

Exclusive Rights: Patents & Trademarks

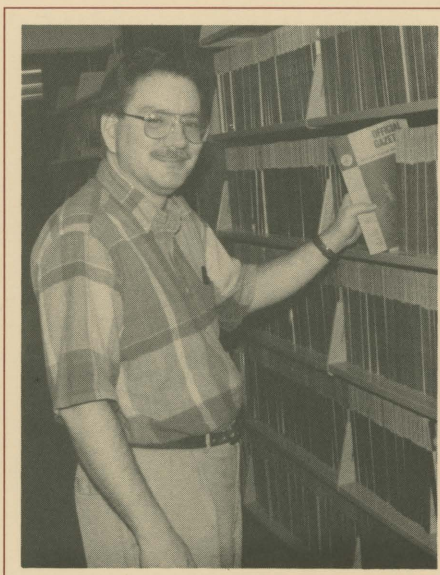
By Michael McDonnell

Two hundred years of history have built a redoubtable and still controversial system by which the Patent and Trademark Office, as authorized by Congress, has been able "To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors exclusive Rights to their respective Writings and Discoveries." (*The Constitution of the United States*, Article 1, Section 8). This brief statement underlies the patent system of the U.S., and means that the individual who holds a patent to a "discovery" has an "exclusive Rights" guarantee. Any individual or organization, other than the holder of the patent, is excluded from making or selling the invention in the United States, or importing the invention into the U.S., for a given period of time, currently 20 years with exceptions. Needless to say, knowledge of what is protected is basic to every scientist, inventor, and researcher who creates a "new" item (including designs and plants) which he or she wishes to protect or produce.

A not unimportant footnote to the matter of protection is found in the area of trademarks. A trademark can be a word, phrase, symbol, or design that uniquely identifies a product or a service. First protected under the patent law of 1870, less than a decade later the Supreme Court declared that registering trademarks was unconstitutional. After one inadequate law, Congress passed a law, in 1905, that provides the essential power to protect corporate identities, trademarks as we know them. Today, three areas of creativity, patents, trademarks, and copyright on literary or musical works, can be registered with and protected by the government.

THE DEPOSITORY LIBRARY SYSTEM

Anyone familiar with U.S. documents has often seen the initials GPO that refer to the Government Printing Office. This Office is the primary printing and information distribution arm of the federal government. For over a century, as part of its responsibilities, the Office has supplied a selected number of libraries with government publications. This dissemination plan was intended to provide all citizens of the country with copies of the actions, regulations and procedures, guidelines, and other data gathered and published through the complex and far-flung agencies of our government. Waldo Library was first designated as a depository in



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1963; one of 1300 such centers in the U.S. Each Congressional district is allowed at least two depository collections. WMU's depository is not a University center; it serves the citizens of Michigan's 6th Congressional District, and/or any citizen of the U.S.

Because of the massive number of GPO publications, most depository libraries limit their selection of what they can receive. However, with respect to the Patent and Trademark Office, the decision has always been made to "get as much as possible" for Waldo Library. Regardless, for many years, due to the limited deposits from that Office, the Libraries did not receive all that it desired. And, until recently, much of it was in microfiche format supplemented by paper. Never did the Libraries receive copies of patents.

To understand that fact of life, one has to know that the PTO runs its own system of depository libraries. Rather than 1300 spread across Congressional districts, there are fewer than 100 that are designated as a Patent and Trademark Office depository. Waldo was not selected as such in 1963, and ever since that date, users who needed detailed information were directed to the large patent depository at the Detroit Public Library. At that library, the Great Lakes Patent and Trademark Center houses a complete collection of U.S. patents and trademarks.

Although not one of the main PTO depositories, Waldo Library has, through the GPO depository program, always received copies of the *Official Gazette of the United States Patent and Trademark Office*. This essential resource is issued weekly in two volumes that describe the patents and trademarks issued that week. Annual indexes provide access to the patentees and the inventions. The "run" held in Waldo's document center dates back, in

either paper or microfilm, to 1872 when it was first published. A second key search tool is the classification schedule for patents. This resource includes definitions of the various classes and an index to the classifications themselves. Without the schedule, no one can effectively search the *Official Gazette*.

PATENT USE IN WALDO LIBRARY

Despite the fact that Waldo does not have the extensive patent and trademark collection found in the Detroit Center, it has always, due to the holdings noted above, had many users. The collection at Waldo also includes many guides to the patent and trademark process that are consulted to begin the process. Patrons who believe that they want to patent a product often know nothing about any part of the procedures. They begin by consulting our texts to learn exactly what must be done. Any individual application must be based on an exacting and accurate search of what already exists; that search can begin at Waldo Library. However, most searches must continue at the Detroit Center where a specially educated staff provide direction to individual patentees and corporate legal offices.

Of interest to some is the fact that many historians are patent searchers. Company and industry histories can be traced through the existing documents. Henry Ford, for example, was awarded 161 patents. Some patrons bring in artifacts with patent numbers printed on them, and then can trace the age of the object or even what it is! Our College of Engineering makes regular assignments to its students to search out the existence of selected areas of research and invention.

NOW WE HAVE IT!

With the advent of CD-ROM technology and the Internet, all of our past practices have been changed. In late 1995, the Patent and Trademark Office opened a web site that allows users to search the last twenty years of patents (<http://patents.uspto.gov/>). Access is by patent classification, patentee, keyword, and a number of other "fields." The end result is a brief synthesis of the patent with reference to the patent number in the *Official Gazette*. A second site for brief records has been established by IBM at <http://www.patents.ibm.com/ibm.html>. This source contains patent records back to 1971, and images back to 1975, but does not have the full text either.

Finally, in 1977, The Patent and Trademark Office began distribution of CD-ROM products through the GPO's

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depository program. For the first time, the full text of new patents became available in Waldo Library. Among the invaluable resources now available on disk are :

Patent Assign that provides access to all the patents of an inventor or assignee (typically the company for which the inventor works) since 1980.

Patent Assist that contains (1) a roster of patent attorneys, (2) the index to the patent classification system, (3) patent classification definitions, and (4) the 6th edition of the *U.S. Patent Classification and International Patent Classification Concordance*.

Patents Classification that allows searching by class and subclass of all patents issued since 1790. With this tool, patrons can find the patent numbers for all patents issued on a specific subject, e.g., bicycle pedals or oil drilling bits. No longer does the user have to search annual indexes; everything on an invention similar to that being researched can be found on one disk. It is also of use to a manufacturer who wants to see if patents have expired or to historians who are checking a particular industry. However, only the number

is provided, and the user must then go back to the *Patent Gazette* to review the actual patent drawing and read a description or, if recent enough, go to one of the web sites noted above.

Trademark resources in Waldo Library are also well-covered. Two trademark disks, active and pending, can be searched. Later this year, the Libraries should receive *USAMARK: Facsimile Images of Registered United States Trademarks*, which will provide reproductions of trademarks from 1884 to the present.

The end result is that the University Libraries at WMU is now able to access far more patent and trademark materials than has ever been possible. These new versions of old resources provide a wonderful resource for the business or organization that wishes to develop a corporate identity; the historian of science and industry; the chemist, engineer, or horticulturist looking for existing solutions to design or production questions; and the inventor/entrepreneur who has found a remarkable new idea that resolves a problem or responds to a need. All are available in the Documents Department, on the second floor of Waldo Library. E-mail or call Michael McDonnell at michael.mcdonnell@wmich.edu or (616) 387-5208.



No. 18, Spring 1998

Gatherings is published triannually by the Friends of the University Libraries, Western Michigan University, Kalamazoo, MI, 49008-5080. Contributors to this issue include: Mary Ann Bowman, Past President, Friends of the University Libraries; Gordon Eriksen, Assistant Professor Emeritus, University Libraries; David Isaacson, Assistant Head, Central Reference Services; Michael McDonnell, Head, Documents & Maps; Patricia Vander Meer, End-User Services Librarian.

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"Laws die, books never."

—Edward Bulwer-Lytton

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