



## Lesson 1: What is intellectual property?

 45 minutes

### Preparing to teach

- ☒ Post lesson outcomes.
- ☒ Write Patent, Copyright and Trademark on board
- ☒ Create Mystery IP bags.  
(See next page for description of contents of bags.)
- ☒ Make one copy of Handout 1 and 2 and cut into strips for student use.
- ☒ Make one copy of Handouts 1 and 2 for each student.
- ☒ Make one copy of Handouts 3 and 4
- ☒ Make copies of the Further Exploration strategies if necessary. (optional)

### Lesson overview

In this lesson, students focus on the basic building blocks of intellectual property law. They will participate in an interactive strategy and connect intellectual property with everyday life.

### Outcomes

**As a result of this lesson, students will be able to:**

- Identify two public policy reasons to protect intellectual property;
- Define intellectual property vocabulary words and concepts;
- Identify patents, copyrights and trademarks found in everyday experiences;
- Analyze political cartoon about the issue of copyright infringement.

### Quick lesson overview

- Introduce and define concepts
- Use mystery intellectual property bags/build on what students already know
- Use vocabulary strategy
- Choose enrichment strategy for students (optional)

### Handouts

- Handout 1: Get Ready to Raise Your IP IQ! – Words (1 copy per student)
- Handout 2: Get Ready to Raise Your IP IQ! – Answers (1 copy per student)
- Handout 3: Mystery Intellectual Property Bags – Group Worksheet (1 copy per group)
- For Further Exploration – Handout 4: Cartoon Analysis and Handout 5: The Origin of Patent Power (1 copy per student)

### **Mystery intellectual property bags\***

Prepare one bag for every five students in the class. Include in each bag 4–5 common household items that have components that are trademarked, copyrighted, or patented. Ideas for objects: small package of facial tissues, tube of toothpaste, a CD, a shoe, a magazine, a pen, packaged food item, etc.

*\* Special thanks to Marriott International, Inc. for contributing the idea for the mystery bags*

### **Community resource people**

You might want to invite a lawyer specializing in intellectual property law, a corporate lawyer, or someone from your county prosecutor or state Attorney General's Office to serve as a resource person for this lesson. Send a copy of the lesson when confirming the date and location of the class.

### **National standards**

See table on pages 3–4.

## National standards

	U.S. History	Language Arts	Technology	Visual Arts	Science	Music
ePIP lesson	8 <sup>th</sup> grade	K–12	K–12	5–8	5–8	5–8
<b>Lesson 1</b> What is intellectual property?	Evaluate how scientific advances and technological changes such as robotics and the computer revolution affect the economy and the nature of work	Developing research skills	Social, ethical, and human issues	Reflecting upon and assessing the characteristics and merits of their work and the work of others	Science and technology	Understanding relationships between music, the other arts, and disciplines outside the arts
<b>Lesson 2</b> Forged, fake, and phony products	Economic, social, and cultural developments in contemporary United States.	Students use a variety of technological and information resources (e.g., libraries, databases, computer networks, video) to gather and synthesize information and to create and communicate knowledge.	Students understand the ethical, cultural, and societal issues related to technology.	Students compare multiple purposes for creating works of art	Abilities of technological design	Students describe ways in which the principles and subject matter of other disciplines taught in the school are interrelated with those of music (e.g., language arts: issues to be considered in setting texts to music; mathematics: frequency ratios of intervals; sciences: the human hearing process and hazards to hearing; social studies: historical and social events and movements chronicled in or influenced by musical works)

## National standards *(cont.)*

	U.S. History	Language Arts	Technology	Visual Arts	Science	Music
ePIP lesson	8 <sup>th</sup> grade	K–12	K–12	5–8	5–8	5–8
<b>Lesson 3</b> What is fair use?			Students practice responsible use of technology systems, information, and software.	Students analyze contemporary and historic meanings in specific artworks through cultural and aesthetic inquiry	Understandings about science and technology	
<b>Lesson 4</b> What is plagiarism?			Students develop positive attitudes toward technology uses that support lifelong learning, collaboration, personal pursuits, and productivity.	Students describe and compare a variety of individual responses to their own artworks and to artworks from various eras and cultures		

## Lesson plan

### What is intellectual property? (20 minutes)

#### 1

This strategy introduces students to three intellectual property concepts—copyright, patent and trademark.

1. Write the words **copyright**, **patent**, and **trademark** on the board. Ask students to spend a couple of minutes with a partner coming up with examples of each.
2. Ask a few students to list their examples for copyright. Use those examples to draw out a definition:

A copyright is a type of intellectual property protection extended to authors of original, creative, fixed works that gives the owner exclusive rights to the expression of the idea(s). It protects written and artistic expressions. *Examples include:* books, web sites, logos, artwork, commercials, pictorial and sculptural works, photographs, drawings, graphic designs.

3. As you define each of these words and list examples write the definition and one or two examples on the board next to the word.
4. Ask a few students to list examples of patents. Draw out a definition:

A patent is protection for an invention or design, giving the inventor exclusive ownership rights for a period of time.

5. Ask a few students to list examples of trademarks. Draw out a definition:

A trademark is usually a name or symbol that a company uses to identify its products or services. Trademarks can be a word, phrase, symbol, design, sound, color, or smell.

6. Ask if students have any questions about the differences between these three forms of intellectual property.

#### 2

Place students in groups of five. Give the following instructions:

1. Each group will receive a **Mystery Intellectual Property Bag**. Each bag includes several household objects.
2. The groups are to identify anything in the bag that is subject to copyright, patent, or trademark protection.
3. Ask each group to choose a recorder to keep track of their ideas. Tell students they will have 10 minutes.
4. After confirming that everyone understands the instructions, pass out the bags.

5. After 10 minutes, have the groups report out on their findings. Discuss their ideas and the items in each bag. Point out any copyrights, patents, or trademarks they may have missed.

### Vocabulary strategy (20 minutes)

#### 3

This is a strategy for teaching/reviewing the vocabulary concepts and definitions with students:

1. Ask students to stay in their groups for the next part of the lesson and get out their completed homework, **Handout 1**. Remind them to put their names on it.
2. Give students 10 minutes to discuss the vocabulary in their small groups and exchange information and ideas.
3. After 10 minutes—invite groups to take a definition and give their answer. Make sure that every group reports out. Go through the groups again as you move down the list of definitions.
4. Wrap-up and distribute a copy of Handout #3 the answers to all students so that they will have the correct vocabulary and definitions.

### For further exploration (optional)

#### 4

#### Political cartoon analysis

Give each student a copy of **Handout 4: Cartoon Analysis**. Ask students to work in pairs and discuss the cartoon and the questions on the handout. Allow five minutes for the pairs to work. Conduct full class discussion of cartoon and questions.

#### 5

#### The origin of patent power

Give each student a copy of **Handout 5: The Origin of Patent Power**. Ask students to read the materials and answer the questions in preparation for a class discussion.

## Handout 1

### Get Ready to Raise Your IP IQ!

Name: \_\_\_\_\_

#### Instructions

People who work in the area of intellectual property use lots of interesting vocabulary words. Wrap your mind around some of that vocabulary so that you can be ready for the next class. Use the vocabulary words below to fill in the blanks in these definitions.

#### Vocabulary words

©	®
Copyright	Counterfeit
Cybersquatting	Derivative work
Design patent	Domain name
Fair use	Federal law
Goodwill	Intellectual property
Patent	Patent pending
Piracy	Plagiarism
Service mark	Trade name
Trade secret (undisclosed information)	Trademark

#### Definitions

1. A \_\_\_\_\_ is a form of intellectual property that protects the **expression of ideas**. To be protected, the expression of the idea needs to be **original** and be expressed in a form that **allows another person to perceive the expression** either alone or with the help of a machine. Books, movies, newspaper articles, music, web pages, and paintings are all examples of items that may be protected.
2. The term \_\_\_\_\_ refers to a **new work that is based on a pre-existing work** to which enough original creative work has been added so that the new work represents an **original work of authorship**. It must be different enough from the original to be considered a new work. Sequels, translations, and musical arrangements are examples.

3. When someone registers a domain name in **bad faith** because they want to **sell that domain name to its true owner**, that individual is “\_\_\_\_\_.” These people register domain names containing famous trademarks (like Coca-Cola or Pepsi) and then try to sell the domain names to the rightful owners of the mark (such as The Coca-Cola Company or PepsiCo) for a profit.
4. A \_\_\_\_\_ is an **imitation** or **fake product** that is normally made to look like a real product. Counterfeits are made without the authority of the true owner of the intellectual property rights in the products. Common counterfeit products include clothing, watches, DVDs, foods, and pharmaceuticals, but virtually any type of product can be counterfeited.
5. \_\_\_\_\_ is a concept under copyright law that **allows** someone to use a copyrighted work, or part of work, **without permission from the owner of the work**. News reporting, research, and teaching are normally considered fair uses.
6. \_\_\_\_\_ is a **symbol** used in the United States to **give notice that a work is protected by copyright**. This symbol is normally followed by the name of the owner of the copyright and the year of publication. You do not need to own a copyright registration to use this symbol. Anyone who is the owner of the copyrights in an original copyrightable work can use it.
7. A \_\_\_\_\_ is a word, name, symbol, sound, color(s), or device that identifies the **goods** of one manufacturer or source and **distinguishes them from the goods of someone else**. Famous trademarks include Coca-Cola and Pepsi for soda products. \_\_\_\_\_ can be registered and renewed indefinitely provided they are used in commerce.
8. A \_\_\_\_\_ is a word, name, symbol, sound, color(s), or device that identifies the **services** of one service provider and **distinguishes them from the services of someone else**. Famous \_\_\_\_\_ include Google and Yahoo! for computer services. These marks can be registered and renewed indefinitely provided they are used in commerce.
9. Otherwise known as a "**commercial name**", a \_\_\_\_\_ is a name used to identify a person's or entity's business or occupation. They are mostly used for **identification purposes** for things like taxes, licenses, and contracts. They symbolize the reputation of a **business as a whole**, unlike trademarks and service marks which symbolize the reputation of the source for the quality of goods and services.
10. A \_\_\_\_\_ otherwise known as an **internet website address**, is a series of alphanumeric strings separated by periods, such as [washingtonpost.com](http://washingtonpost.com), that identifies one or more addresses for computer network connections on the Internet.



11. \_\_\_\_\_ refers to the **reputation, prestige and renown** of a business and is considered a key ingredient in the success of a business. It is **not tangible** like a business' building or fleet of trucks, but is often just as valuable, or more valuable, than such tangible assets.
12. \_\_\_\_\_ is a **symbol** used in the United States and in other parts of the world to **give notice that a mark is a registered trademark**. In the United States, this symbol indicates that an individual/company has registered the trademark or service mark with the United States Patent and Trademark Office. If you do not own an active trademark or service mark registration, you cannot use this symbol in connection with your mark.
13. A \_\_\_\_\_ gives the person who owns it the **right to stop other people from making, using, or selling the invention** (like a new drug). They are obtained by filing a patent application in the U.S. Patent Office, which examines the application. The U.S. Patent Office grants one of these if the invention is **new, useful, and non-obvious**. If it is granted, it is **valid for up to 20 years from the day the patent application was filed**.
14. A \_\_\_\_\_ gives the person who owns it the **right to stop other people from making, using, or selling articles that copy the appearance of an article** that is shown in the design patent (like the decorations on a sneaker, or the shape of an iPod® brand digital music player). These patents are obtained by filing an application in the U.S. Patent Office, which examines the application. The U.S. Patent Office will grant the patent if the design is **new, original, and ornamental**. If it is granted, it is **valid for 14 years after the day the patent is granted**.
15. \_\_\_\_\_ is a **warning** applied to articles to let everyone know that **an application for a patent or design patent to protect some aspect of the article has been filed in the U.S. Patent Office, but the application has not yet been approved**. Anyone who copies the article should be careful because a patent could cover the article, and any person who copies the article **might infringe the patent** if one is issued.
16. A \_\_\_\_\_ is a formula, process, device, or other **business information that has commercial value** and is kept **confidential** to maintain an **advantage over competitors**. The formula for *Coca-Cola®* is one example of a famous \_\_\_\_\_.
17. \_\_\_\_\_ **refers to copying** of another person's idea or work **and claiming it as your own**.
18. \_\_\_\_\_ is the act of **producing copies** of items designed **to mimic legitimate products** for distribution **without permission** from the owner of the intellectual property rights in the authentic products.
19. \_\_\_\_\_ is the **body of law** created by the Congress of the United States to apply nationally to all matters of interstate commerce and the rights of the people

under the Constitution of the United States. This body of law preempts all other laws that are in conflict.

20. \_\_\_\_\_ refers to **creations of the mind**: inventions, literary and artistic works, confidential information, and symbols, names, images, and designs used in commerce. \_\_\_\_\_ includes patents, trademarks, trade secrets, and copyrights.

## Handout 2

### Answers—Get Ready to Raise Your IP IQ!

Question	Answer
1	Copyright
2	Derivative work
3	Cybersquatting
4	Counterfeit
5	Fair use
6	©
7	Trademark
8	Service mark
9	Trade name
10	Domain name
11	Goodwill
12	®
13	Patent
14	Design patent
15	Patent pending
16	Trade secret (undisclosed information)
17	Plagiarism
18	Piracy
19	Federal law
20	Intellectual property

## Handout 3

### Mystery Intellectual Property Bags—Group Worksheet

Names: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Item	Copyright	Trademark	Patent

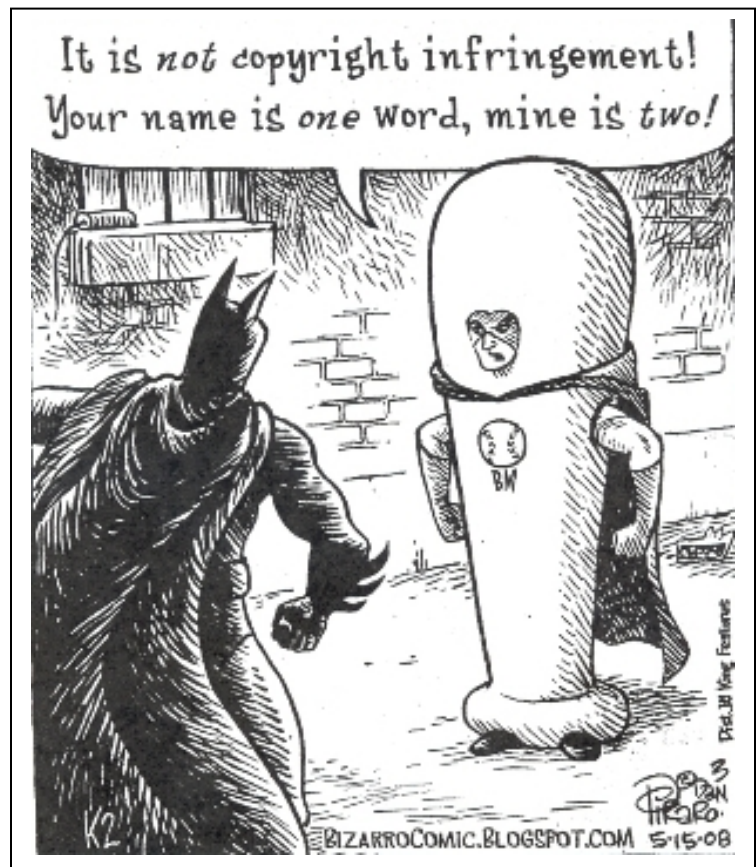
*For further exploration*

## Handout 4

### Cartoon Analysis

1. What do you see in the cartoon? Make a list of the significant things in the cartoon. How are the characters dressed?

2. What are the characters saying to each other?



*Bizarro by Dan Piraro*

3. What is happening in the cartoon? What is copyright infringement?

4. What is the cartoonist's message?

5. Do you agree or disagree with the cartoonist's message? Explain your answer.

*For further exploration*

## **Handout 5**

### **The Origin of Patent Power**

**In 1787, at the Constitutional Convention in Philadelphia, the founders adopted the following language without debate.**

**“The Congress shall have power...To promote the Progress of useful Arts, by securing for limited Times to...and Inventors the exclusive right to their ... discoveries.”** *United States Constitution, Article I, Section 8, Clause 8*

#### **Questions for discussion**

- 1. What part of the U.S. Constitution is this?**
- 2. Why is this section important? How does it fit with the study of intellectual property?**
- 3. What does this section tell us about what the people who wrote the Constitution thought about inventors?**
- 4. What are the three most important things to remember about this section?**