

IP - RECAP

- Patents
 - 3 Types
 - Utility – Protects any invention, discovery of any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof.
 - Novel
 - Useful
 - Not obvious to one skilled in the art
 - Design – Protects ornamental designs for a limited time
 - Plant – [you will never see this in gaming]
 - Do not exist until letters of patent issue by a government
 - In most jurisdictions, a patent is a legal monopoly to prevent others from making, selling, using, importing, leasing or offering the invention without the permission of the patent owner

RECAP - COPYRIGHT

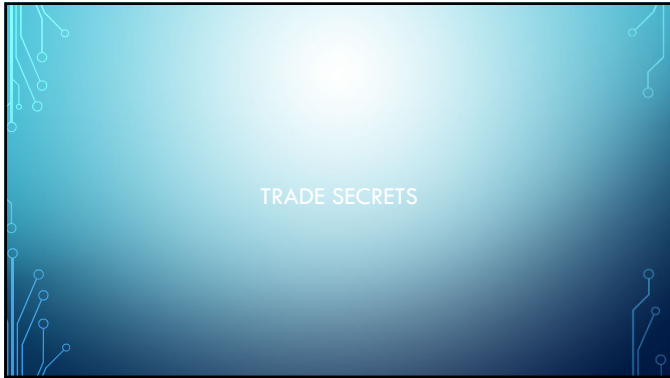
- Copyrights
 - Protects creative expressions fixed in a tangible medium
 - Does not protect facts, ideas, utility or function (just expressions)
 - Exist upon fixation
 - Rights vest with authors (unless in a true employment situation)
 - Rights include the right to copy, reproduce, make derivative works (modify), publish, publicly display, and publicly perform

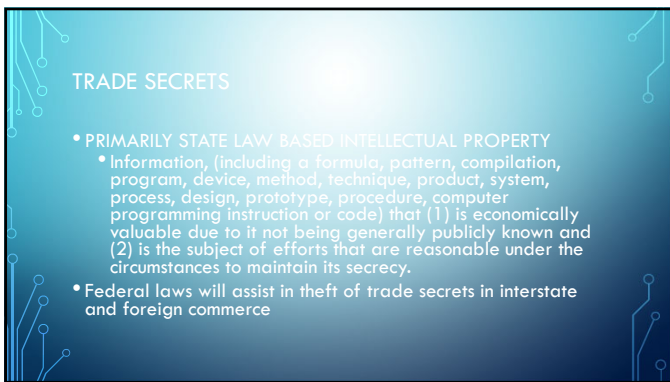
RECAP - COPYRIGHT

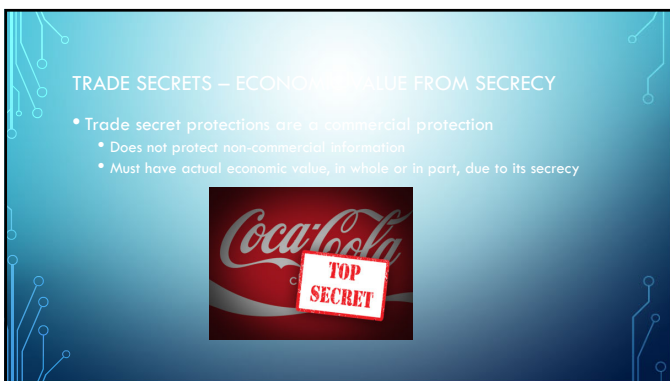
- Copyrights
 - Rights can be assigned or licensed
 - Registration required to file suit
 - Prompt registration required to preserve certain damages
 - Federal/National ONLY – no state copyrights
 - Copyrights are limited in time, the time is dependent on how the work was created
 - When copyrights expire, works fall into the public domain

RECAP - TRADEMARKS

- Trademarks
 - Marketplace identity
 - Commercial right
 - Common law rights begin with being the first to use in a particular marketplace and geography
 - Registrations can be acquired for distinctive marks at the federal and state level
 - Infringement is based on likelihood of confusion (not just direct copying)








TRADE SECRETS – ECONOMIC VALUE FROM SECRECY

- MUST BE SUBJECT TO REASONABLE EFFORTS TO KEEP IT SECRET

A photograph of a vault door, partially open, revealing a red carpeted interior. A sign on the door reads "Coca-Cola TOP SECRET".

TRADE SECRETS – ECONOMIC VALUE FROM SECRECY

- MUST BE SUBJECT TO REASONABLE EFFORTS TO KEEP IT SECRET
 - Use reasonable efforts to prevent disclosure
 - Use non-disclosure agreements to protect the information prior to making a disclosure
 - Educate employees
 - Have written employment agreements
 - Perform employee exit interviews

TRADE SECRETS

- Through Employees
 - Perform hiring interviews and identify any potential employees with prior agreements
 - Do not hire employees to perform jobs that will inevitably require them to rely on the trade secrets of another
 - Do not engage in questionable methods to obtain information

TRADE SECRETS - DAMAGES

- (Depends on the law of the state)
- Monetary damages
- Lost profits, unjust enrichment
 - In Nevada, it may be double damages in some cases
- Reasonable royalty
- Attorney's fees
- Federal – prison not to exceed 10 years for trade secret theft, prison not to exceed 15 years for economic espionage, plus monetary damages and fines in the court's discretion

TRADE SECRETS

Former Borgata executive who left for Ocean Casino must return phone with high-roller data: Judge

By WAYNE FINNEY
September 12, 2023 12:01 PM

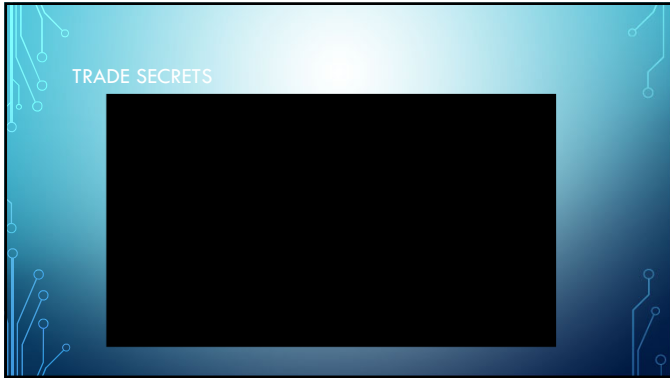
FEDERAL JUDGE RULES ON CASINO CASE

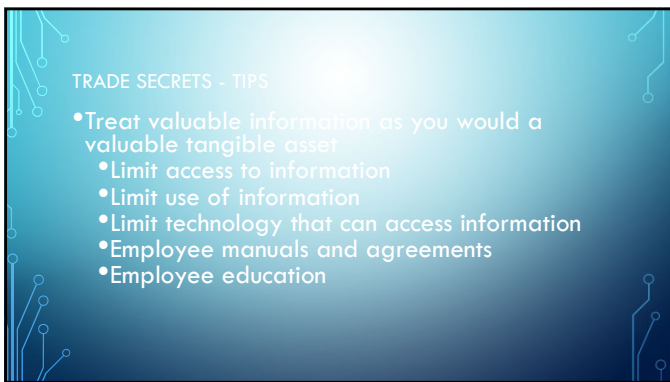
ATLANTIC CITY, New Jersey — An executive who left Atlantic City to join another casino must return a cell phone because it contains high-roller data, a federal judge ordered.

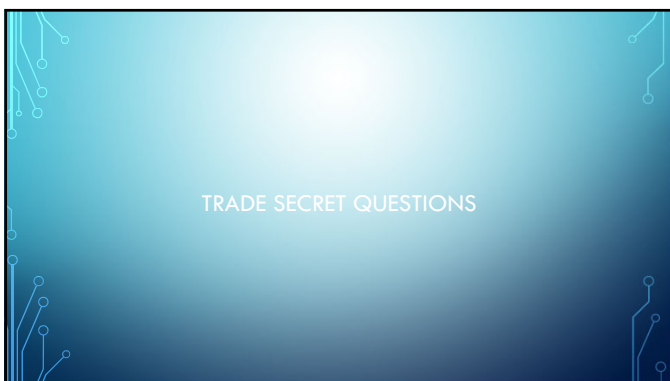
U.S. District Judge Gloria Nevares issued a temporary restraining order Thursday preventing two executives who left the Borgata casino this summer to work for the Ocean Casino Resort from contacting any past, current or prospective Borgata customers.

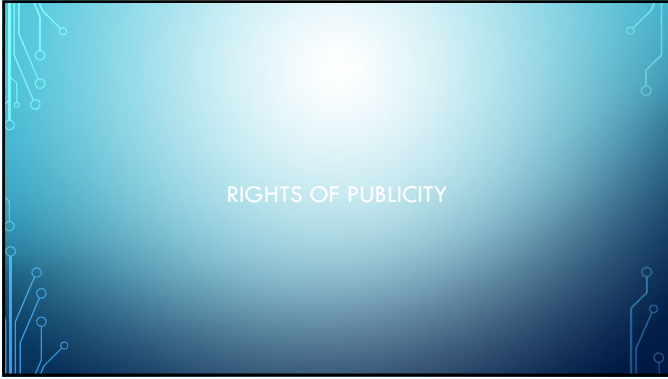
She also temporarily ordered them not to use or pass along to the Ocean Casino any trade secrets or confidential information belonging to the Borgata.

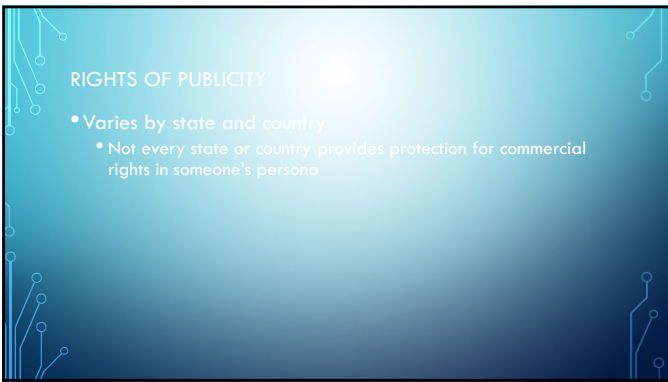
TRADE SECRETS

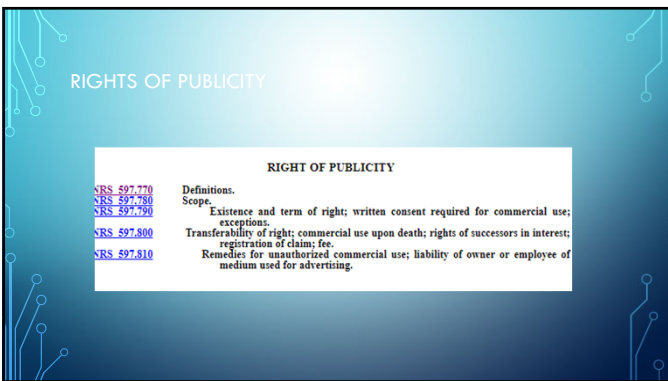












RIGHTS OF PUBLICITY

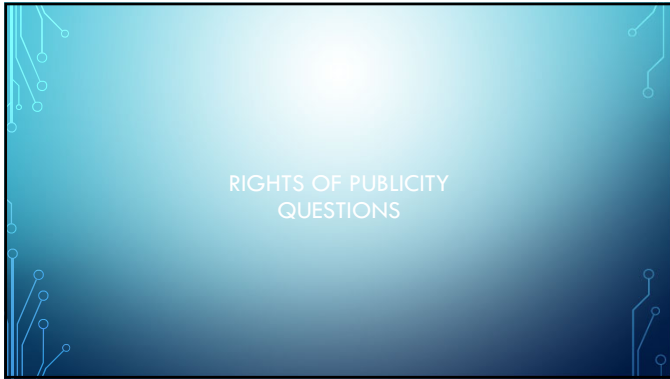
- NRS 597.790 Existence and term of right; written consent required for commercial use; exceptions.
 - 1. There is a right of publicity in the name, voice, signature, photograph or likeness of every person. The right endures for a term consisting of the life of the person and 50 years after his or her death, regardless of whether the person commercially exploits the right during his or her lifetime.

RIGHTS OF PUBLICITY

- NRS 597.810 Remedies for unauthorized commercial use; liability of owner or employee of medium used for advertising.
- 1. Any commercial use of the name, voice, signature, photograph or likeness of another by a person, firm or corporation without first having obtained written consent for the use is subject to:
 - (a) Injunctive relief to prevent or restrain the unauthorized use; and
 - (b) An action at law for any injuries sustained by reason of the unauthorized use. In such a suit, the plaintiff may recover:
 - (1) Actual damages, but not less than \$750; and
 - (2) Exemplary or punitive damages, if the trier of fact finds that the defendant knowingly made use of the name, voice, signature, photograph or likeness of another person without the consent required by NRS 597.790.









PATENTS

- USPTO.GOV
 - <https://www.uspto.gov/patents/search/patent-public-search>
- Google Patents
 - <https://patents.google.com>
- Country Specific
 - <https://www.wipo.int/ipdl/en/resources/links.html>

COPYRIGHTS

- Copyright Office
 - <https://www.copyright.gov/public-records/>

TRADEMARKS

- United States Patent and Trademark Office
 - <https://tmsearch.uspto.gov/search/search-information>

