

WHY SHOULD I FILE A
PROVISIONAL PATENT
APPLICATION?

Filing a provisional patent application will grant you "Patent Pending" status on your invention while minimizing legal fees. Once you have patent pending status, your conception date is recorded at the U.S. Patent and Trademark Office (PTO) and you can begin publicly disclosing and offering to sell your invention. You are granted a one year time period to test your invention on the market. Before your one-year time period expires, you can determine whether it is worth while to continue with the patent process and file a non-provisional patent application.

Please note, the information provided on this brochure is not intended to substitute for legal advice. We do not intend to create an attorney-client relationship through this brochure. You should speak with a qualified patent attorney to discuss the specific facts of your situation and to determine whether a patent is a suitable choice for your needs. Please feel free to contact our office if you wish to learn more about the patent process.

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WHAT IS A PATENT?

A patent for an invention is the grant of a property right to the inventor, issued by the United States Patent and Trademark Office. Generally, the term of a new patent is 20 years from the date on which the application for the patent was filed in the United States or, in special cases, from the date an earlier related application was filed, subject to the payment of maintenance fees.

It is recommended for an inventor to first have a patent novelty search performed in order to determine whether their invention will likely be patentable. Next, a patent application can be filed on the invention to obtain a filing date and "Patent Pending" status. By filing a patent application, an inventor will preserve the right to publish, disclose, or offer to sell their invention. You should speak with a qualified patent attorney to discuss your business goals.

WHAT IS A TRADEMARK?

A trademark is a word, name, symbol, or device that is used in trade with goods to indicate the source of the goods and to distinguish them from the goods of others. A servicemark is the same as a trademark except that it identifies and distinguishes the source of a service rather than a product. The terms "trademark" and "mark" are commonly used to refer to both trademarks and servicemarks.

Trademark rights may be used to prevent others from using a confusingly similar mark, but not to prevent others from making the same goods or from selling the same goods or services under a clearly different mark. Trademarks which are used in interstate or foreign commerce may be registered with the USPTO.

WHAT IS A COPYRIGHT?

Copyright is a form of protection provided to the authors of "original works of authorship" including literary, dramatic, musical, artistic, and certain other intellectual works, both published and unpublished. The 1976 Copyright Act generally gives the owner of copyright the exclusive right to reproduce the copyrighted work, to prepare derivative works, to distribute copies or phono records of the copyrighted work, to perform the copyrighted work publicly, or to display the copyrighted work publicly.

The copyright protects the form of expression rather than the subject matter of the writing. For example, a description of a machine could be copyrighted, but this would only prevent others from copying the description; it would not prevent others from writing a description of their own or from making and using the machine. Copyrights are registered by the Copyright Office of the Library of Congress.