN COMMERCE: 19850410
Mark Drawing Code: (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code: 02.01.21 - Butlers, Magicians (men); Men, waiters, butlers, men wearing tuxedos including magicians; Tuxedos (men wearing); Waiters 02.01.31 - Men, stylized, including men depicted in caricature form 10.03.02 - Canes, walking; Shepherds crook (staff); Walking sticks and canes 26.11.01 - Rectangles as carriers or rectangles as single or multiple line borders

Serial Number: 73560391
Filing Date: September 26, 1985
Current Basis: 1A
Original Filing Basis: 1A
Published for Opposition: May 5, 1987
Registration Number: 1449248
Registration Date: July 28, 1987
Owner: (REGISTRANT) KENNER PARKER TOYS INC. CORPORATION DELAWARE 50 DUNHAM ROAD BEVERLY MASSACHUSETTS 01915
(LAST LISTED OWNER) HASBRO, INC. CORPORATION RHODE ISLAND 1027 NEWPORT AVENUE PAWTUCKET RHODE ISLAND 02862

Assignment Recorded: ASSIGNMENT RECORDED
Attorney of Record: PAUL N. VANASSE
Prior Registrations: 0326723;1214206
Type of Mark: TRADEMARK
Register: PRINCIPAL
Affidavit Text: SECT 15, SECT 8 (6-YR), SECTION 8(10-YR) 20070810
Renewal: 1ST RENEWAL 20070810
Live/Dead Indicator: LIVE

3.

	Serial Number	Reg. Number	Word Mark	Check Status	Live/Dead
1	87843834	5729518	MONOPOLY CASH GRAB	TSDR	LIVE
2	86539148	5728056	MONOPOLY	TSDR	LIVE
3	86539145	5728055	MONOPOLY	TSDR	LIVE
4	86331830	4757527	MONOPOLY MILLIONAIRES' CLUB	TSDR	LIVE
5	86331829	4757526	MONOPOLY MILLIONAIRES' CLUB	TSDR	LIVE
6	86315107	4809807	MONOPOLY MILLIONAIRE	TSDR	LIVE
7	86315095	4819122	MONOPOLY MILLIONAIRE	TSDR	LIVE
8	86315091	4796524	MONOPOLY	TSDR	LIVE
9	86315079	4796523	MONOPOLY	TSDR	LIVE
10	86197389	4818781	MONOPOLY	TSDR	LIVE
11	86539144		MONOPOLY	TSDR	DEAD
12	85579416	4827321	MONOPOLY	TSDR	LIVE
13	85432112		IDEA MONOPOLY	TSDR	DEAD
14	77847535	3994532	MONOPOLY REVOLUTION	TSDR	LIVE
15	77401671		MONOPOLY	TSDR	DEAD
16	76702450	3851967	MONOPOLY	TSDR	LIVE
17	76701594	3851950	MONOPOLY DEAL	TSDR	LIVE
18	76370549	2654349	MONOPOLY	TSDR	LIVE
19	76316367	2773960	MONOPOLY TYCOON	TSDR	DEAD
20	76679086		MONOPOLY TOWN	TSDR	DEAD
21	76635968		MONOPOLY	TSDR	DEAD
22	76634439		MONOPOLY	TSDR	DEAD
23	76596254		MONOPOLY RACE TO BOARDWALK	TSDR	DEAD
24	76410733	2686436	MONOPOLY	TSDR	DEAD
25	76370548	2674675	MONOPOLY CASINO	TSDR	DEAD
26	76370547	2671859	MONOPOLY JUNIOR	TSDR	DEAD
27	76283043		MONOPOLY	TSDR	DEAD
28	75759102		MONOPOLY CASINO	TSDR	DEAD
29	75733566	2532634	MONOPOLY JACKPOT	TSDR	DEAD
30	74284676	1750263	ANTI-MONOPOLY	TSDR	LIVE
31	73657408	1536501	MONOPOLY	TSDR	LIVE
32	73478214	1349672	MONOPOLY	TSDR	LIVE
33	73560391	1449248	MONOPOLY	TSDR	LIVE
34	71376540	0338834	MONOPOLY	TSDR	LIVE
35	71363230	0326723	MONOPOLY	TSDR	LIVE


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Current Search: S1: docs: 7 occ: 7

	Serial Number	Reg. Number	Word Mark	Check Status	Live/Dead
1	86479711	4907213	GRUMPY CAT	TSDR	LIVE
2	86479710	4907212	GRUMPY CAT	TSDR	LIVE
3	85981573	4527097	GRUMPY CAT	TSDR	LIVE
4	85879257		GRUMPY CAT	TSDR	DEAD
5	85837936	4417549	GRUMPY CAT	TSDR	LIVE
6	85836805	4672289	GRUMPY CAT	TSDR	LIVE
7	85972295		GRUMPY CAT	TSDR	DEAD



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For directions on searching trademarks in TESS,
 see <https://www.uspto.gov/learning-and-resources/support-centers/patent-and-trademark-resource-centers-ptrc/resources>

Patents are limited-time Monopolies



A patent is a property right granted by the United States government to an inventor,

“to **exclude others from making, using, offering for sale, or selling the invention throughout the United States or importing the invention into the United States,”**

for a limited-time, **in exchange** for public disclosure of the invention.

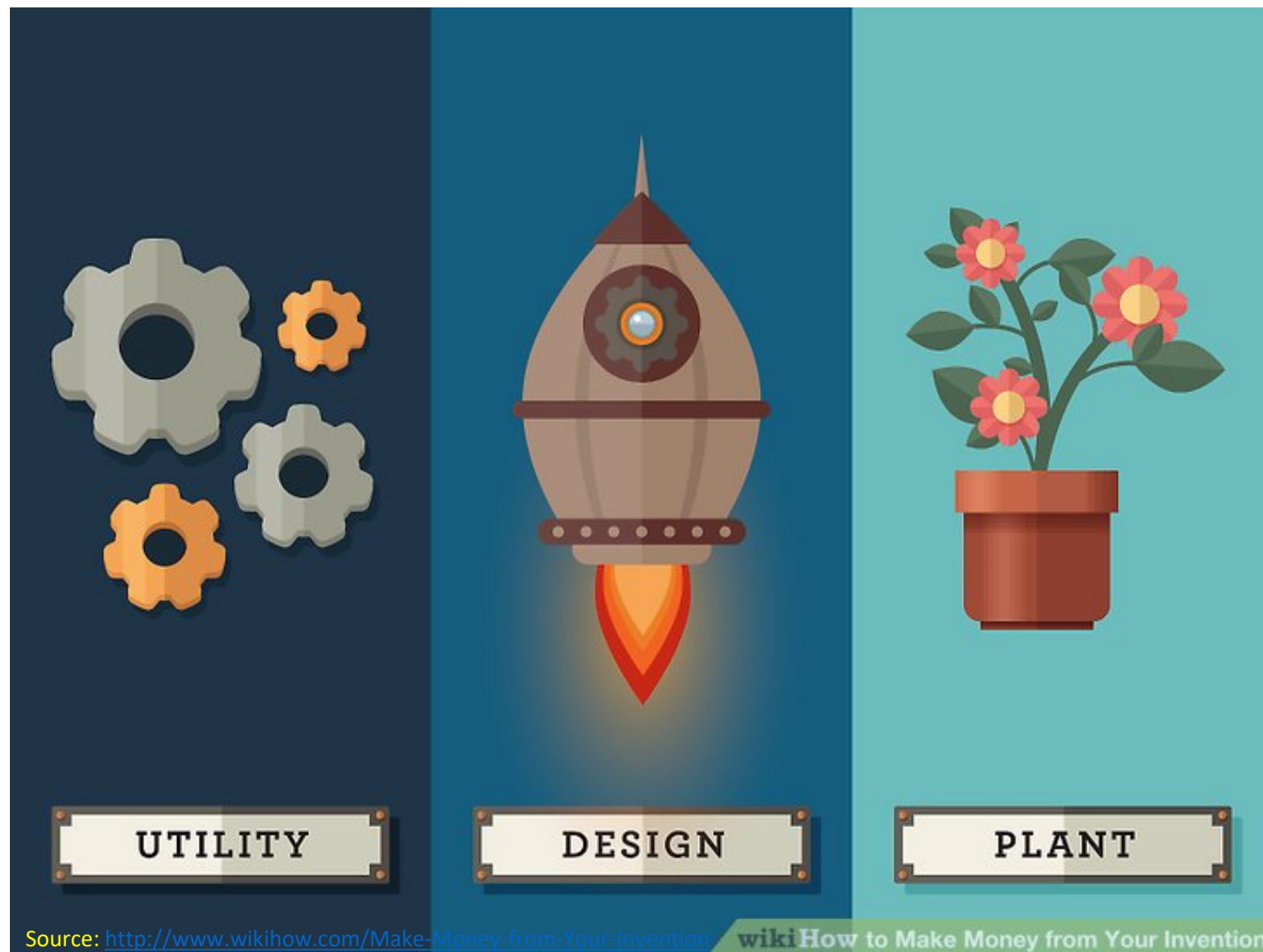
Patentability



- Inventions that are **new, useful, non-obvious**, and **accompanied by a written description disclosing how to make and use the invention** may be patented.



Three Types of Patents



U.S. Patent Prior Art Search

In order to be sure that an invention is indeed novel and non-obvious, one conducts a prior art search before filing a U.S. patent application.

Many searchers start off with a preliminary prior art search of U.S. patents and published patent applications.

To be as thorough as possible, a preliminary prior art search is ideally a classification search of granted U.S. patents and published U.S. patent applications conducted to determine patentability of an invention.

It can be supplemented with a keyword search, though there are pitfalls from relying only on a keyword search.



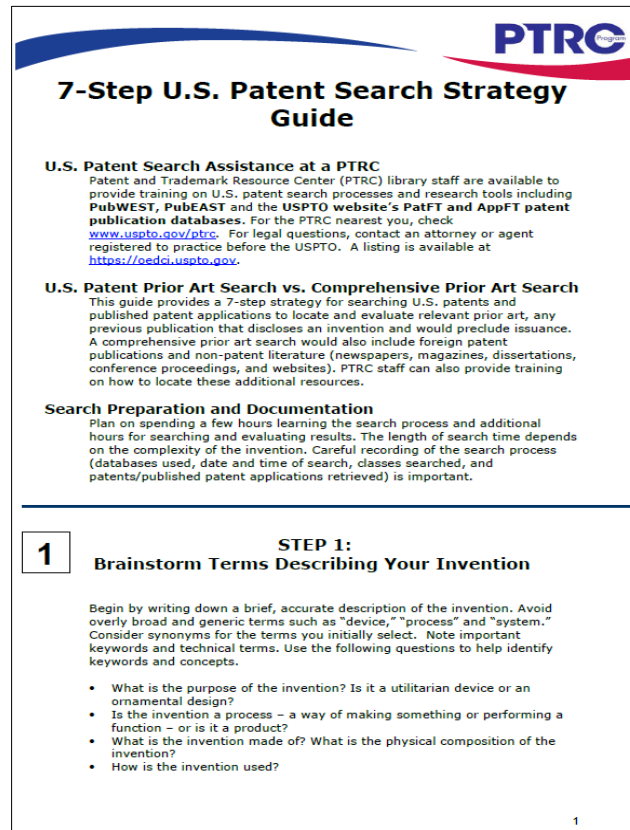
What is Prior Art?

Prior art consists of information disclosed to the public including:

- U.S. Patents and published patent applications;
- Foreign Patents and published patent applications;
- Journal and magazine articles;
- Books, manuals, and catalogs;
- Websites;
- Conference proceedings;
- Scientific papers.



Which Databases to Search?



- **USPTO website**

- <https://www.uspto.gov/>

- This presentation will demonstrate the Seven Step Search Strategy utilizing CPC classifications as suggested by the USPTO, found at

- <https://www.uspto.gov/learning-and-resources/support-centers/patent-and-trademark-resource-centers-ptrc/resources/seven>.

- Alternate database: Espacenet

- <https://worldwide.espacenet.com/>

Classification

- In general, a classification system is a system of hierarchical categories used to organize like “things” by their characteristics and relationships
- Classification systems are very useful for sorting and searching large collections of information, including inventions.



Why are keywords alone not enough?

- How would you describe this object if you were to do a patent search for it? Sponge-like? Floppy? Strands? Any other words which describe it?



United States Patent [19]

Stillinger

[11] Patent Number: 4,756,529

[45] Date of Patent: Jul. 12, 1988

[54] GENERALLY SPHERICAL OBJECT WITH FLOPPY FILAMENTS TO PROMOTE SURE CAPTURE

[75] Inventor: Scott H. Stillinger, Los Gatos, Calif.

[73] Assignee: OddzOn Products, Campbell, Calif.

[21] Appl. No.: 60,640

[22] Filed: Jun. 11, 1987

[51] Int. Cl.⁴ A63B 37/14

[52] U.S. Cl. 273/58 K; 273/428; 446/268; 446/490

[58] Field of Search 446/490, 901, 268; 273/58 R, 58 J, 58 K, 199 R, 199 A, 415, 428; 15/244.1, 244.3

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2,789,305 4/1957 Weil 15/244.1

4,149,723 4/1979 Simon 273/428 X
4,522,396 6/1985 Girard et al. 273/58 K

FOREIGN PATENT DOCUMENTS

3121758 12/1982 Fed. Rep. of Germany 446/901

Primary Examiner—Richard T. Stouffer

Attorney, Agent, or Firm—Kolisch, Hartwell & Dickinson

[57] ABSTRACT

An amusement device which has a substantially spherical configuration, and which is formed from a large plurality of floppy, elastomeric filaments that radiate in a dense, bushy manner from a central core region. The filaments are sufficiently floppy to collapse on impact, thus to absorb enough energy to avoid any tendency to bounce. They are also sufficiently dense and floppy that they tend to quickly thread their way between the fingers of a user on contact with the hand. These features promote sure and quick capture of the device during the act of catching.

Patent Searching at USPTO website



The screenshot displays the USPTO website interface. At the top, the header includes the USPTO logo, the text "UNITED STATES PATENT AND TRADEMARK OFFICE", and navigation links for "About Us", "Jobs", "Contact Us", and "MyUSPTO". A search bar is located on the right side of the header.

Below the header, a navigation bar contains links for "Patents", "Trademarks", "IP Policy", and "Learning and Resources".

The main content area features a large image of three people in a laboratory setting, with the text "Origins of innovation" and a link to "FULL STORY >".

On the right side, a "Find It Fast" sidebar provides quick links to various applications and tools. The sidebar is organized into sections: "Patents" and "Trademarks" (both with dropdown arrows), "PatFT | AppFT" (Patent search), "EFS-Web | Forms" (Patent filing), "Private PAIR | Public PAIR | Global Dossier" (Filing status), "Pay maintenance fees" (Pay or look up maintenance fees), "PTAB" (Patent Trial and Appeal Board), "Search assignment | Record assignment" (Search recorded assignment and record ownership changes), "MPEP | Classification" (Guides and manuals), "Fees and Payment" (Pay maintenance fees and learn more about filing fees and other payments), and "Systems status" (Current and planned system outages).

Two red arrows point to the "PatFT | AppFT" and "MPEP | Classification" links in the sidebar.

Below the main content area, a "Latest news" section lists several articles, including "Nominations sought for Public Advisory Committees", "Clara Barton and the success of American women", and "Trends and characteristics of U.S. women inventors".

At the bottom, the URL <https://www.uspto.gov/> is displayed.

Search Example: improvement in umbrellas



Image source: Singin' in the Rain (1952)

- **Purpose:** Umbrella has a new rib design to eliminate an umbrella collapsing or inverting due to high winds.
- **Invention:** An improvement in umbrellas to eliminate need for frequent replacement of umbrellas.
- **Invention Components:** Framework with ribs, stretchers and a main frame, securing rings, mounting brackets, joint connectors, fabric connectors, fabric, linkage bar.
- **How used:** As needed in protection from the elements.
- **Other terms (in addition to above):** Parasol, sunshade, support assembly or apparatus, windproof, wind-resistant.

Accessing CPC schema using USPTO website

From the USPTO home page, click on Patents tab under Find It Fast. Select Classification. CPC classification scheme (schedules) and definitions can be searched. Use specific language for your search terms, such as **umbrella**.

The screenshot displays the USPTO website's 'Classification Resources' page. The 'Find It Fast' sidebar on the right contains a 'Patents' dropdown menu, which is expanded to show 'Classification' as a selected option. The main content area is divided into two sections: 'Classification Symbol Lookup' and 'Classification Text Search'. In the 'Classification Symbol Lookup' section, a red arrow points to the 'Select Classification System' radio buttons, where 'CPC' is selected. Below this, there is a text input field for 'Enter Classification symbol' with the placeholder 'e.g., B02C or D06P 1/5264'. A 'Select Content' dropdown menu is set to 'Scheme', and the 'Select output format' radio buttons have 'HTML' selected. In the 'Classification Text Search' section, a red arrow points to the search input field containing the word 'umbrella'. Below the search field, the 'Select Classification System' radio buttons have 'All CPC' selected. A 'Search' button is located at the bottom right of the text search section.

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Classification Resources

Classification Revision & Reclassification General Training Additional Resources Contacts

Classification Symbol Lookup

Select Classification System: ☒ CPC ☐ USPC

Enter Classification symbol:

Select Content:

Scheme
Definitions
CPC to IPC Concordance

Select output format: ☒ HTML ☐ PDF

Classification Text Search

Enter one or more keywords in the field to search the Classification Scheme (Schedule) and Definitions.

Tip: Use quotes to search for exact phrases (e.g. "fuel cells")

Select Classification System: ☒ All CPC ☐ All USPC

From the Search Results page, click on an entry for a Class-Subclass Scheme page.

uspto UNITED STATES PATENT AND TRADEMARK OFFICE

154 results

umbrella

CPC Scheme - A45B WALKING STICKS ; **UMBRELLAS**; LADIES' OR LIKE FANS
<https://www.uspto.gov/web/patents/classification/cpc/html/cpc-A45B.html>
...persons A61H 3/06); **UMBRELLAS**; LADIES' OR LIKE FANS (cane or **umbrella** stands or holders...indicated:
"**umbrellas**" also covers sunshades similar in ...

CPC Definition - A45B WALKING STICKS (walking aids, e.g. sticks, for blind persons A61H3/06); UM...
<https://www.uspto.gov/web/patents/classification/cpc/html/defA45B.html>
...persons A61H 3/06); **UMBRELLAS**; LADIES' OR LIKE FANS (cane or **umbrella** stands or holders...covers walking
sticks and sticks for **umbrellas**, including ...

CPC Scheme - A47G HOUSEHOLD OR TABLE EQUIPMENT
<https://www.uspto.gov/web/patents/classification/cpc/html/cpc-A47G.html>
...comprising a hole or slit for an **umbrella**) [2014-09] A47G 11/006 . . (Multi-part...with wearing apparel; Dress,
hat or **umbrella** holders (wardrobes ...

CPC Scheme - A HUMAN NECESSITIES
<https://www.uspto.gov/web/patents/classification/cpc/html/cpc-A.html>
...persons A61H 3/06); **UMBRELLAS**; LADIES' OR LIKE FANS (cane or **umbrella** stands or holders...indicated:
"**umbrellas**" also covers sunshades similar in ...

CPC Scheme - A47C CHAIRS ; SOFAS; BEDS
<https://www.uspto.gov/web/patents/classification/cpc/html/cpc-A47C.html>
...side to side and front to back, e.g. **umbrella** type) [2013-01] A47C 4/30 . . Attachment...complete search.
A47C 7/664 . . . (of **umbrella** type) ...

CPC Scheme - A45C PURSES; LUGGAGE; HAND CARRIED BAGS
<https://www.uspto.gov/web/patents/classification/cpc/html/cpc-A45C.html>
A45C 5/14)) [2013-01] A45C 13/40 . **Umbrella**, stick, or glove holders attached

Scan the Scheme

- Since the scheme (schedule) for Class-Subclass A45B is not long, you can scan up and down the page to find a relevant classification for a wind-resistant design.
- Or Find Command: **Control+F** on PC, or **Command+F** on a Mac, to search long listings.

A45B	WALKING STICKS; UMBRELLAS; LADIES' OR LIKE FANS (cane or umbrella stands or holders A47G 25/12)
	NOTE
	In this subclass, the following term is used with the meaning indicated:
	- "umbrellas" also covers sunshades similar in construction to umbrellas
Guide Heading:	Walking sticks; Sticks for umbrellas (walking aids, e.g. sticks, for blind persons A61H 3/06 ; walking sticks formed as supports or tripod stands F16M 13/08)
A45B 1/00 A45B 1/02 A45B 1/04	Sticks with supporting, hanging or carrying means
	. Walking sticks with rollers for carrying parcels or the like
	. Walking sticks with means for hanging-up or with locks (carriers for walking sticks or umbrellas A45F 5/00)
A45B 3/00 A45B 3/02 A45B 3/04 A45B 3/06 A45B 3/08 A45B 3/10 A45B 3/12 A45B 3/14 A45B 3/16	Sticks combined with other objects
	. with illuminating devices
	.. electrical
	. with coat-hangers
	. with measuring or weighing appliances
	. with purses
	. with telescopes
	. with weapons
	. with smoking appliances
A45B 5/00	Walking sticks or umbrellas convertible into seats; Hunting sticks
A45B 7/00 A45B 7/005	Other sticks, e.g. of cranked shape
	. crank-shaped
A45B 9/00 A45B 2009/002 A45B 2009/005 A45B 2009/007	Details
	. Accessories
	. Shafts
	.. of adjustable length, e.g. telescopic shafts
A45B 9/02 A45B 2009/025 A45B 9/04 A45B 9/06	. Handles or heads
	.. releasably connected to a wrist strap or a glove
	. Ferrules or tips (for crutches A61H 3/0288)
	. Sticks with name-plates or the like
Guide Heading:	Umbrellas (tables with means for holding umbrellas A47B 37/04)
A45B 11/00 A45B 2011/005 A45B 11/02 A45B 11/04	Umbrellas characterised by their shape or attachment
	. characterised by their shape
	. attached to the body of the user
	. mounted on the head of the user
A45B 13/00	Umbrellas made of paper
A45B 15/00	Umbrellas with detachable covers
A45B 17/00 A45B 2017/005	Tilttable umbrellas
	. with additional rotation about a vertical axis
A45B 19/00	Special folding or telescoping of umbrellas

Best subgroup match is
A45B 25/22



<input type="checkbox"/> <u>A45B 25/00</u>	Details of umbrellas (...)
A45B 2025/003	. Accessories not covered by groups A45B 25/24 to A45B 25/30
<u>A45B 25/006</u>	. Automatic closing devices (...)
<input type="checkbox"/> <u>A45B 25/02</u>	. Umbrella frames
A45B 25/04	.. Devices for making or repairing
<input type="checkbox"/> <u>A45B 25/06</u>	. Umbrella runners
A45B 25/08	.. Devices for fastening or locking
<input type="checkbox"/> <u>A45B 25/10</u>	. Umbrella crowns (...)
A45B 2025/105	.. movable with respect to the shaft
<u>A45B 25/12</u>	. Devices for holding umbrellas closed, e.g. magnetic devices
<input type="checkbox"/> <u>A45B 25/14</u>	. Devices for opening and for closing umbrellas
A45B 25/143	.. automatic
A45B 2025/146	.. with a crank connected to a rope
<input type="checkbox"/> <u>A45B 25/16</u>	. Automatic openers, e.g. frames with spring mechanisms (...)
A45B 25/165	.. with fluid or electric actuators
<input type="checkbox"/> <u>A45B 25/18</u>	. Covers (...); Means for fastening same
A45B 2025/183	.. Covers with filtering or screening means for avoiding undesired radiation
A45B 2025/186	.. Umbrellas with two or more covers
<u>A45B 25/20</u>	.. Windows in covers
<u>A45B 25/22</u>	. Devices for increasing the resistance of umbrellas to wind
<input type="checkbox"/> <u>A45B 25/24</u>	. Protective coverings for umbrellas when closed

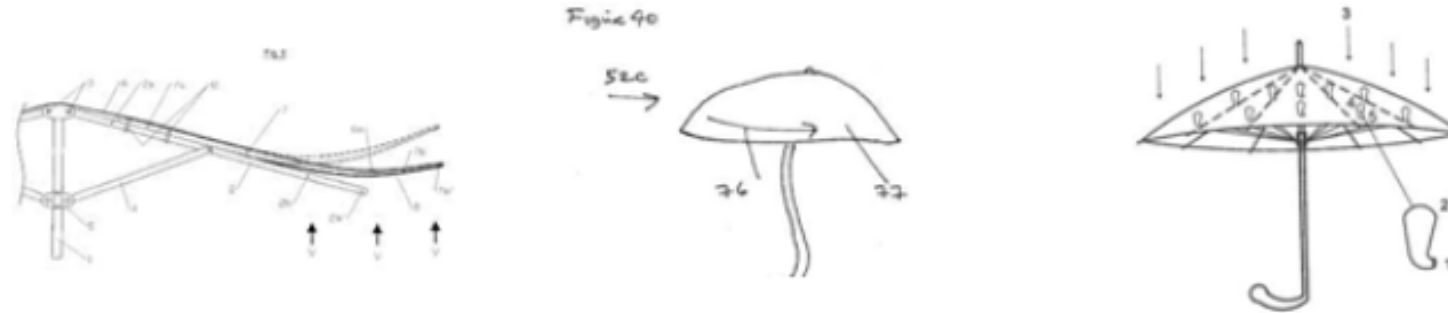
Review Classification Definitions

A45B 25/22

Devices for increasing the resistance of umbrellas to wind

Definition statement

This subclass/group covers:



This CPC definition is unusual in that it relies entirely on patent drawing examples to illustrate the classification. There is no word description.

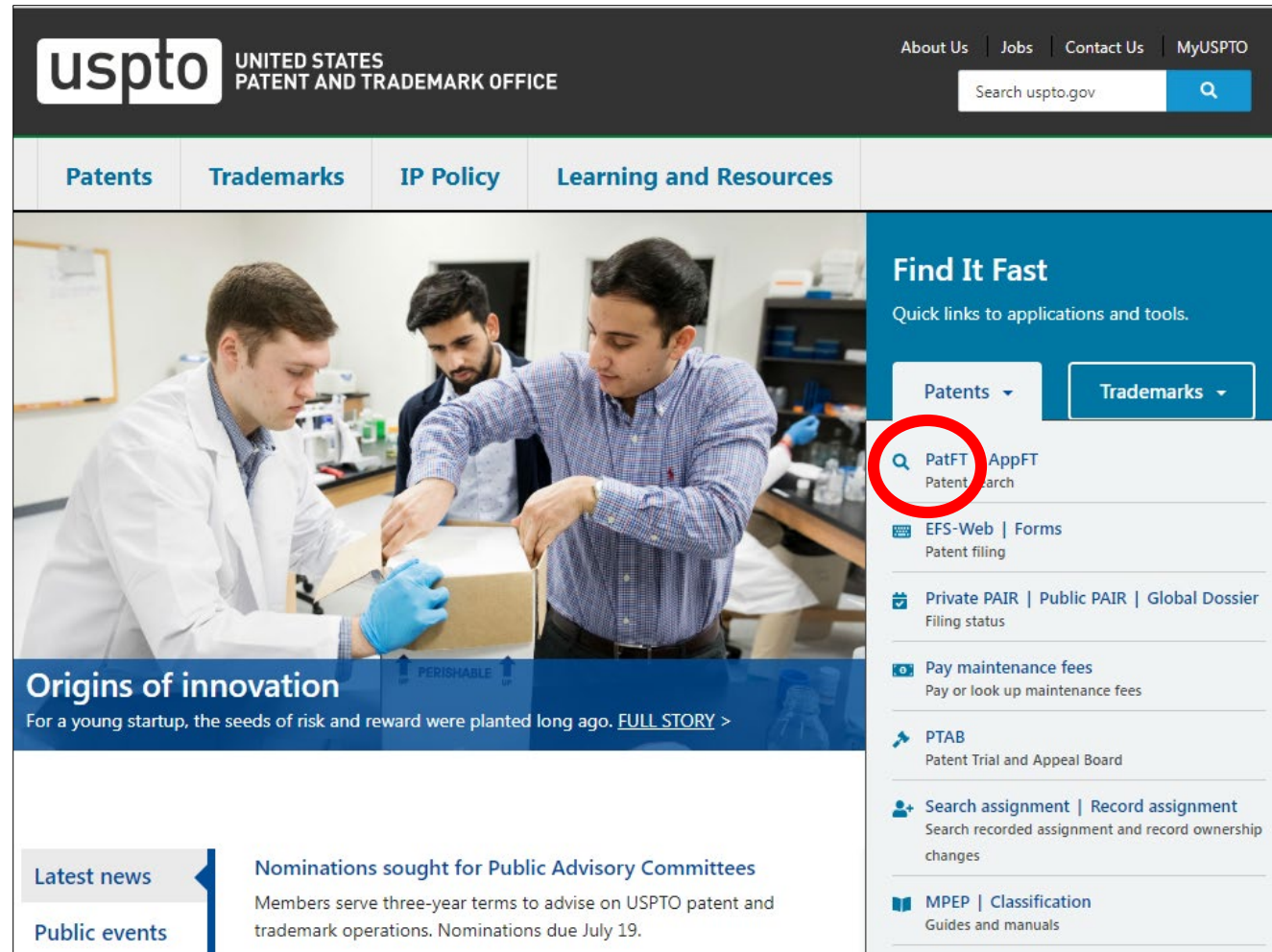
Retrieve and Review Issued Patents

We identified A45B 25/22 as a relevant classification for our umbrella invention.

Now it's time to access U.S. patents that have been issued in that category to see if someone else previously came up with that idea.

Remember, if a claimed invention has previously been publicly disclosed in "Prior Art" such as a U.S. patent, you cannot now get a patent on it yourself, because the invention will lack novelty (newness).

Run the CPC search in PatFT (Patents Full Text)



The image is a screenshot of the United States Patent and Trademark Office (USPTO) website. At the top, the USPTO logo is on the left, and navigation links for 'About Us', 'Jobs', 'Contact Us', and 'MyUSPTO' are on the right. A search bar with the text 'Search uspto.gov' is also present. Below the header is a navigation bar with links for 'Patents', 'Trademarks', 'IP Policy', and 'Learning and Resources'. The main content area features a large image of three people in a laboratory setting. Below this image is a section titled 'Origins of innovation' with a sub-headline 'For a young startup, the seeds of risk and reward were planted long ago.' and a link to 'FULL STORY >'. To the right of the main content is a sidebar titled 'Find It Fast' with the subtitle 'Quick links to applications and tools.' This sidebar contains two main sections: 'Patents' and 'Trademarks'. Under the 'Patents' section, the link 'PatFT Patent Search' is circled in red. Other links in the 'Patents' section include 'AppFT Patent Search', 'EFS-Web | Forms Patent filing', 'Private PAIR | Public PAIR | Global Dossier Filing status', 'Pay maintenance fees Pay or look up maintenance fees', 'PTAB Patent Trial and Appeal Board', and 'Search assignment | Record assignment Search recorded assignment and record ownership changes'. Under the 'Trademarks' section, there is a link for 'MPEP | Classification Guides and manuals'. At the bottom left, there is a 'Latest news' section with a link to 'Public events' and a 'Nominations sought for Public Advisory Committees' section with a link to 'FULL STORY >'. The URL 'https://www.uspto.gov/' is displayed at the bottom of the page.

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Patents Trademarks IP Policy Learning and Resources

Find It Fast

Quick links to applications and tools.

Patents Trademarks

PatFT Patent Search

AppFT Patent Search

EFS-Web | Forms Patent filing

Private PAIR | Public PAIR | Global Dossier Filing status

Pay maintenance fees Pay or look up maintenance fees

PTAB Patent Trial and Appeal Board

Search assignment | Record assignment Search recorded assignment and record ownership changes

MPEP | Classification Guides and manuals

Origins of innovation

For a young startup, the seeds of risk and reward were planted long ago. [FULL STORY >](#)

Latest news

Public events

Nominations sought for Public Advisory Committees

Members serve three-year terms to advise on USPTO patent and trademark operations. Nominations due July 19.

<https://www.uspto.gov/>

Quick Search Form

- 1. Enter the CPC classification in the Term 1 Box
(important: delete the gap in middle of classification A45B 25/22).
- 2. In the Field 1 drop down box select “Current CPC Classification”
(important: do not select “Current CPC Classification Class” which limits search to the Class only portion of the classification).
- 3. For Select years, use drop down to select **1790 to present [entire database]**.

Term 1:	<input type="text" value="A45B25/22"/>	in Field 1:	<input type="text" value="Current CPC Classification"/>
		<input type="text" value="AND"/>	
Term 2:	<input type="text"/>	in Field 2:	<input type="text" value="All Fields"/>
Select years [Help]			
<input type="text" value="1790 to present [entire database]"/>		<input type="button" value="Search"/>	<input type="button" value="Reset"/>

Review Issued Patents

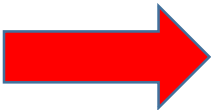
Click on patent
Title or Patent
Number to access
Each patent.

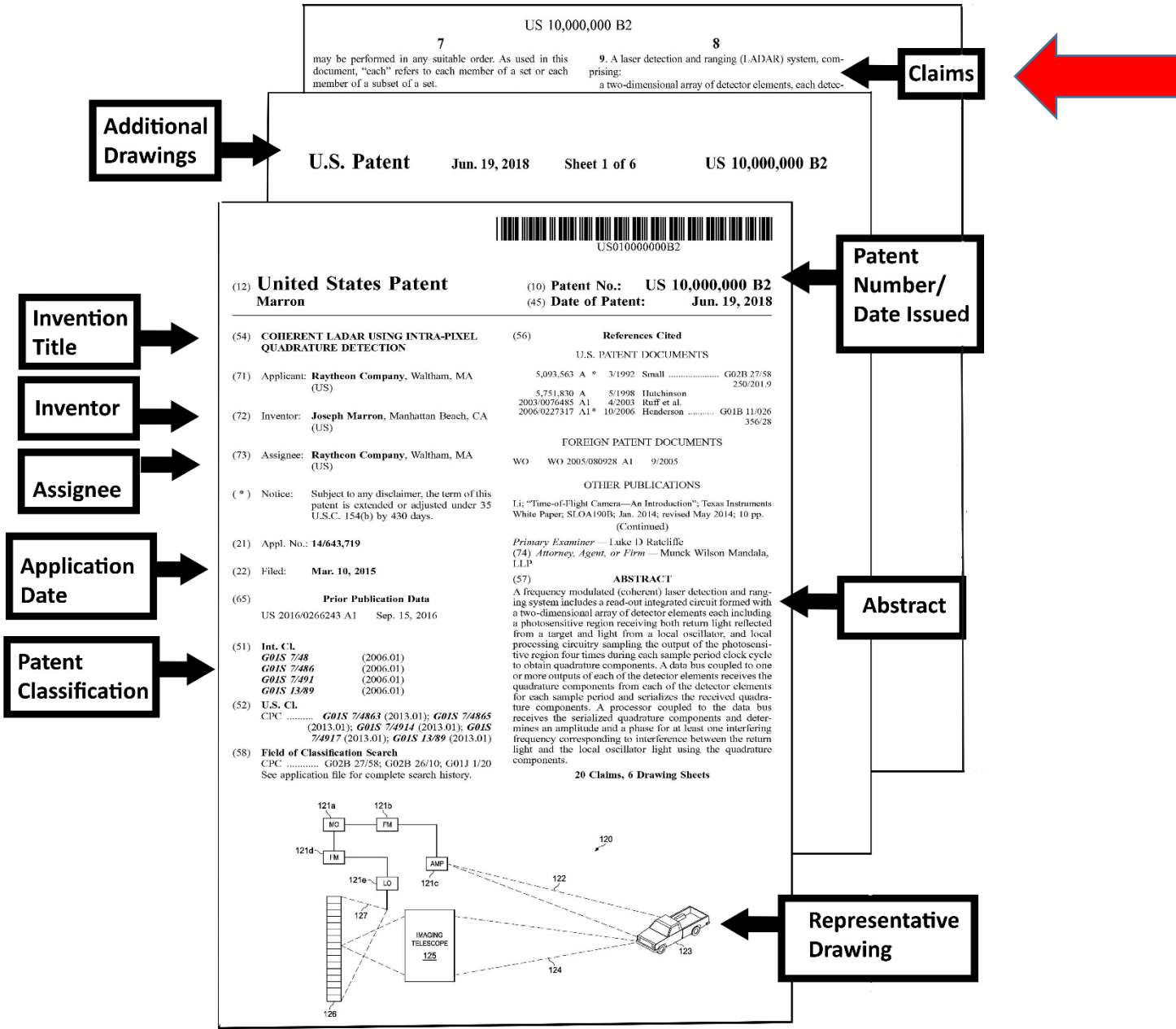
Searching US Patent Collection...

Results of Search in US Patent Collection db for:
CPC/A45B25/22: 203 patents.
Hits 1 through 50 out of 203

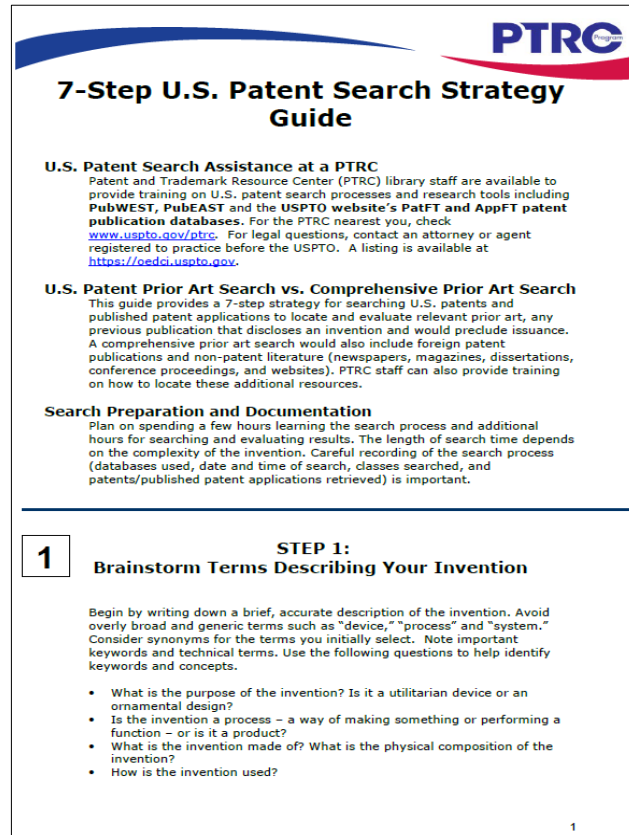
Refine Search		CPC/A45B25/22	
PAT. NO.		Title	
1	10,292,468		Automatic opening or closing umbrella
2	10,264,861		Wind-proof umbrella
3	10,092,069		Umbrella having an anti-inversion mechanism
4	10,064,462		Rope guiding device and walking stick chair having the same
5	10,039,352		Beach umbrella anchor with an integral shovel
6	9,986,799		Wind-proof dual canopy system
7	9,943,148		Protector for rib tip of umbrella
8	9,844,250		Anti-turning umbrella frame
9	9,839,268		Wind-resistant umbrella frame structure
10	9,826,807		Umbrella support apparatus
11	9,788,617		Pull rib of wind-resistant umbrella
12	9,756,912		Wind resistant umbrella
13	9,756,911		Wheelchair having an umbrella assembly
14	9,668,554		Umbrella having an anti-inversion mechanism
15	9,668,553		Umbrella having an anti-inversion mechanism
16	9,609,926		Umbrella having improved shaft and rib assembly
17	9,526,306		Umbrella assembly
18	9,486,044		Reverse folding umbrella

Review and compare the claims.





Reviewing Patents Found



We have reviewed the USPTO's recommended Seven Step Strategy. It offers the potential for a thorough preliminary patent search. Here's a link to that guide:

<https://www.uspto.gov/learning-and-resources/support-centers/patent-and-trademark-resource-centers-ptrc/resources/seven>

We have executed four of those steps. Searchers would continue on by reviewing the front pages of the patents, flagging the most relevant ones, and reviewing those in depth, ***including the claims.***

The scope of this presentation is merely to highlight how you would retrieve relevant patents using both keyword searching and classification searching.

What about those claims?



- “Claims mark the boundaries of the protection provided by a patent, just as a physical boundary such as a fence, marks the limits of a parcel of real property.”
 - World Intellectual Property Organization
- Each claim is a single numbered sentence located in a patent document. It identifies fundamental inventive aspects.
- Other sections in the patent document, such as specifications, merely support the claims.
- Without strong claims, a patent is useless.

Examples of Patent Claims



**US Patent 6,263,732,
July 24, 2001,
Hoeting et al.**

Inventor background video: <https://vimeo.com/86737256>

A Single Solid Claim

- What is claimed is:

1. A measuring device, comprising:

a bottom wall and a generally vertical and encircling side wall having a lower edge and an upper edge, said sidewall defining an upwardly opening cup with an upper end;

a spout attached integrally to said sidewall; and

a pair of continuously sloping ramps formed integrally with and radially inward in relief from said sidewall, said ramps extending from about said bottom wall generally opposite said spout toward said open upper end generally adjacent said spout, wherein said ramp is coextensive with said spout, said ramp having an upwardly directed surface and **indicia** located on said upwardly directed surface being at least one of standard and metric units of measurement providing a readily observable indication of the volume of the contents contained within said cup.

- In·di·ci·a** [in'diSH(ē)ə]

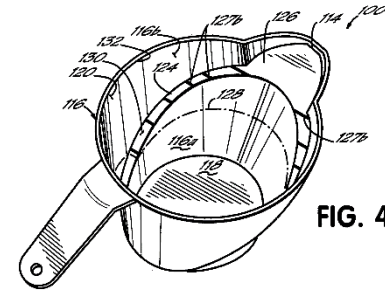


FIG. 4

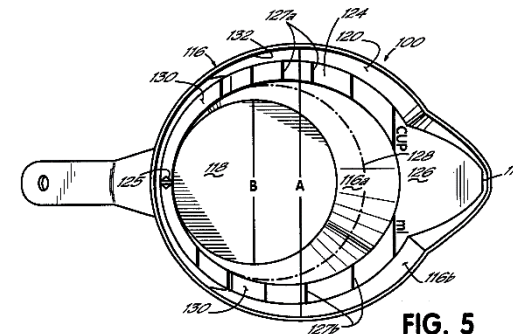


FIG. 5

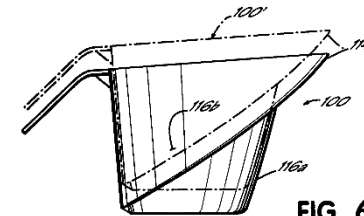


FIG. 6

Oxo Angled Measuring Cup

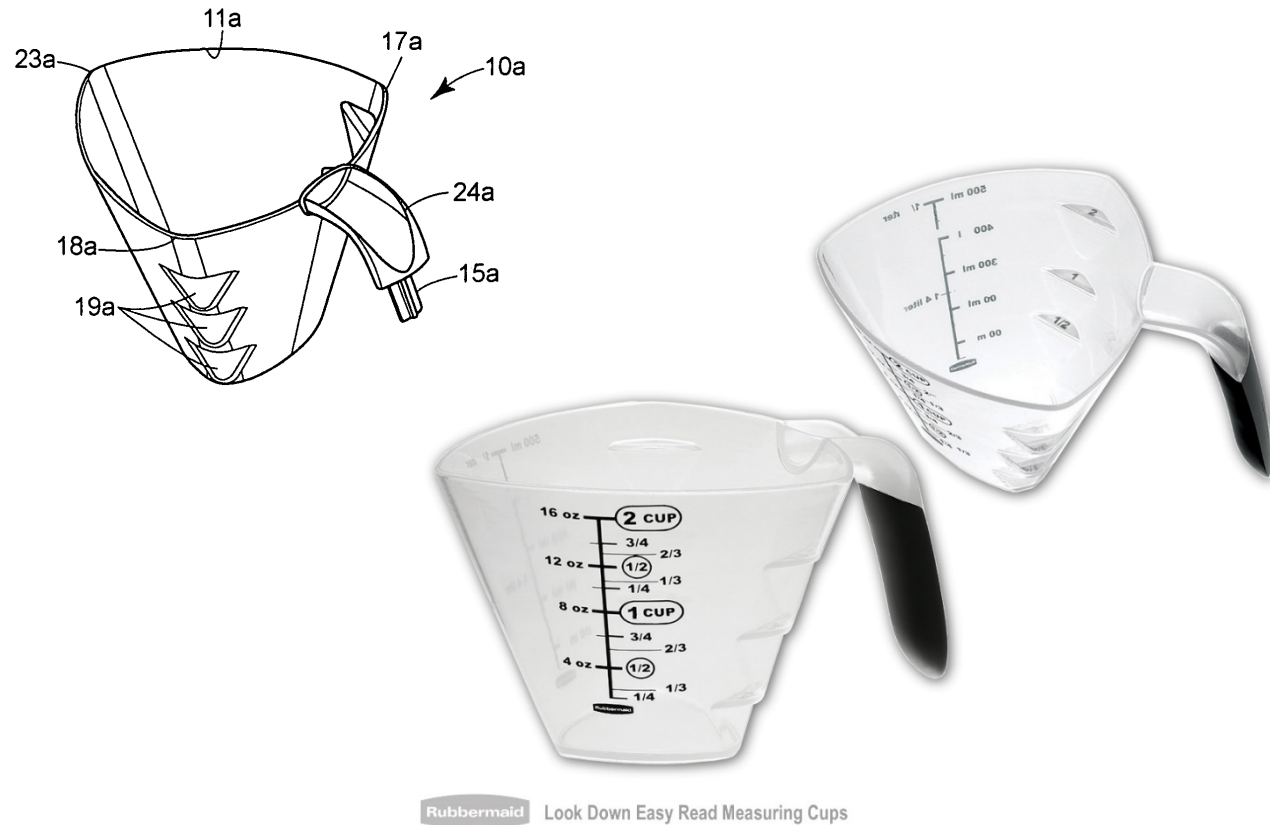
- What would you do? How would you compete with another patent to Hoeting's Angled Measuring Cup without infringing?
- What claims might you come up with?
- NOTE: At right, Hoeting's comparable reference to US Patent 5,397,036, Maiwald, 1995 offers a clue.
- We were only able to locate (next slide) two newer patents that attempted to provide similar utility function and outcome without employing the same claimed method from Hoeting's US Patent 6,263,732.
- For more about drafting claims, see <https://www.ipwatchdog.com/2016/06/11/introduction-patent-claims/id=69991/>



What Would You Do?

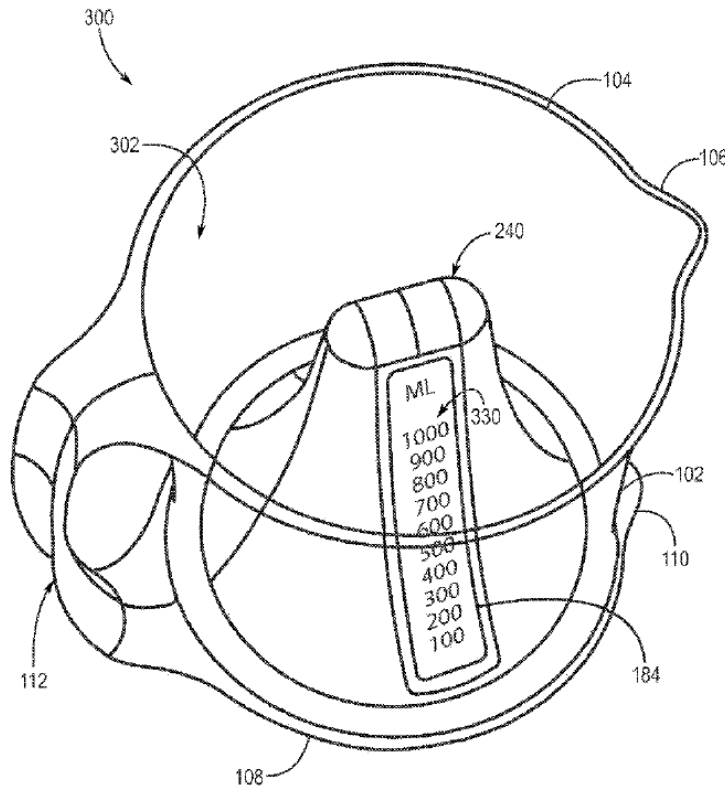
United States Patent [19]		US005397036A																																	
Maiwald		[11] Patent Number:	5,397,036																																
		[45] Date of Patent:	Mar. 14, 1995																																
<p>[54] CALIBRATED VESSEL HAVING A HANDLE WHICH ALSO SERVES AS A DELIVERY ELEMENT</p> <p>[76] Inventor: Manfred Maiwald, P.O. Box 19211, Seattle, Wash. 98111-1921</p> <p>[21] Appl. No.: 149,537</p> <p>[22] Filed: Nov. 9, 1993</p> <p>[51] Int. Cl.⁵ B65D 83/00; G01F 19/00</p> <p>[52] U.S. Cl. 222/475; 220/608; 220/672; D10/46.2; D7/691; 73/427</p> <p>[58] Field of Search 73/427; D10/46.2, 46.3; D7/691; 30/324; 222/475; 220/672, 608</p> <p>[56] References Cited</p> <table border="0"><tr><td colspan="4">U.S. PATENT DOCUMENTS</td></tr><tr><td>217,050</td><td>7/1879</td><td>Block</td><td>73/427</td></tr><tr><td>641,052</td><td>1/1900</td><td>Strauss</td><td>73/427</td></tr><tr><td>1,564,470</td><td>12/1925</td><td>Crimmel</td><td>73/427</td></tr><tr><td>2,673,664</td><td>3/1954</td><td>Boysen</td><td>222/475</td></tr><tr><td>2,687,628</td><td>8/1954</td><td>Cunningham</td><td>222/475</td></tr></table> <table border="0"><tr><td colspan="4">FOREIGN PATENT DOCUMENTS</td></tr><tr><td>0041550</td><td>1/1908</td><td>Switzerland</td><td>73/427</td></tr></table> <p>[57] ABSTRACT</p> <p>The vessel has a cup shaped portion having a spout extending essentially horizontally from the lip of the cup shaped portion with the vessel upright. The spout is long enough to serve as a handle used for filling the vessel by dipping the vessel into the material or liquid to be measured and dispensed. One part of the cup portion is stepped such that each step indicates a specific fraction of the vessel's full working content.</p> <p>1 Claim, 1 Drawing Sheet</p>				U.S. PATENT DOCUMENTS				217,050	7/1879	Block	73/427	641,052	1/1900	Strauss	73/427	1,564,470	12/1925	Crimmel	73/427	2,673,664	3/1954	Boysen	222/475	2,687,628	8/1954	Cunningham	222/475	FOREIGN PATENT DOCUMENTS				0041550	1/1908	Switzerland	73/427
U.S. PATENT DOCUMENTS																																			
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641,052	1/1900	Strauss	73/427																																
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2,673,664	3/1954	Boysen	222/475																																
2,687,628	8/1954	Cunningham	222/475																																
FOREIGN PATENT DOCUMENTS																																			
0041550	1/1908	Switzerland	73/427																																

US Patent 7,306,120 Hughes



Claim highlight:...a plurality of vertically spaced apart steps disposed inside the cup with each step having a top horizontal surface marked with volumetric indicia...

US Patent 9,354,098 Breit



Primary claim highlight:...a reference member disposed substantially in a central portion of the space formed by the sidewall, the reference member having volumetric indicia that are at least partially upwards-facing; and a receptacle capable of receiving a substance, the receptacle formed by a portion of the space between the reference member and the sidewall, wherein the volumetric indicia of the reference member indicate a volume of the substance deposited in the receptacle...

Competitive Intelligence in Patent\$



- Search assignee fields in patent databases.
- Using patents found via classification clusters locates competitors' patents from same field.
- Determine strength of patent by number of cited references by many later patents.
- Future trends could be explored by classification cluster of patents reviewed over period of time and same classifications for applications in process.



Best Practices and Outreach

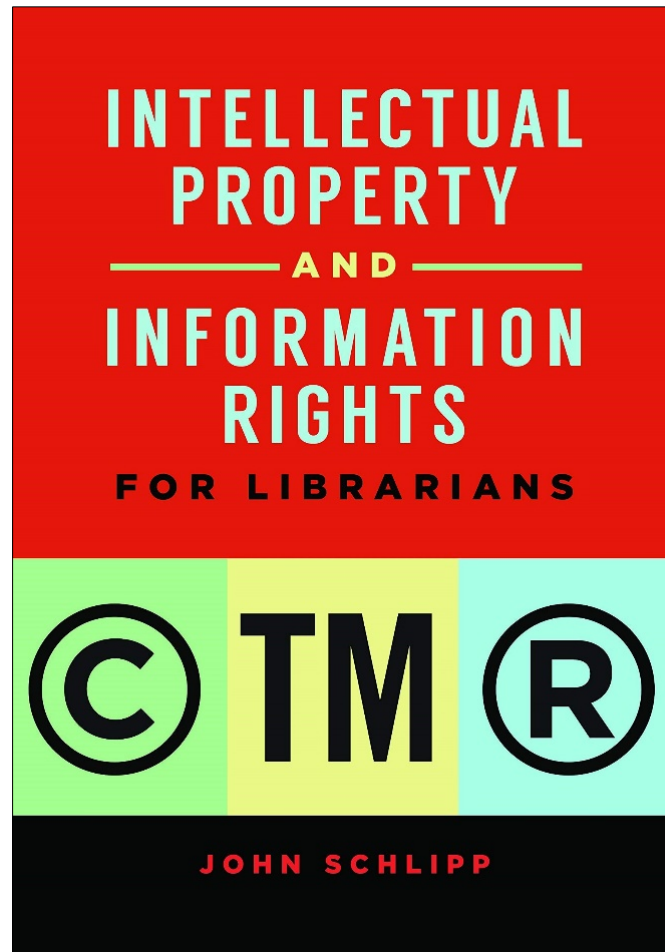


Image source (public domain): <https://thenounproject.com/>

- PTRC opportunities to extend IP awareness and information literacy for your library customers:
 - Martin Wallace and Suzanne Reinman, **“Expanding the Intellectual Property Knowledge Base at University Libraries: Collaborating with Patent and Trademark Resource Centers,”** in *Issues in Science and Technology Librarianship*, Number 88, Winter 2018: <http://www.istl.org/18-winter/refereed3.html>.
 - John Schlipp, **“Best Practices and InventorFest: Community Partner and Patent and Trademark Depository Libraries,”** *IP Journal of the Patent & Trademark Resource Center Association*, November 2007, <http://ptrca.org/journal/2007schlipp>.
- Other outreach opportunities include scholarly communications departments, makerspaces, inventor and entrepreneur groups, authors and musicians, STEM instruction and presentations, etc.
- Open Access Week, and World Intellectual Property Awareness Day are added examples of turn-key programs to promote IP awareness to your customers.

For Additional Details...

For supplementary patent
and trademark information,
see <https://www.uspto.gov/>



ABC-Clio, Libraries Unlimited, 2019

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<https://www.abc-clio.com/LibrariesUnlimited/product.aspx?pc=A6068P>

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- NKU's Intellectual Property Awareness Center (IPAC)
@ Steely Library
<https://inside.nku.edu/ipac.html>