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**Statutes**

**Patent/Copyright Clause**

**US Constitution, Art. 1, Sec. 8, Cl. 8**

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries

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**Lanham Act (Trademark)**

**Section 43**

(a) Civil action  
  
(1) Any person who, on or in connection with any goods or services, or any container for goods, uses in commerce any word, term, name, symbol, or device, or any combination thereof, or any false designation of origin, false or misleading description of fact, or false or misleading representation of fact, which--

(A) is likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection, or association of such person with another person, or as to the origin, sponsorship, or approval of his or her goods, services, or commercial activities by another person, or

(B) in commercial advertising or promotion, misrepresents the nature, characteristics, qualities, or geographic origin of his or her or another person's goods, services, or commercial activities,

shall be liable in a civil action by any person who believes that he or she is or is likely to be damaged by such act.

**. . .**(c) Dilution by blurring; dilution by tarnishment

**. . .**

(3) Exclusions

The following shall not be actionable as dilution by blurring or dilution by tarnishment under this subsection:

(A) Any fair use, including a nominative or descriptive fair use, or facilitation of such fair use, of a famous mark by another person other than as a designation of source for the person's own goods or services, including use in connection with--

(i) advertising or promotion that permits consumers to compare goods or services; or

(ii) identifying and parodying, criticizing, or commenting upon the famous mark owner or the goods or services of the famous mark owner.

(B) All forms of news reporting and news commentary.

(C) Any noncommercial use of a mark.

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**35 USC 102**

A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent, or

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States, or

**. . .**

(g)(1) during the course of an interference conducted under [section 135](http://www.uspto.gov/web/offices/pac/mpep/documents/appxl_35_U_S_C_135.htm#usc35s135) or [section 291](http://www.uspto.gov/web/offices/pac/mpep/documents/appxl_35_U_S_C_291.htm#usc35s291), another inventor involved therein establishes, to the extent permitted in [section 104](http://www.uspto.gov/web/offices/pac/mpep/documents/appxl_35_U_S_C_104.htm#usc35s104), that before such person's invention thereof the invention was made by such other inventor and not abandoned, suppressed, or concealed, or (2) before such person's invention thereof, the invention was made in this country by another inventor who had not abandoned, suppressed, or concealed it. In determining priority of invention under this subsection, there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.

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**35 USC 103**

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in [section 102](http://www.uspto.gov/web/offices/pac/mpep/documents/appxl_35_U_S_C_102.htm#usc35s102) of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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**35 USC 112**

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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**35 USC 271(c)**

[1] Whoever … *sells* … a [2] *component* of a patented machine, manufacture, combination, **or** composition, or a material or *apparatus* for use in practicing a patented process, [3] constituting a *material part* of the invention, [4] *knowing* the same to be especially made or especially adapted for use in an infringement of such patent, and [5] *not a staple* article or commodity of commerce suitable for substantial noninfringing use, shall be liable as a contributory infringer.

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**17 USC 102**

**Copyrightable Subject Matter**

(a) Copyright protection subsists, in accordance with this title, in original works of authorship fixed in any tangible medium of expression, now known or later developed, from which they can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device. Works of authorship include the following categories:

(1) literary works;

(2) musical works, including any accompanying words;

(3) dramatic works, including any accompanying music;

(4) pantomimes and choreographic works;

(5) pictorial, graphic, and sculptural works;

(6) motion pictures and other audiovisual works;

(7) sound recordings; and

(8) architectural works.

(b) In no case does copyright protection for an original work of authorship extend to any idea, procedure, process, system, method of operation, concept, principle, or discovery, regardless of the form in which it is described, explained, illustrated, or embodied in such work.

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**17 USC 106**

**ExclusiveRrights**

Subject to sections [107](http://www.law.cornell.edu/uscode/uscode17/usc_sec_17_00000107----000-.html) through [122](http://www.law.cornell.edu/uscode/uscode17/usc_sec_17_00000122----000-.html), the owner of copyright under this title has the exclusive rights to do and to authorize any of the following:

(1) to reproduce the copyrighted work in copies or phonorecords;

(2) to prepare derivative works based upon the copyrighted work;

(3) to distribute copies or phonorecords of the copyrighted work to the public by sale or other transfer of ownership, or by rental, lease, or lending;

(4) in the case of literary, musical, dramatic, and choreographic works, pantomimes, and motion pictures and other audiovisual works, to perform the copyrighted work publicly;

(5) in the case of literary, musical, dramatic, and choreographic works, pantomimes, and pictorial, graphic, or sculptural works, including the individual images of a motion picture or other audiovisual work, to display the copyrighted work publicly; and

(6) in the case of sound recordings, to perform the copyrighted work publicly by means of a digital audio transmission.

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**17 USC 107**

**Fair Use**

Notwithstanding the provisions of sections [106](http://www.law.cornell.edu/uscode/uscode17/usc_sec_17_00000106----000-.html) and [106A](http://www.law.cornell.edu/uscode/uscode17/usc_sec_17_00000106---A000-.html), the fair use of a copyrighted work, including such use by reproduction in copies or phonorecords or by any other means specified by that section, for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright. In determining whether the use made of a work in any particular case is a fair use the factors to be considered shall include—

(1) the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;

(2) the nature of the copyrighted work;

(3) the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and

(4) the effect of the use upon the potential market for or value of the copyrighted work.

The fact that a work is unpublished shall not itself bar a finding of fair use if such finding is made upon consideration of all the above factors.

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**17 USC 109**

**First Sale and Display**

(a) Notwithstanding the provisions of section [106](http://www.law.cornell.edu/uscode/uscode17/usc_sec_17_00000106----000-.html) [(3)](http://www.law.cornell.edu/uscode/uscode17/usc_sec_17_00000106----000-.html#3), the owner of a particular copy or phonorecord lawfully made under this title, or any person authorized by such owner, is entitled, without the authority of the copyright owner, to sell or otherwise dispose of the possession of that copy or phonorecord.

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(c) Notwithstanding the provisions of section [106](http://www.law.cornell.edu/uscode/uscode17/usc_sec_17_00000106----000-.html) [(5)](http://www.law.cornell.edu/uscode/uscode17/usc_sec_17_00000106----000-.html#5), the owner of a particular copy lawfully made under this title, or any person authorized by such owner, is entitled, without the authority of the copyright owner, to display that copy publicly, either directly or by the projection of no more than one image at a time, to viewers present at the place where the copy is located.

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**17 USC 117**

**Computer Programs**

(a) **Making of Additional Copy or Adaptation by Owner of Copy.—** Notwithstanding the provisions of section [106](http://www.law.cornell.edu/uscode/uscode17/usc_sec_17_00000106----000-.html), it is not an infringement for the owner of a copy of a computer program to make or authorize the making of another copy or adaptation of that computer program provided:

(1) that such a new copy or adaptation is created as an essential step in the utilization of the computer program in conjunction with a machine and that it is used in no other manner, or

(2) that such new copy or adaptation is for archival purposes only and that all archival copies are destroyed in the event that continued possession of the computer program should cease to be rightful.