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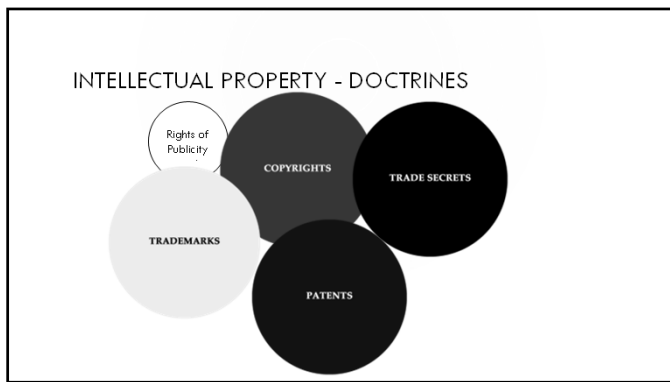
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IP - RECAP

- 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

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## 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

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## 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

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## RECAP - COPYRIGHT

### • Trademarks

- Marketplace identity protection for the benefit of consumers
- Marks act as indicators of source, quality, endorsement to consumers in the marketplace
- Common law mark rights begin with use (can be superior to later registered rights in a particular geographic area of recognition)
- State trademark registrations can protect mark use in particular states
- Federal mark registrations provide a legal presumption of exclusive use of the mark for the goods and services in the mark registration nationally

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## RECAP - COPYRIGHT

- Trademarks

- The strength of a mark is inversely proportionate to the ability of the mark to describe the goods or services offered under the mark or characteristics of the goods and services under the mark
- Infringement based on likelihood of confusion in the marketplace

## RIGHTS OF PUBLICITY

## RIGHT OF PUBLICITY

₹RS 597.770  
₹RS 597.780  
₹RS 597.790

₹RS 597.800

\$RS 597,810

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### Definitions.

**Scope.**

Transferability of right; commercial use upon death; rights of successors in interest; registration of claim; fee.

## 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.

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**Los Angeles Times**

**Schwarzenegger Sues Over Likeness on Slot Machines**

By Neil Rimes  
Sept. 25, 2003, 12:04 PM  
Times Staff Writer

Arnold Schwarzenegger is suing one of the nation's leading makers of slot machines for \$20 million for allegedly making and marketing gambling products that feature his voice and likeness on the "Terminator."

The lawsuit against International Game Technology contends the Reno company never sought the permission of the action actor before making the "Terminator" equip slot machines, video gaming machines or advertising the products in catalogs and at a convention earlier this year.

A spokesman for the company, however, said International Game Technology has been licensed by Credit Plus in France and Creative Licensing Corp. in Los Angeles to market a "Terminator" slot machine.

"Since we are very protective of our own property rights, we are extremely cautious of the property rights of others," said IGT spokesman Rick Hermann. The 20-year-old company, with more than \$1 billion in annual sales, makes traditional slot machines, video poker and video slot machines.

According to the lawsuit filed in Los Angeles Superior Court on Sept. 7, Schwarzenegger doesn't associate himself with products he doesn't support or believe in. He is "particularly circumspect to avoid using his name, likeness or image for certain industries such as gambling."

The actor does not want his image to become overexposed, the suit said. And although Schwarzenegger has done commercials endorsing the national railway system in Austria, a language school in Brazil and RiverTV in Japan, Schwarzenegger said he has not endorsed any other products or services.

**BACKGROUND AND READING**

**GOVERNMENT**  
Should suing from here to across L.A. are attempting suits to weigh inducting.

**COURTROOM**  
Suits have taken Southern California on federal law goes.

**SOURCE**  
The company may have reached Los Angeles and other cities announced by contract.

**COURT'S DECISION**  
New questions about all quality answered.

**NOTE**  
Let the source image: Photo: Labeled and Glades Knight are ready for "Terminator".

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### RIGHTS OF PUBLICITY QUESTIONS

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### PUBLIC DOMAIN TOOLS

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### 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>

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## COPYRIGHTS

## • Copyright Office

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

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## TRADEMARKS

## • United States Patent and Trademark Office

- <https://tmsearch.uspto.gov/search/search-information>

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## IP

- Utility Patents
- Copyrights
- Trademarks
- Trade Secrets

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## IP

## • Utility Patents

- Useful Inventions
  - Useful Patentable Subject Matter
  - Novel
  - Not Obvious to One Skilled in the Art
- Federal/National in nature
  - No state patents

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## IP

## • Utility Patents

- No common law rights
- No rights until the patent issues (not all applications achieve registration)
- No such thing as a provisional patent, only provisional applications
- Patents are limited term monopolies that entitle the patent owner to prevent others from making, using, selling, offering for sale, offering for lease, or importing the invention in the claims of the patent
- Patents are limited in duration and upon expiration the invention falls into the public domain

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## IP

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- Protects creative expressions fixed in a tangible medium
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## IP

### • 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)

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## IP

### • Trade Secrets

- Primarily state law driven in the U.S.
- Protects information that is (1) generally not publicly known [secret], (2) is commercially valuable due [at least in part] to the information being secret [not generally publicly known], and (3) is subject to reasonable efforts to maintain its secrecy
- Use Non-disclosure agreements to protect secrecy
  - Be careful not to lump trade secrets in with other "confidential information" not subject to statutory protections

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## IP

- Rights of Publicity
  - Rights vary among states
  - In some states, like Nevada, everyone is given rights in the commercial exploitation of their name, signature, likeness, photograph and voice.

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## APPLYING IP CONCEPTS

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- The engineering team has a new concept for a new slot machine with innovative concepts including:
  - Touchless gesture interface
  - A card based game based on streaks of card colors
  - Table game in slot format

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The new products development team has come up with a new way to show signage for slot machines in a tri-machine setup (three machines in a triangle formation to promote distancing). The idea is for a round three-way sign.



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What type of IP questions do you have?



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What type of IP questions do you have?  
Patent?



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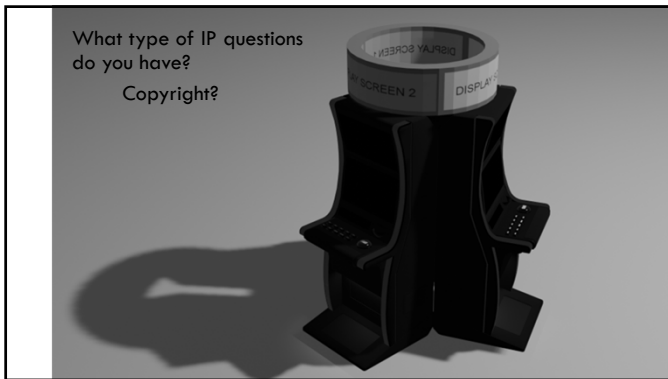
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What type of IP questions  
do you have?  
Copyright?

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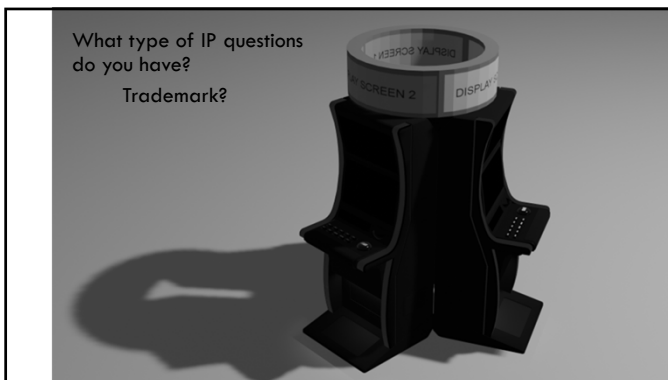
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What type of IP questions  
do you have?  
Trademark?

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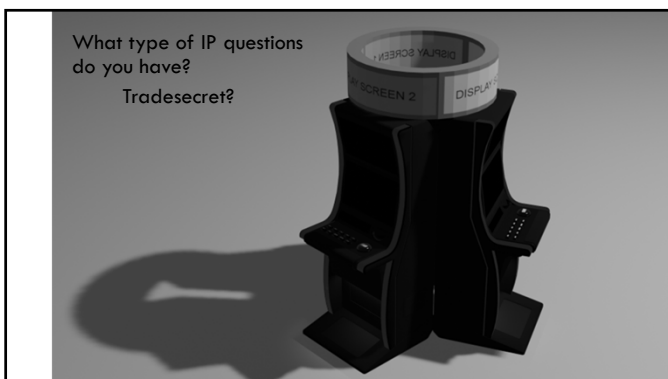
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What type of IP questions  
do you have?  
Tradeseecret?

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What type of IP questions do you have?

<https://patentimages.storage.googleapis.com/b9/76/b7/e9d1411afa8a5d/USD883393.pdf>




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The product engineers are back in your office about a new slot machine featuring a table style game. The game is designed for the post pandemic market:

- It features a touchless gesture interface
- A game they found in Australia, but haven't seen in the USA
- Compact generic design




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What are the IP questions you have?




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What are the IP questions  
you have?

Patent  
(patents.google.com)



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What are the IP questions  
you have?

Copyright?



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What are the IP questions  
you have?

Trademark?



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What are the IP questions  
you have?

Trade Secret?




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Given the issues with  
S7REAK, the engineers and  
product planners have a  
different device. They will  
license the touchless  
controller from LEAP  
MOTION to address any  
touchless interface issues.  
The new game will be a  
traditional slot featuring a  
RAIDERS BLACK HOLE  
theme.




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The Raiders are an NFL  
team that recently  
relocated to Las Vegas.  
The Black Hole is a fan  
area for the most fervent  
of fans. In Oakland, the  
previous home of the  
Raiders, it gained a  
reputation for embodying  
the rowdy and aggressive  
nature of the club.




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The Raiders are an NFL team that recently relocated to Las Vegas. The Black Hole is a fan area for the most fervent of fans. In Oakland, the previous home of the Raiders, it gained a reputation for embodying the rowdy and aggressive nature of the club.



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The game will feature images of the new Las Vegas stadium, Raider icons, and great Raider's historical figures.



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Do you have any IP questions?



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Do you have any IP  
questions?

Trade Secrets?




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You are recently hired at a company called Global Point. Global Point's primary product is a geo-location service that can provide an accurate location for any Android or iOS device that uses its software.

Global Point uses standard development tools such as X-Code for iOS applications, and Eclipse with Google's Android Development Kit for Android applications.

Global Point is growing fast due to the expanding market for mobile device based gambling.

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Global Point's CTO helped grow the company and code-base quickly by using developers in Nevada, India and the Ukraine.

Global Point is looking to expand its products and has been talking to Silicon Valley Investment Bankers about an infusion of capital to expand. Global Point's CEO knows they will want an inventory of IP assets and asks you to secure as many IP assets as you can to show IP assets on the books to the Investment Bankers.

Where do you start?

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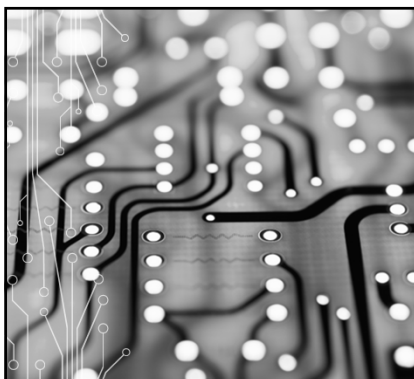
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#### NEXT CLASS

- LIVE

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