IP – A Few Facts for a First Year Law Student

Q: What does IP mean officially?
A: IP stands for “Intellectual Property.” In other words, IP is a type of property – something that has value and can be owned. Sub-categories of IP include copyright (think music, books, movies, art), trademark (think brand names and logos), patents (think inventions), and trade secrets (think secret formulas).

Q: Who needs to know about IP – isn’t it only for some obscure lawyers?
A: Lots of lawyers! Lawyers that deal with IP include anyone who does general commercial litigation (since many wealthy companies own and litigate IP assets), corporate work (IP is an asset that can be bought and sold), and even estate lawyers (IP may be transferred to another). Federal judges and their assistants – including students who are judicial externs – also need to know about IP and often end up deciding cutting-edge cases.

Q: Isn’t it true that IP is only for engineers?
A: Nope. While one sub-specialty of IP (patent law) caters to those who have a background in science or engineering, many other types of IP require no technical background. For example, would a science background really help you assess whether a polar bear made by Coca Cola looked “substantially similar” to one by Gund, such that it violated Gund’s trademark bear. Similarly, would an engineering background help you assess who might be a joint author of the popular musical Rent? Probably not.

Q: What’s the bottom line? What does a 1L need to know about IP?
A: A 1L should know that IP is an important area of law and think about taking an IP class sometime during their law school career. In particular, the IP (survey) class is offered every semester (but not in the summer). There are no pre-requisites to the class – legal or otherwise. Cases discussed commonly involve fun topics, such as cereal that may infringe Kellogg’s Toucan Sam, as well as the copyrightability of the flexible Koosh ball. In addition, since IP is everywhere, there are many opportunities to apply knowledge gained in an IP class to everyday life, ranging from whether there can be another reality TV show about housewives or househusbands without running afoul of copyright law, to whether commercial spoofs will run into trouble with trademark and copyright issues.

Did you know…
- A Chicago teen got unexpected legal attention from McDonald’s when she attempted to trademark the word “McFest” for a charity concert event.
- A former employee of a company that makes Thomas’ English muffins was barred from working for Hostess for fear that he would inevitably divulge the trade secrets of how to make the nooks and crannies.
- A fan of Harry Potter novels was sued by JK Rowling for copyright infringement when he created an unauthorized encyclopedia.
- There is a patent on a method of swinging on a swing!

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