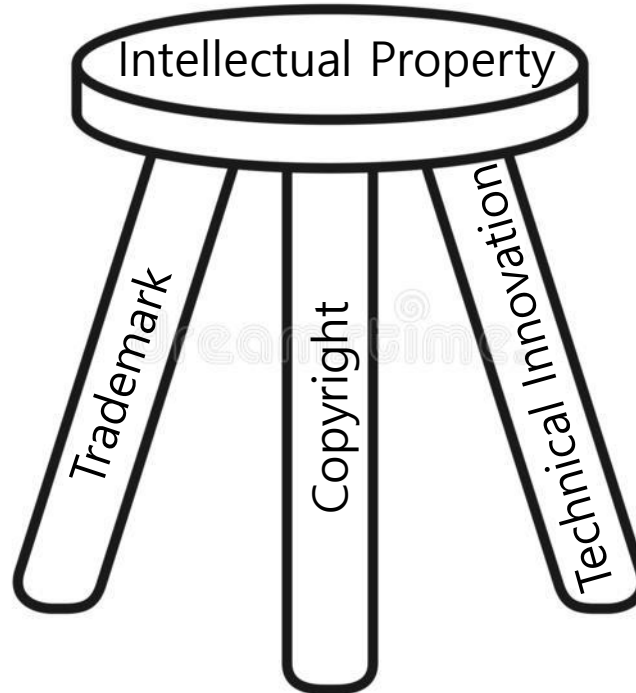


# Demystifying Intellectual Property



Aziz Makhani  
Aug 18, 2022

# Story of Tia Maria's Mexican Restaurant



Established Restaurant in AR  
Created Logo, Sign, Menu  
Launched Website  
Created Menu

Established Second Restaurant in LA  
Created custom tortillas, chips and salsa  
Created packaging  
Created a jingle ad campaign  
Created customer database, employee manual, policies and procedure manual

Established Third Restaurant in OK

May 2015

Jun 2018

May 2020

# Story of Tia Maria's Competitor



Established Restaurant in Central Oregon  
Created Logo  
Created Sign  
Created Menu

Established Second Restaurant in Portland  
Established Third Restaurant in Vancouver  
Created custom tortillas, chips and salsa  
Created packaging

Jun 2017

Jun 2019

Oct 2020

# How would you advise Tia Maria? 1 of 3

When?	What?	How?	Where?	How much?
2018	Add Unregistered Trademark	Tia Maria's™	Self administered	No cost
2019	Add Registered Trademark	Apply for Trademark – add Tia Maria's <sup>R</sup> when registered	<a href="https://www.uspto.gov/trademarks/apply">https://www.uspto.gov/trademarks/apply</a> <a href="https://youtu.be/4f3QrjefXWU">https://youtu.be/4f3QrjefXWU</a>	<u>\$250 per class of goods/services</u> Or, <u>\$350 per class of goods/services</u>
2019	Menu Design/Layout Copyright/photos	Apply for copyright	<a href="https://www.copyright.gov/registration/">https://www.copyright.gov/registration/</a>	\$65 for basic claims
2019	Marketing material/videos	Apply for copyright	<a href="https://www.copyright.gov/registration/">https://www.copyright.gov/registration/</a>	\$65 for basic claims

# How would you advise Tia Maria? 2 of 3

2019	Marketing material/videos	Apply for copyright	<a href="https://www.copyright.gov/registration/">https://www.copyright.gov/registration/</a>	\$65 for basic claims
2019	Trademark “collateral” product names	Apply for Trademark – add <sup>R</sup> when registered	<a href="https://www.uspto.gov/trademarks/apply">https://www.uspto.gov/trademarks/apply</a> <a href="https://youtu.be/4f3QrjefXWU">https://youtu.be/4f3QrjefXWU</a>	<a href="#">\$250 per class of goods/services</a> Or, <a href="#">\$350 per class of goods/services</a>
2019	Architectural Design of the store	Apply for copyright	<a href="https://www.copyright.gov/registration/">https://www.copyright.gov/registration/</a>	\$65 for basic claims

# How would you advise Tia Maria? 3 of 3

When?	What?	How?	Where?	How much?
2019	Trade secrets: <ul style="list-style-type: none"><li>• Recipes</li><li>• Customer lists</li><li>• Vendor lists</li><li>• Specific manner of food preparation</li></ul>	<ul style="list-style-type: none"><li>• Show no one/only “trusted” employees how to create it</li><li>• Refuse to write anything down</li><li>• Promote it as your unique creation</li></ul>	Self administered	No cost
2019	Lawsuit against competition: cease or desist			

# How long are registered protections good for?

## 1 of 2

What?	How long?	What to do next?	Additional considerations	How much?
Trademark	Lasts 10 years from the date of registration	10-year renewal terms	File an affidavit between the fifth and sixth year after the registration date to state that the mark is still in use.	\$525 per class
Copyrights	As a general rule, Copyright protection lasts for the life of the author plus an additional 70 years	Not subject to renewal registration		

# How long are registered protections good for?

## 2 of 2

What?	How long?	What to do next?	Additional considerations	How much?
Patents	<p>Assuming required maintenance fee:</p> <p>20 years from date of filing for utility patents</p> <p>14 years from date of issuance for design patents</p> <p>17 years from date of issuance for plant patents</p>	Pay maintenance fee at 3.5, 7.5 and 11.5 years		<p>\$1,600 for large entities</p> <p>\$800/\$00 small/micro entities at 3-3.5 years</p> <p>\$3,600 at 7-7.5 years</p>



# Resources – 1 of 2

- Can a restaurant menu be copyrighted? [YT Video](#)
- Copyright Office Fees – Circular 4; [website](#)
- “Basic Facts About Trademarks” [PDF Booklet](#)
- [Trademark videos](#)
- [Trademarks-Restaurants-20210719.pdf](#)

# Resources – 2 of 2

- [Basic Patent Guide PDF](#)
- [Law School Clinic Certification Program](#)
- [USPTO Finding a patent practitioner](#)
- [Quick Links for Subway Trademarks](#)
- [7 Steps to Protecting Your Trade Secrets - USPTO](#)

# Questions?



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Serving Asotin, Garfield and Whitman Counties