# Topicality

## Strengthen

### Strengthen = More Effective

#### Strengthen means to make more effective

Cambridge Dictionary N/D

Cambridge Dictionary is the most popular dictionary and thesaurus for learners of English. "Strengthen." No publication date. Available here: (https://dictionary.cambridge.org/us/dictionary/english/strengthen) - AP

strengthen verb [ I/T ] US /ˈstreŋk·θən, ˈstreŋ-/ strengthen verb [I/T] (BECOME EFFECTIVE) to become more effective, or to make something more effective: [ T ] Somehow his illness strengthened their marriage and brought them closer together. [ T ] Parents can strengthen ties with their children.

#### Strengthen means to make more effective or powerful

Cambridge Dictionary N/D

Cambridge Dictionary is the most popular dictionary and thesaurus for learners of English. "Strengthen." No publication date. Available here: (https://dictionary.cambridge.org/us/dictionary/english/strengthen) - AP

strengthen

verb

UK /ˈstreŋθən/ US

Add to word list

[ T ]

to make something more effective or powerful: A discussion paper aiming to strengthen the EU's competition regime has been circulated amongst commissioners. Research and development expenses amounted to €76m in the first six months, reflecting the company's desire to further strengthen its technological leadership. Recent efforts have been made to strengthen the role of outside directors. strengthen your position/performance/control Mobile operators need to strengthen their control over revenue and profit. strengthen laws/regulations/mechanisms The Oil Conservation Division is in the process of trying to strengthen regulations over oil waste pits.

### Strengthen = Severity/Power

#### Strengthen means make greater in degree

Merriam-Webster N/D

Merriam-Webster is the oldest dictionary publisher in the United States. Definition of Strengthen. No publication date. Available here: (https://www.merriam-webster.com/thesaurus/strengthen) - AP

as in to enhance to make markedly greater in measure or degree encouraged the boarding school students to strengthen their ties with the community by doing public service

#### Strengthen means to make laws more severe

Collins Dictionary N/D

The Collins English Dictionary is a printed and online dictionary of English. It is published by HarperCollins in Glasgow. Definition of Strengthen. No publication date. Available here: (https://www.collinsdictionary.com/us/dictionary/english/strengthen-protection) - AP

Definition of 'strengthen' strengthen (streŋθən IPA Pronunciation Guide) verb B2 If a government strengthens laws or measures or if they strengthen, they are made more severe.

### Strengthen = More Litigation/Injunctions

#### Strengthen in the context of IP reform requires injunctions become easier to obtain

Tomoshige & Shivakumar 23

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Action 3: Strengthen Patent Enforceability Even if a court finds that a patent has been infringed, it is very difficult for the patent holder to obtain an injunction in the United States. This is because the Supreme Court, in its 2006 decision in eBay Inc. v. MercExchange, L.L.C., decided that injunctions are no longer the default response of the legal system when patent theft is proven. In other words, if a company steals another company's intellectual property and uses that intellectual property to develop a competing business, the infringing company is better off paying the damages awarded in court over the years. The patentee cannot exercise their right to exclude the infringer from the market. Congress should consider restoring the presumption that an injunction is an appropriate remedy when a patent is found to be infringed.

### Strengthen = Expand eligibility, Reduce Litigation, & Invalidate Patents

#### Strengthening IP Protections includes *expanding* eligibility, *reducing* duplicative litigation, and *invalidating* certain patents – prefer this definition because its contextual and rooted in the literature base

Borges & Kersten 23

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The United States has a long tradition of technological innovation, and U.S. inventors and innovators continue to drive the creation of new companies, jobs, and economic growth. Secure intellectual property (IP) rights are essential to spur this innovation. Critically, patents transform ideas into property that can be assigned and protected, allowing small businesses to attract investment and collaborate with other firms with the assurance that their ideas will not be stolen. For this reason, the community of inventors, entrepreneurs, and start-ups repeatedly emphasize the importance of secure IP rights in providing them a path to market entry, growth, and fair participation. However, there are actors who abuse the patent system to eliminate and extort competitors, stifling innovation by preying on start-ups, small businesses, and inventors that often do not have the resources to pursue expensive and time-consuming litigation. Some of the so-called Big Tech firms are known to infringe on patents and rely on large and well-compensated legal teams to drag out litigation and avoid penalties, or simply swallow fines as a cost of doing business. Other observers of the patent system decry “patent trolls,” who purportedly weaponize overly broad patents to extort legitimate businesses by initiating questionable lawsuits. Striking this balance—strengthening IP protections to promote innovation while minimizing the negative effects of bad actors—is central to the debate regarding two bills proposed earlier this year: the Patent Eligibility Restoration Act (PERA) and the Promoting and Respecting Economically Vital American Innovation Leadership (PREVAIL) Act. Combined, the two bills aim to strengthen IP protections by clarifying and expanding patent eligible subject matter, reducing duplicative litigation, and raising the standard for invalidating patents in certain situations. Proponents of the bills claim that they would facilitate the creation of new start-ups while also protecting them from predatory lawsuits. Detractors, however, assert that these bills would empower bad actors and ultimately hurt competition by making it harder to invalidate overly broad and vague patents.

## Protection

### Protection = Preventative

#### Protection is a preventative measure

Collins Dictionary N/D

The Collins English Dictionary is a printed and online dictionary of English. It is published by HarperCollins in Glasgow. Definition of Protection. No publication date. Available here: (https://www.collinsdictionary.com/us/dictionary/english/strengthen-protection) - AP

Definition of 'protection' protection (prətekʃən IPA Pronunciation Guide) variable noun B2 To give or be protection against something unpleasant means to prevent people or things from being harmed or damaged by it.

### Protection = Reactive

#### IP Protection is reactive – rectifying harm imposed *after* an infringement

Ming 21

Cassity Ming is the Marketing Director at SecureDocs, a software security company. Protecting Intellectual Property: Steps to Take Now. Published by SecureDocs on January 12, 2021. Available here: (https://www.securedocs.com/blog/protecting-intellectual-property-steps-to-take-now) - AP

Depending on the form and nature of the IP, companies can apply or register for formal legal protection in one of the following ways: Patent Application Copyright Registration Trademark Registration These processes establish legally enforceable rights that are protected in a primarily reactive manner. Therefore, whether it is stolen, sold, or directly utilized by a competitor, the holder of a copyright or patent may resort to the legal process in order to rectify any harm imposed if or when IP is compromised. While these are requisite means of preserving IP, they are not preventative measures and are unlikely to deter opportunistic thieves or cutthroat competitors from seizing successful companies’ IP.

## Domestic

#### Domestic means originating within ones own country

Merriam-Webster N/D

Merriam-Webster is the oldest dictionary publisher in the United States. Definition of Domestic. No publication date. Available here: (https://www.merriam-webster.com/dictionary/domestic)- AP

: of, relating to, or originating within a country and especially one's own country domestic politics domestic wines domestic manufacturing all debts foreign and domestic

#### Domestic means relating to the household or family

Merriam-Webster N/D

Merriam-Webster is the oldest dictionary publisher in the United States. Definition of Domestic. No publication date. Available here: (https://www.merriam-webster.com/dictionary/domestic)- AP

: of or relating to the household or the family domestic chores domestic happiness

## Copyright

#### Copyright is the exclusive right to reproduce and distribute something

Merriam-Webster N/D

Merriam-Webster is the oldest dictionary publisher in the United States. Definition of Copyright. No publication date. Available here: (<https://www.merriam-webster.com/dictionary/copyright>) - AP

: the exclusive legal right to reproduce, publish, sell, or distribute the matter and form of something (such as a literary, musical, or artistic work) His family still holds the copyright to his songs.

#### Copyright is automatically granted to creators and lasts until 70 years after their death

Kenton 24

Will Kenton is an expert on the economy and investing laws and regulations. He previously held senior editorial roles at Investopedia and Kapitall Wire. "Copyright: Definition, Types, and How It Works." Published by Investopedia, last updated February 17, 2024. Available here: (https://www.investopedia.com/terms/c/copyright.asp) - AP

Copyright refers to the legal right of the owner of intellectual property. In simpler terms, copyright is the right to copy. This means that the original creators of products and anyone they give authorization to are the only ones with the exclusive right to reproduce the work. Copyright law gives creators of original material the exclusive right to further use and duplicate that material for a given amount of time. Once a copyright expires, the copyrighted item becomes public domain. KEY TAKEAWAYS Copyright law protects creators of original material from unauthorized duplication or use. For an original work to be protected by copyright laws, it has to be in tangible form. In the United States, the work of a creator is usually protected by copyright laws until 70 years after their death. Other forms of protection for property that cannot be copyrighted include trademarks and patents. How Copyrighting Works When someone creates a product that is viewed as original and required significant mental activity to create, this product becomes an intellectual property that must be protected from unauthorized duplication. Examples of unique creations include: Novels Art Poetry Musical lyrics and compositions Computer software Graphic designs Film Original architectural designs Website content One safeguard that can be used to legally protect an original creation is copyright. 1 Under copyright law, a work is considered original if the author created it from independent thinking void of duplication. This type of work is known as an Original Work of Authorship (OWA). Anyone with an original work of authorship automatically has the copyright to that work, preventing anyone else from using or replicating it. The copyright can be registered voluntarily by the original owner if they would like to get an upper hand in the legal system if the need arises. 1

## Patent

#### Patent specifically apply to inventions

Merriam-Webster N/D

Merriam-Webster is the oldest dictionary publisher in the United States. Definition of Patent. No publication date. Available here: (https://www.merriam-webster.com/dictionary/patent)- AP

: of, relating to, or concerned with the granting of patents especially for inventions a patent lawyer patent law

#### Patents grant sovereign authority to an inventor and last 20 years past the application date

Kenton 24

Will Kenton is an expert on the economy and investing laws and regulations. He previously held senior editorial roles at Investopedia and Kapitall Wire. "What Is a Patent in Simple Terms? With Examples." Published by Investopedia, last updated May 24, 2024. Available here: (https://www.investopedia.com/terms/p/patent.asp) – AP

What Is a Patent? A patent is the granting of a property right by a sovereign authority to an inventor. This grant provides the inventor exclusive rights to the patented process, design, or invention for a designated period in exchange for a comprehensive disclosure of the invention. They are a form of incorporeal right. Government agencies typically handle and approve applications for patents. In the United States, the U.S. Patent and Trademark Office (USPTO), which is part of the Department of Commerce, handles applications and grants approvals. KEY TAKEAWAYS A patent is the granting of a property right by a sovereign authority to an inventor. A patent provides the inventor exclusive rights to the patented process, design, or invention for a certain period in exchange for a complete disclosure of the invention. In June of 2018, the U.S. Patent and Trademark Office issued its 10 millionth patent. Utility patents are the most common patent issued in the United States, accounting for 90% of all issued patents. Utility and plant patents are granted for 20 years, whereas design patents are granted for either 14 or 15 years, depending on when filed. Understanding Patents Most patents are valid for 20 years in the U.S. from the date the application was filed with the USPTO, although there are circumstances where exceptions are made to extend a patent's term. U.S. patents are only valid in the United States and U.S. Territories. If seeking protection outside of the United States, it is important to research the intellectual property rights of other nations and apply for protection with their governing authorities. According to the United States Code, a patent can be granted to: Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof....1

#### Patents must be either Utility Patents, Design Patents, or Plant Patents

Kenton 24

Will Kenton is an expert on the economy and investing laws and regulations. He previously held senior editorial roles at Investopedia and Kapitall Wire. "What Is a Patent in Simple Terms? With Examples." Published by Investopedia, last updated May 24, 2024. Available here: (https://www.investopedia.com/terms/p/patent.asp) – AP

Types of Patents There are three types of patents available in the United States: utility patents, design patents, and plant patents. Each has its own specifications and durations. A patent can also be pending, indicating that the inventor has begun applying for a patent. Utility Patents Utility patents, or patents for invention, issue legal protection to people who invent a new and useful process, an article of manufacture, a machine, or a composition of matter. Utility patents are the most common type of patent, with more than 90% of patents issued by the U.S. government belonging to this category.2 A utility patent lasts for 20 years from the date of filing as long as maintenance fees are paid.3 Maintenance fees are surcharges applied to utility patent applications filed after Dec. 12, 1980.4 Design Patents Design patents are patents issued for original, new, and ornamental designs for manufactured products. Design patents protect the design or look of something. They require the invention to which the design belongs to be original.5 Design patents last for 15 years for applications filed on or after May 13, 2015. For applications filed before May 13, 2015, patents last for 14 years from the date of the filing. Maintenance fees do not apply to design patents.6 Plant Patents Plant patents go to anyone who produces, discovers, and invents a new kind of plant capable of reproduction. These patents are granted for 20 years from the date of filing and no maintenance fees apply.6 Patents provide an incentive for companies or individuals to continue developing innovative products or services without the fear of infringement. For example, large pharmaceutical companies can spend billions of dollars on research and development. Without patents, their drugs and medicines could be duplicated and sold by companies that didn't research or invest the needed capital for R&D. In other words, patents protect the intellectual property of companies to help their profitability. However, patents also serve as bragging rights for companies demonstrating their innovativeness.

#### Patent means open to public inspection

Merriam-Webster N/D

Merriam-Webster is the oldest dictionary publisher in the United States. Definition of Patent. No publication date. Available here: (https://www.merriam-webster.com/dictionary/patent)- AP

open to public inspection —used chiefly in the phrase letters patent

## Trademark

#### Trademarks protect logos, slogans, and brand names and last indefinitely as long as there is continuous lawful use of the trademark

Tardi 24

Carla Tardi is a technical editor and digital content producer with 25+ years of experience at top-tier investment banks and money-management firms. "Trademark: Definition, What It Protects, Symbols & Examples." Published by Investopedia, last updated July 25, 2024. Available here: (https://www.investopedia.com/terms/t/trademark.asp) - AP

A trademark is a recognizable insignia, phrase, word, or symbol that denotes a specific product and legally differentiates it from all others of its kind. A trademark exclusively identifies a product as belonging to a particular company and recognizes the company's ownership of the brand. Trademarks are considered a form of intellectual property. KEY TAKEAWAYS A trademark is an easily recognizable symbol, phrase, or word that denotes a specific product. It legally differentiates a product or service from all others of its kind and recognizes the source company's ownership of the brand. Trademarks may or may not be registered and are denoted by the ® and ™ symbols respectively. Although trademarks do not expire, their owners must make regular use of them in order to receive the protections associated with them.1 Understanding Trademarks Trademarks not only help distinguish products within the legal and business systems, but—just as significantly—with consumers. They are used to identify and protect words and design elements that identify the source, owner, or developer of a product or service. They can be corporate logos, slogans, or the brand name of a product. Similar to a trademark, a service mark identifies and distinguishes the source of a service rather than a physical product, although the term trademark is often used to refer to both trademarks and service marks. Using a trademark is intended to prevent others from using a company's or an individual's products or services without their permission. Trademark laws also prohibit any marks that have a likelihood of confusion with an existing one. This means that a business cannot use a symbol or brand name if it looks or sounds similar, or has a similar meaning to one that's already on the books—especially if the products or services are related. For instance, a soft drink company can't legally use a symbol that looks like that of Coca-Cola and it can't use a name that sounds like Coke. Trademarks in the United States can be registered through the United States Patent and Trademark Office (USPTO) and identified with the ® symbol.2 But trademarks don't have to be registered in order to protect the owner's rights. Unregistered trademarks can be recognized with the ™ symbol. By using this symbol, the trademark owner indicates they are using common law to protect their interests.3 The laws governing trademarks never expire. This means the holder has the right to the trademark for the life of the product or service. But there are certain exceptions. The user is required to make continuous, lawful use of the trademark in order to take advantage of trademark laws. So a company or individual must regularly manufacture, produce, market, and sell a product with a particular trademark in order for the trademark law to be enforceable. This can be done every five years by filing a section 8 declaration through the USPTO. Failure to file this can result in the loss of registration.14

#### Trademark protects words, names, symbols, and/or designs

Wex N/D

Wex is a free legal dictionary and encyclopedia sponsored by the Legal Information Institute at Cornell Law School. “trademark.” No publication date. Available here: (<https://www.law.cornell.edu/wex/trademark>) - AP

A trademark is any word, name, symbol, or design, or any combination thereof, used in commerce to identify and distinguish the goods of one manufacturer or seller from those of another and to indicate the source of the goods. See 15 U.S.C. § 1127.