



УНІВЕРСИТЕТ імені АЛЬФРЕДА НОБЕЛЯ

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**Англійська мова**  
**професійного спрямування**  
***Інтелектуальна власність***

**Навчальний посібник**

За редакцією доктора педагогічних наук  
професора *О.Б. Тарнопольського*

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Метою навчального посібника є формування та розвиток у студен-  
тів усіх спеціальностей англомовної комунікативної компетенції за темою  
«Інтелектуальна власність».

Посібник складається з двох частин. У першій частині подано ав-  
тентичні тексти за темою «Інтелектуальна власність», завдання до текстів  
як для самостійної, так і для парної та групової роботи.

Друга частина посібника містить тестові завдання, призначені для  
перевірки граматичного та лексичного матеріалу, а також для розвитку  
загальної мовленнєвої компетенції студентів.

Посібник може бути використаний для навчання професійно-орі-  
єнтованої англійської мови майбутніх юристів, економістів, маркетоло-  
гів, прикладних лінгвістів, а також спеціалістів інших гуманітарних і тех-  
нічних спеціальностей, професійна діяльність яких може бути пов'язана з  
розв'язанням питань щодо інтелектуальної власності.

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# ЗМІСТ

<b>Передмова</b> .....	4
<b>Text Bank</b> .....	5
Part 1 .....	5
Part 2 .....	14
Part 3 .....	16
Part 4 .....	18
Part 5 .....	24
Part 6 .....	26
Part 7 .....	28
Part 8 .....	33
<b>Test Bank</b> .....	38
Test 1.....	38
Test 2.....	43
Test 3.....	47
Test 4.....	51
Test 5.....	55
<b>Review Test 1</b> .....	59
<b>Review Test 2</b> .....	63
<b>Answer Key</b> .....	67

## Передмова

Цей посібник є частиною навчального комплексу, призначеного для вивчення англійської мови студентами усіх спеціальностей.

Інтелектуальна власність являє собою один з найбільш значущих інститутів і разом з тим є досить гострою проблемою сучасного світового суспільного розвитку у зв'язку з високим рівнем незаконного використання охоронюваних правом результатів інтелектуальної людської діяльності. Крім того, право інтелектуальної власності має ряд істотних особливостей: застосування не тільки норм національного права, але й норм міжнародного права. Таким чином, всебічний аналіз «інтелектуальної власності» вимагає знань і володіння необхідною міжнародною термінологією, яка дозволить розібратися в непростих юридичних питаннях авторського права, патентного права, суміжного права та ін., а також професійно викладати і відстоювати англійською мовою свою позицію з питань захисту прав інтелектуальної власності.

Посібник розроблено з урахуванням змісту дисциплін «Поглиблене вивчення іноземної мови», «Іноземна мова» та «Іноземна мова за професійним спрямуванням» і призначено для студентів юридичних та неюридичних спеціальностей. Він слугує для вдосконалення навичок та вмінь англомовного мовлення у поєднанні з вивченням конкретного матеріалу з галузі інтелектуальної власності з урахуванням світових практик.

Посібник складається з 2 частин: банку текстів і блоку тестів у межах теми «Інтелектуальна власність», зміст яких відображає традиційні інститути права інтелектуальної власності.

У посібнику наведено автентичні англомовні тексти з галузі захисту прав інтелектуальної власності, які є основними комунікативно-дидактичними одиницями навчальної діяльності.

Посібник забезпечено ключами до тестів.

Зміст лексичного і граматичного матеріалу відповідає вимогам програми англійської мови для гуманітарних факультетів університетів.

Автори висловлюють щире подяку рецензентам за допомогу, доброзичливе ставлення і високу оцінку роботи, їхні поради і рекомендації.

# TEXT BANK

## Part 1

### PRE-READING SECTION

**Before reading and translating the texts, work with the lexical minimum of the text bank.**

#### Exercise 1

**Translate the following words and word combinations. Use the dictionary if it is necessary.**

- 1) інтелектуальна власність –
- 2) розум людини –
- 3) творіння –
- 4) творіння людського розуму –
- 5) винахідник –
- 6) винахід –
- 7) встановлений термін –
- 8) ексклюзивні права –
- 9) надавати ексклюзивні права –
- 10) авторське право –
- 11) патент –
- 12) патентоспроможний винахід (тобто винахід, який згідно з певними характеристиками може бути запатентовано) –
- 13) надавати франчайзинг –
- 14) надавати ліцензію –
- 15) промислові зразки –
- 16) топологія (креслення) інтегральних схем –
- 17) матеріальна форма –
- 18) нематеріальна форма –
- 19) інвестувати/вкладати гроші –
- 20) співпрацювати з –
- 21) відновлювати/продовжувати –
- 22) відновлення /продовження (строку дії контракту, патенту тощо) –
- 23) щорічні оплата за продовження (строку дії) –
- 24) географічне зазначення –

- 25) особлива якість –  
26) особливе місце розташування –

### Exercise 2

Some of these phrases can have two variants of translation. In the texts below, find the English equivalents to the given Ukrainian words and word combinations. Compare your variant with the variant of translation in the texts. Correct your translation, if it is necessary.

#### Example.

“Розум людини” you translate as “human intelligence” then in the text you find the English equivalent “human mind”, it means that the Ukrainian phrase has two variants of translation. Thus,

*розум людини – human intelligence or  
human mind*

*варіант перекладу “human brain” є неправильним, оскільки англійське слово “brain” перекладається на українську мову як «мозок».*

## READING SECTION

### Exercise 3

There are six texts concerning different aspects of Intellectual property below. Read the texts and translate them into Ukrainian. Use your translation that you have already done in exercises 1 and 2.

**What is Intellectual Property and what are the different types of it?**

Intellectual Property (IP) refers to creation of human mind for which exclusive rights are recognized. Innovators, artistes and business owners are granted certain exclusive rights to a variety of intangible assets for a specified duration, for example:

- business owners are granted exclusive rights on the use of their trademarks and geographical indications which were established by them;
- creative artistes are granted copyrights on musical, literary, dramatic and artistic works for their creations;

– innovators are granted protection for their patents, industrial designs, trade secrets, and layout-designs of integrated circuits for their innovations.

IP is an intangible asset to a company. It gives business partners and financial institutions the confidence to invest in or collaborate with the organisation.

In addition to protecting their creation, business owners can maximise the value of their IPs in many ways. They can franchise, license out or transact their IP.

**Useful vocabulary:**

**be recognized** – визнаються

**be granted** – надаються

**intangible assets** – нематеріальні активи

**tangible assets** – нематеріальні активи

**What is a patent?**

A patent is a right granted to the owner of an invention that prevents others from making, using, importing or selling the invention without his permission.

A patentable invention can be a product or a process that gives a new technical solution to a problem. It can also be a new method of doing things, the composition of a new product, or a technical improvement on how certain objects work.

According to the term of the Patent Law a patent is granted for 20 years from the Date of Filing Once it is granted, the inventor should pay annual renewal fees.

**Useful vocabulary:**

**to prevent others** – не дозволяти іншим

**the Date of Filing** – дата подання заявки

**to pay annual renewal fees** – сплачувати щорічні платежі за поновлення захисту

**What is a trade mark?**

A trade mark is a sign that you can use to distinguish your business' goods or services from those of other traders.

A trade mark can be represented graphically in the form of your company's logo or a signature.

Through a registered trade mark, you can protect your brand (or "mark") by restricting other people from using its name or logo.

Once acquired, a trade mark can last indefinitely as long as you renew it every 10 years. Because a registered trade mark is a form of IP, you can license or assign it to others.

### **Useful vocabulary:**

**to distinguish** – розрізняти

**to restrict** – обмежити

**once acquired** - після придбання

**to assign** – призначати, передавати

### **What is copyright?**

Copyright is a set of rights belonging to the author, or his/her successors as a result of the creation and use of works of literature, science or art.

It is also a collection of legal rules governing relations arising from the creation and use of works of literature, art and science.

#### **What is protected by copyright?**

Copyright protects the expression of ideas (e.g. words and illustrations). Ideas alone are not protected.

The following may be protected under copyright law:

- literary works (e.g., written works, source codes of computer programs);
- dramatic works (e.g., scripts for films and dramas, plays);
- musical works (e.g., melodies, sheet music);
- artistic works (e.g., paintings, photographs);
- published editions of the above works;
- sound recordings;
- films;
- television and radio broadcasts;
- cable programmes;
- computer programs;
- performances.

Generally, the author of a copyright work has the right to reproduce, publish, perform, communicate and adapt his work. These exclu-



sive rights form the bundle of rights that we call copyright and enable the owner to control the commercial exploitation of his work.

What is not protected by copyright?

Subject matter not protected by copyright include:

- ideas or concepts, discoveries, procedures, methods, works or other subject matter that have not been made in a tangible form in a recording or writing;
- subject matter that is not of original authorship.

**Useful vocabulary:**

**copyright** – авторське право

**be protected under** – бути захищеним чимось

**subject matter** – предмет, річ, ідея, інформація

**a tangible form** – матеріальна форма

**What are integrated circuits?**

Integrated circuits commonly known as “chips” or “micro-chips” – are the electronic circuits in which all the components (transistors, diodes and resistors) have been assembled in a certain order on the surface of a thin semiconductor material (usually silicon).

In modern technology, integrated circuits are essential elements for a wide range of electrical products, including articles of everyday use, such as watches, television sets, washing machines, and cars, as well as sophisticated computers, smart phones, and other digital devices. Developing innovative layout designs of integrated circuits is essential for the production of ever-smaller digital devices with more functions.

While the creation of a new layout-design is usually the result of an enormous investment, both in financial terms and in terms of the time required from highly qualified experts, the copying of such a layout-design may cost only a fraction of the original investment. In order to prevent unauthorized copying of layout designs and to provide incentives for investing in this field, the layout design (topography) of integrated circuits is protected under a sui generis intellectual property system.

**Useful vocabulary:**

**a layout-design** – макет-дизайн, креслення

**an integrated circuit** – інтегральна схема

**a fraction** – доля, частка

**to provide incentives** – створення стимулів

### What is a geographical indication?

A geographical indication (GI) is a sign that identifies a product as originating from a particular location which gives that product a special quality or reputation or other characteristic. Well-known examples of GIs include Bordeaux (wine), Darjeeling (tea) and Tuscany (olive oil).

#### Useful vocabulary:

**geographical indication** – географічне зазначення  
**to originate from** – походити з

(the first four texts are retrieved and modified from the Internet at <https://www.ipos.gov.sg/AboutIP> as of 15 August of 2017; the fifth and the sixth texts are retrieved and modified from the Internet at [http://www.wipo.int/patents/en/topics/integrated\\_circuits.htm](http://www.wipo.int/patents/en/topics/integrated_circuits.htm) as of 15 August of 2017)

## AFTER READING SECTION

### Exercise 4

**After the text reading and translation do the following tasks:**

**1) transform the questions given below from direct questions into indirect ones;**

*We use indirect questions to be more polite. Indirect questions usually start with such phrases as: Could you tell me ... ? Do you know ... ? Can you explain .. ? I wonder if ... ?*

### Example

**Direct question:** *Patentable invention. What does it mean?*

**Indirect question:**

*Would you be so kind to explain what patentable invention means?*

**or** *I wonder what the difference between a patent and a trademark is?*

1. What subjects are under IP?
2. What is the difference between a patent and a trademark?
3. What is the difference between tangible and intangible assets?
4. What kinds of things can be protected by copyrights?
5. What is geographical identification? Give examples.
6. What reasons can you name for ensuring intellectual property protection?
7. Does an invention have to exist to be protected?

8. What is the difference between the expressions *authors' rights* and *copyrights*?

9. How the public is made aware that an invention is protected?

### **Role play**

2) **work in pairs or in small groups of three or four. Choose an expert in the field of IP among the students of your group and ask him/her the questions transformed in task 1 (you can also ask any other questions concerning the information in the texts you have read about Intellectual property).**

### **Exercise 5**

## **PRE-READING SECTION**

**Read attentively the definitions and try to understand the difference between *duties, rights and obligations*.**

*A right* is created by statute or by international treaty.

*A duty* is imposed to comply with terms of the statute or an international treaty.

*An obligation* arises by virtue of the requirement to adhere to the statute or treaty terms and to enforce it.

### **Useful vocabulary:**

**to be imposed** – накладатися

**to comply with terms** – дотримуватися умов

**by virtue of the requirement** – через необхідність

## **READING SECTION**

**Read the extract and check your guesses.**

### **Duties of an Employee**

An employee has a moral obligation to be loyal to his employer, do the job he is paid to do to the best of his ability, and apply his knowledge and skills to meet the objectives set out for him. For example, the duty of a bookkeeper is to ensure that a company's financial records are accurate and up to date. When an employee wants to resign from a job, he has a duty to give adequate notice to his employer to avoid disrupting

the business. Moral obligations of an employee extend to interactions with coworkers and customers as well. He should treat colleagues and customers with respect and consideration. An employee also has a duty to maintain professional ethics in his business relationships.

### **Obligations of an Employee**

An employee is legally bound to fulfill his end of contractual obligations to a business. If he signs a contract to work for a certain number of years, for example, he is obligated to fulfill the terms of the contract. If he signs a contract preventing him from sharing company secrets or intellectual property with others outside the company, he must uphold that obligation as well. He is also obligated to perform his job without breaking laws. An employer has a right to institute legal proceedings when his employee violates his legal obligations.

(the text is retrieved and modified from the Internet at [http://www.wipo.int/patents/en/topics/integrated\\_circuits.htm](http://www.wipo.int/patents/en/topics/integrated_circuits.htm) as of 15 August of 2017)

## **AFTER READING SECTION**

**Work in pairs. Tell each other what you have known from the extract.**

### **Exercise 6**

## **PRE-READING SECTION**

**Decide whether these terms relate to industrial property or copyright.**

licence	patent	performance	register	infringement
layout designs	reproduction	translation	trademarks	
commercial names	disclosure	designations		

## **READING SECTION**

**Read the extract and check your answers and understanding.**

The division of intellectual property into two distinct legal categories, namely industrial property and copyright, results in different rights, duties and obligations, giving rise to varying degrees of protection and enforcement.

Industrial property, in broad terms, protects inventions and includes patents to protect inventions and industrial designs. In addition,

it covers trademarks service marks layout designs of integrated circuits, commercial names and designations, as well as geographical indications and protection against unfair competition.

Copyright, also known as authors' rights in most European languages, relates to artistic creations, such as books, music, paintings and sculptures, and films and technology-based works, such as computer programs and electronic databases. While the expression copyright refers to the main act, that act is the making of copies of the work, whereas the expression authors rights relates to the creator of the artistic work, namely its author. The author has certain specific rights in his creation which only he can exercise, such as the right to prohibit or authorize its reproduction, distribution, performance, communication to the public, translation or adaption, and these are recognized in most laws. Other rights, such as the right to make copies, can be exercised by other persons where permission or a license has been obtained from the author. A created work is regarded as protected as soon as it comes into existence. Copyright ensures the protection of the authors' rights and provides remedies for the author in the event of any infringement.

(the text is retrieved and modified from the Internet at [http://www.wipo.int/patents/en/topics/integrated\\_circuits.htm](http://www.wipo.int/patents/en/topics/integrated_circuits.htm) as of 15 August of 2017)

### **AFTER READING SECTION**

**Work in pairs. Tell each other what you have known from the extract.**

## Part 2

**First, translate the texts into English in the written form then do back translation into Ukrainian orally from your variant of English written translation. Use dictionaries, vocabulary and texts from part A.**

**Інтелектуальна власність** – це результат творчої діяльності людини: винаходи у всіх галузях людської діяльності, корисні моделі, промислові зразки, знаки для товарів та послуг, знаки обслуговування, фірмові знаки, комерційні позначення, інформаційна продукція, селекційні досягнення тощо.

**Інтелектуальна власність** – це твори людської свідомості, для яких визнані виключні права. Новаторам, виконавцям та власникам бізнесу надаються певні ексклюзивні права на різні нематеріальні активи на певний час.

**Об'єктами інтелектуальної власності** можуть бути наукові теорії, математичні методи, плани, комп'ютерні програми, художні твори тощо. Окремі об'єкти ІВ підтверджуються патентами, інші, такі як наукові праці, твори мистецтва, захищені нормами авторського права.

**Патент** – документ, що засвідчує авторство на винахід та виключне право на використання його протягом певного строку.

Відповідно до Патентного права, патент надається на 20 років з дати подання заявки. Після отримання патенту винахідник повинен сплачувати щорічну плату за поновлення захисту.

Знак для товарів і послуг, також товарний знак, **торгова марка, торговельна марка**, (англ. trademark) — позначення, знак за яким товари та послуги одних осіб відрізняються від товарів та послуг інших осіб. Такими позначеннями можуть бути слова, цифри, зображувальні елементи, комбінації кольорів.

**Авторське право** — це сукупність **прав**, які належать автору, або його правонаступникам у зв'язку зі створенням і використанням твору літератури, науки чи мистецтва. Це також сукупність правових норм, які регулюють відносини, що виникають внаслідок створення і використання творів літератури, мистецтва і науки.

Авторське право захищає вираження ідей (наприклад, слів та ілюстрацій). Самі ідеї не захищаються.

**ІНТЕГРАЛЬНА СХЕМА** – електронний прилад, який складається з багатьох мініатюрних транзисторів та інших елементів схеми, об'єднаних у моноблок (чип).

**Інтегральні мікросхеми**, широко відомі як «мікросхеми» або «мікрочіпи», – це електронні схеми, в яких всі компоненти (транзистори, діоди та резистори) зібрані в певному порядку на поверхні тонкого напівпровідникового матеріалу (як правило, кремнію).

Роберт Нойс (1927–1990) і Джек С. Кілбі (1923) однаковою мірою вважаються авторами головного винаходу століття інформаційних технологій. Не знаючи один одного, вони вирішили проблему мінімізації дискретних елементів монтажної плати комп'ютера та перенесення їх на пластину з кремнію (Нойс) і германію (Кілбі). Це значно збільшило продуктивність комп'ютера й одночасно скоротило його вартість. Інтегральна схема, як і раніше, залишається ключовим досягненням ери електроніки.

**Географічне зазначення походження товару** – назва географічного місця, яка використовується для позначення товару, що походить із цього географічного місця та має певні якості, репутацію або інші характеристики, в основному зумовлені характерними для даного географічного місця природними умовами чи людським фактором або поєднанням цих природних умов і людського фактора, наприклад: «Миргородська» мінеральна вода, «Боржомі» мінеральна вода, швейцарський сир, бургундське вино, грузинське вино, бразильська кава.

До географічних зазначень можуть бути віднесені також графічні зображення, які асоціюються у свідомості споживача з певним місцем. Наприклад, зображення Ейфелевої вежі – з Парижем, Золотих воріт – з Києвом.

(the text is retrieved and modified from the Internet at

[http://pidruchniki.com/10810806/investuvannya/intelektualni\\_investitsiyi](http://pidruchniki.com/10810806/investuvannya/intelektualni_investitsiyi)  
as of 15 August of 2017)

## Part 3

### USE OF ENGLISH

**Read the texts and fill in the word that best fits each gap. Use only ONE WORD in each gap.**

*Missing words can be articles, pronouns, auxiliary verbs, set phrases and word collocations, linking words or phrases such as “moreover, however, thus, who, which, that etc.”*

#### **What is a trade secret, and how is it related to confidential information?**

A trade secret is information that is important 1) ... the business or company and is not known 2) ... the public. It is a term often used to cover information that 3) ... commercial value. A trade secret 4) ... include, for example, a method or technique that would give a business or company an edge 5) ... its competitors.

The law on the protection 6) ... confidential information protects ideas and information not in the public domain, including trade secrets. Thus, the law 7) ... trade secrets is really about the protection of confidential information.

8) ... the law, such information is protected 9) ... a secret from everyone except certain key individuals within the business or company. 10) ... someone reveals this secret information to others, especially if he is aware that it is a secret, legal action can be taken against him.

#### **Protection of trade secrets**

No registration procedures 11) ... involved for protection of a trade secret, and there is no specified time limit 12) ... which the secret may be protected. When a trade secret is leaked 13) ... , this breach of confidence is an action that 14) ... be taken in court, as this leak of the secret is unfair to the business/company, and may 15) ... harmful consequences.

16) ... , not all information can be considered a trade secret. The court will consider the following when determining whether there has been a breach of confidence:

- the information was confidential to the business/company;
- the information has 17) ... revealed in breach of a promise of confidence;



- the information was used in an improper 18) ... that has resulted in financial damage to the business/company.

#### How to protect trade secrets

The following are some useful pointers 19) ... protecting the confidentiality of information:

- limit the number of people 20) ... can access such confidential information;
- have employees sign non-disclosure agreements, which provide that they 21) ... to maintain confidential specific information that is disclosed to them;
- ensure that 22) ... individuals who come into contact with the business or company, 23) ... as consultants and vendors, sign non-disclosure agreements;
- keep a clear record of all business deals 24) ... may contain any confidential information.

## Part 4

### READING SECTION

**Students are divided into three groups. Each group read and understand in all details one of the three texts about intellectual property in different countries. One group read Text A, the other group read Text B, the third one read Text C. Students can also use the Internet for additional information. They are also allowed to discuss variants of translation.**

#### **Text A. Intellectual property in Ukraine**

During the recent years **Ukraine** is strictly and continuously stands on the way of commercial and business development, integration with European Community and other progressive countries of the World and of course on the way of cooperation and collaboration with numerous business communities of the World.

At the moment Ukraine already has rather workable and progressive legislative regulations covering main aspects of business activity and property relationships. It has rather extensive regulations covering incorporation of business entities in Ukraine, various property relationships in Ukraine (including the real estate and land issues), the wide network of double taxation conveniences, treaties and agreements and accordingly can be considered as rather good country for the foreign investments.

Considering all the above, the principal point for further commercial development of Ukraine is the workable and up-to-date material norms covering each and every aspect of property legal relationships and accordingly effective legal procedural regulations allowing the effective protection of property rights in Ukraine together with effective work of various state authorities and institutions, which mission is the effective and timely protection of property rights in Ukraine, as far as property relations are the basis of any business and economy, including Ukrainian economy as well.

The history of intellectual property in Ukraine begins from year 1993, when there were adopted the principal laws covering issues of the intellectual property in Ukraine together with related rights.

These laws are:

– the Law of Ukraine “On Protection of Rights to Inventions and Utility Models” effective as of July 01, 1994 with some subsequent

amendments adopted to the same by Ukrainian Parliament (Verkhovna Rada Ukrayiny);

- the Law of Ukraine “On Protection of Rights to Industrial Designs” effective as of July 01, 1994 with some subsequent amendments adopted to the same by Ukrainian Parliament (Verkhovna Rada Ukrayiny);

- the Law of Ukraine “On Protection of Rights to Trademarks for Goods and Services” effective as of July 01, 1994 with some subsequent amendments adopted to the same by Ukrainian Parliament (Verkhovna Rada Ukrayiny).

And later on there have been adopted another three regulations covering issues of intellectual property in Ukraine.

They are accordingly:

- the Law of Ukraine “On Protection of Rights to Integrated Circuit Designs” effective as of December 11, 1997 with some subsequent amendments adopted to the same by Ukrainian Parliament (Verkhovna Rada Ukrayiny);

- the Civil Code of Ukraine effective as of January 1, 2004 with numerous subsequent amendments, which are continuously included into the same by Ukrainian Parliament (Verkhovna Rada Ukrayiny);

- the Commercial Code of Ukraine effective as of January 1, 2004 with numerous subsequent amendments, which are continuously included into the same by Ukrainian Parliament (Verkhovna Rada Ukrayiny).

Thus the above listed regulations are the main legal regulation of Ukraine covering issues of intellectual property in Ukraine considering the national legislation of Ukraine.

The main definitions and principles covering intellectual property issues in Ukraine are established in the Civil Code of Ukraine, namely in clauses 418 to 508 of the same.

Clause 420 of the Civil Code of Ukraine provides that objects of intellectual property include without limitations:

- literature and artistic products;
- computer programs;
- data compilations (data bases);
- performances;
- phonograms, videograms, broadcastings;
- scientific discoveries;
- inventions, utility models, industrial designs;
- integrated circuits designs;
- rationalization proposals;

- plant breeds; animal breeds;
- **commercial (firm) names, trademarks (signs for goods and services), geographical designations;**
- commercial secrets, etc.

(the text is retrieved and modified from the Internet at <http://ukrconsulting.biz/Law-Firm-Ukraine-Kharkov-English/Intellectual-property-in-Ukraine.html> as of 20 August of 2017)

### **Text B. Intellectual property in the USA**

Trade secrets are the lifeblood of the American economy. Virtually all companies depend on trade secrets to protect their most valuable information and processes. The medical device industry, for example, dedicates enormous resources to the research and development of life-saving products; much of that investment is shielded as trade secrets. Businesses that provide IT infrastructure and data storage—the backbone of the innovation economy—get their competitive edge from proprietary designs and software principally defended by trade secret law. In today’s knowledge- and service-based economy, trade secrets are indispensable to protecting confidential, intangible assets. According to some estimates, trade secrets are worth \$5 trillion to the U.S. economy, on par with patents. The loss from their misappropriation is substantial—between \$160 billion and \$480 billion annually.

Unlike other forms of intellectual property, however, trade secrets lack a specific civil remedy under federal law. That is why for the past two years, we have worked hard to draft and build support for the Defend Trade Secrets Act—a bill that will enable U.S. businesses to protect their trade secrets under federal civil law. Thankfully, our persistence has paid off. Tonight, the Senate will vote on this important bill. With 65 co-sponsors from both parties, the legislation is expected to pass with overwhelming support. Our colleagues, Reps. Doug Collins (R-Ga.) and Jerrold Nadler (D-N.Y.), have worked on this bill tirelessly as well, and now have more than 120 cosponsors, so it is our hope that the House will follow suit shortly, and the president has indicated a willingness to sign the bill into law.

But despite strong bipartisan support, a few naysayers maintain that state law is sufficient for victims of trade secret theft. We could not disagree more. Maintaining the status quo is woefully

insufficient to safeguard against misappropriation in today's fast-paced innovation economy. Here's why:

The current patchwork of state laws is also insufficient. That was the rationale behind creating the Uniform Trade Secrets Act, which sought to achieve nationwide uniformity in trade secret law. But over time, most states have adopted their own trade secret laws. In fact, state laws today are perhaps even more variable in their treatment of trade secrets than they were at the time the Uniform Trade Secrets Act was proposed in 1979. These differing legal regimes force victims of trade secret theft to wade through a quagmire of time-consuming procedural hurdles in seeking to recover their losses.

For example, if an attorney needs testimony from a witness in another state to support a state-court action for protection of trade secrets, she must first apply to her local court asking that it request the other state to issue its own subpoena for the document and deposition. This process can take weeks, which is an eternity in a trade secret case. Under a uniform federal standard, the process would be far more efficient. That's because all federal courts apply the Federal Rules of Civil Procedure, allowing attorneys to obtain documents and testimony from a witness in another state without having to apply to that state's court system. Essentially, enabling businesses to protect their trade secrets in federal court removes an unnecessary layer of bureaucracy and buys companies valuable time.

Streamlining access to remedies is critical in trade secrets cases, where an expedited judicial process may be necessary to deal with flight risks. Unfortunately, once a company's intellectual property is leaked and the information is made public—even illegally—the trade secret loses its legal protection. Put simply, state law is designed for intrastate litigation and offers limited practical recourse to victims of interstate trade secret theft.

Now is the time to enable U.S. companies to easily and efficiently protect their trade secrets in federal court. The Defend Trade Secrets Act would do precisely that by creating a single uniform national baseline and facilitating companies' abilities to make their case in federal court. Likewise, the bill would allow victims of trade secret theft to obtain a seizure order in extraordinary circumstances, allowing a federal judge to seize misappropriated property so that it

isn't abused during the pendency of litigation. The bill also supports the freedom of employees to move from one job to another.

Authors:

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(the text is retrieved and modified from the Internet at <http://www.politico.com/agenda/story/2016/04/a-better-way-to-protect-trade-secrets-000081> as of 20 August of 2017)

### **Text C. Intellectual property in the UK**

Under the law of United Kingdom, a copyright is an intangible property subsisting in certain qualifying subject-matter. Copyright law is governed by the Copyright, Design and Patents Act 1988 (the 1988 Act), as amended from time to time. As a result of increasing legal integration and harmonisation throughout the European Union a complete picture of the law can only be acquired through recourse to EU jurisprudence.

The modern concept of copyright originated in England, in the year 1710, with the Statute of Anne. Under the Statute of Anne (1710), copyright term lasted 14 years plus an optional renewal of 14 additional years.

Copyright law is now governed by the Copyright, Designs and Patents Act 1988. The Act came into force on 1 August 1989, save for some minor provisions. Various amendments have been made to the original statute, mostly originating from European Union directives and related case law.

In the United Kingdom, a patent provides its proprietor with the right to exclude others from utilizing the invention claimed in that patent. Should a person utilize that invention, without the permission of the patent proprietor, they may infringe that patent.

Infringement under United Kingdom patent law is defined by Section 60 of the Patents Act 1977 (as amended), which sets out the different types of infringement.

- Where the invention is a product, by the making, disposing of, offering to dispose of, using, importing or keeping a patented product.

- Where the invention is a process, by the use, or offer for use where it is known that the use of the process would be an infringement. Also, by the disposal of, offer to dispose of, use or import of a product obtained directly by means of that process, or the keeping of any such product whether for disposal or otherwise.

- By the supply, or offer to supply, in the United Kingdom, a person not entitled to work the invention, with any of the means, relating to an essential element of the invention, for putting the invention into effect, when it is known (or

it is reasonable to expect such knowledge) that those means are suitable for putting, and are intended to put, the invention into effect in the United Kingdom.

An action for infringement can only be brought after grant of the patent, but damages can be recovered under Section 69 for infringing acts conducted after publication of the application, but before grant, provided those acts infringe the claims both as published and as granted, and provided the defendant can be shown to have been aware of the existence of the patent (or patent application). The protection conferred by publication of the application is known as *provisional protection*. Publication of European applications and Patent Cooperation Treaty (PCT) applications confers provisional protection in the same manner, provided the application is published in English.

A claimant for infringement may be awarded a range of remedies (under section 6), depending on the facts of the particular case. Damages may be awarded to rectify financial harm suffered, an injunction may be granted to prevent further action by the infringer, an account of profits may be ordered, an order for the delivery up or destruction of infringing items may be made or a declaration that the patent is valid and infringed may be granted to the patentee. Both damages and an account of profits may not be ordered in respect of the same infringement. Limitations on damages or costs may apply under certain circumstances, for example if the defendant was unaware of the patent's existence <sup>[2]</sup> or where the patent was subject to a transaction that was not registered at the Patent Office within 6 months.

(the text is retrieved and modified from the Internet at [en.wikipedia.org/wiki/United\\_Kingdom\\_intellectual\\_property\\_law](http://en.wikipedia.org/wiki/United_Kingdom_intellectual_property_law) [en.wikipedia.org/wiki/Patent\\_infringement\\_under\\_United\\_Kingdom\\_law](http://en.wikipedia.org/wiki/Patent_infringement_under_United_Kingdom_law) as of 20 August of 2017)

## AFTER-READING SECTION

### Role-play

The class is divided into small groups of three students. Each group should have a student who reads Text A. a student who reads Text B and a student who reads Text C. One student in a group is a specialist in Intellectual Property, other two students are interviewers. The interviewers are supposed to ask the specialist several questions about Intellectual Property (4 questions from each interviewer on the basis of the text read). The interview is taken for preparing a short TV-programme that they are going to present to the viewers (they should decide who will present some definite information in the programme so that all the students in the small group share in presenting it).

## Part 5

### PRE-READING SECTION

#### Discuss these questions.

1. Have you seen counterfeit goods offered for sale? What type of goods were they, and how did they differ from the original product?
2. IP (intellectual property) rights relate to “intangible” assets (that is assets that cannot be touched, that are not physical). The design of packaging or labeling is one example. What are other examples?
3. What are the possible commercial consequences suffered by a company if another company begins to market cheap copies of its products, particularly if the products have a reputation for good quality? Think of different types of product that are typically pirated.

### READING SECTION

#### Read the article below and decide whether these statements true (T) or false (F). Correct the false ones.

1. This was the first time Diageo had complained about the copying of its whisky-bottle design and packaging.
2. The award of damages made by the Shanghai court was a standard sum for a case of this nature.
3. This case shows that the Chinese authorities have been taking piracy issues seriously for some years now.
4. Chinese companies do not take legal action because they think the courts will not support them.
5. Beijing and Shanghai courts are considered to be more effective at enforcing their decisions than other courts in China.

#### Whisky piracy case in China

A Shanghai court has ordered a Chinese company to pay Rmb1.25m (\$183,000) in damages to British drinks group Diageo for copying its packaging as part of a government crackdown on rampant piracy.

The court found that Blueblood (Shanghai) Wine copied the bottle design and packaging of Diageo's popular Johnnie Walker Black Label whisky for its own brand of whisky, and continued to do so even after being fined by the Shanghai government, following a complaint from Diageo in 2006.



The award is unusually high and comes in the midst of a Shanghai government anti-piracy campaign, in which officials are trying to show their commitment to protecting intellectual property rights.

Lawyers who specialise in intellectual property cases say the Diageo ruling, although clearly part of a propaganda offensive, does signal the Chinese authorities are taking counterfeiting much more seriously than in previous years.

China is the biggest source of counterfeit goods in the world and intellectual property protection is a perennial issue at trade negotiations and diplomatic exchanges with other countries.

In Diageo's case the Chinese company copied packaging rather than any registered patent, copyright or trademark, and the guilty verdict signalled a greater level of sophistication from the courts than most previous rulings, lawyers said.

Chinese courts dealt with over 17,000 intellectual property cases last year, compared with just over 400 handled by courts in the UK in the same period.

The vast majority of cases in China involve local companies suing other local companies as Chinese businessmen become increasingly willing to use the law to protect intangible assets.

But companies that win court cases in China often have difficulty getting the rulings enforced.

"Generally speaking, enforcement is still a big issue, especially outside the major centres of Beijing and Shanghai," according to Luke Minford, head of China for Rouse, the intellectual property consultancy.

"Most foreign companies will try to get their case heard in Shanghai and Beijing in order to get more sophisticated and objective judges, but trying to enforce in other areas is still very difficult."

Johnnie Walker is sold in 150 cities in China and earned Diageo Rmb320m in sales nationwide last year, according to state media reports of the court's verdict.

Blueblood sold 37,000 bottles of its Polonius brand whisky, which used packaging that was nearly identical to the Black Label brand.

Blueblood has 15 days to appeal against the ruling but had not lodged an appeal by Thursday evening.

On the same day as the Diageo ruling, the Shanghai court handed down verdicts on 13 other cases, nine of which involved international companies, including 3M, Nippon Electric, New Zealand kiwifruit company Zespri and Rock Records, a Taiwanese record label, state media reported.

(the text is retrieved and modified from the Internet at <https://www.ft.com/>  
as of 20 August of 2017)

## Part 6

### READING AND SPEAKING SECTION

We found the following quiz on the one of the sites of IP attorneys from the USA at

<http://legalteamusa.net/tacticalip/2014/12/11/true-or-false-questions-about-intellectual-property/> as for 20 August of 2017.

**Read the statements and decide if they are true or false.**

1. T or F? Improvements to old technologies may be patented.
2. T or F? A patent grants the inventor the right to make, use, sell, and import his or her invention. In other words, does a patent grant the inventor the right to practice the invention—meaning, the right to make, use, sell, and import the invention.
3. T or F? A patent grants the inventor the right to make, use, sell, and import his or her invention. In other words, does a patent grant the inventor the right to practice the invention—meaning, the right to make, use, sell, and import the invention.
4. T or F? A patent application has been updated after it has been filed to incorporate new features.
5. T or F? The person who pays for the inventing owns the patents.

**Now read the answers of the attorney and exchange opinions concerning the Patent Law in the USA with your partner or in a group.**

**Thursday, 11 December, 2014 12:45 written by IP attorneys**

**T or F? Improvements to old technologies may be patented.**

True. You actually can get a patent on an improvement to an old technology as long as the improvement is something new and it's not just an obvious improvement—that's the key. In fact, most technologies are just improvements to things that have come before.

**T or F? A patent grants the inventor the right to make, use, sell, and import his or her invention. In other words, does a patent**

**grant the inventor the right to practice the invention—meaning, the right to make, use, sell, and import the invention.**

False. This is actually the most misunderstood aspect of patent law. It's very counter-intuitive but having the patent doesn't necessarily mean that you are free to go around and practice your invention.

**T or F? A patent grants the inventor the right to make, use, sell, and import his or her invention. In other words, does a patent grant the inventor the right to practice the invention—meaning, the right to make, use, sell, and import the invention.**

False. This is actually the most misunderstood aspect of patent law. It's very counter-intuitive but having the patent doesn't necessarily mean that you are free to go around and practice your invention. You must still do your homework.

**T or F? A patent application has been updated after it has been filed to incorporate new features.**

False. You cannot update the patent application once it's filed. It's pretty much locked in once it is filed. You can modify the claims but you can't add new ideas, figures, or details. That's why it's important to continually file additional patent applications to keep the R&D activity calibrated to the patent activity.

**T or F? The person who pays for the inventing owns the patents.**

False. Under U.S. law, the rights in the patent do not vest in the person who pays for the patent—instead the rights vest in the inventor. That's why it's critical to have some sort of contractual agreement with the company you hire to do inventing work for you. It could be an employment agreement or it could be a confidentiality agreement that has some sort of assignment provisions. But it's very important that you are protecting yourself by making sure that the rights in the patent get assigned to you if you are the one paying.

(the information is retrieved and modified from the Internet at <http://legalteamusa.net/tacticalip/2014/12/11/true-or-false-questions-about-intellectual-property/> as of 20 August of 2017)

## Part 7

### READING AND WRITING SECTION

#### Text A

**Read the text and write a 180-word abstract to it.**

#### **The first patent in the world**

In 1449, King Henry VI of England granted John of Utynam a 20-year monopoly to make stained glass. John had a new method, not yet known in England. John was a master glass-maker from Flanders. He came to England to make the windows for Eton College. The crown issued him Letters Patent, sealed with the King's Great Seal, to guarantee John's privileges. So John of Utynam received the first recorded patent in England, home to the oldest continuous patent tradition in the world.

John's was probably not the first patent ever issued -- Venice issued patents to glass-makers in the early 1420s. But John of Utynam's successful quest to protect his methods gave birth to a system -- a system that gave people official sanction to enjoy the economic benefits of their own ingenuity.

The purpose of such patents was not at first very clear. Government saw them as a tool for promoting invention, and thus, trade and commerce in general. But entrepreneurs also exploited the patent system simply to gain economic advantage. Patents of invention -- which everyone agreed benefited the commonwealth -- were jumbled in with patents of monopoly of all sorts -- for making saltpeter or gold and silver thread.

Some patentees obtained monopolies for manufactures or trades that were not new. Royal favorites regularly gained patents in return for timely donations to the royal treasury. And the crown was also known to refuse patents for inventions considered unseemly -- Sir John Harington's water closet design failed to gain a patent in 1596 for just this reason. Those willing to curry favor at Court and exploit economic gain navigated the patent system most successfully.

The abuse of monopolistic patents provoked a public outcry by the early 17th century. Under pressure, King James I revoked patents and monopolies, declaring that «monopolies are things contrary to our laws». But he made an important exception -- he allowed patents for «projects of new invention so they be not contrary to the law, nor mischievous to the state.» Parliament later codified this into law in the 1624

Statute of Monopolies, which also established time limitations: patents would be granted for «14 years or under ... to the true and first inventor.» This statute established foundations for patent law that are still in use today. Invention can be protected, but the public interest must be considered.

England's history tells us that patents have always been tricky things. Their purpose is at once intellectual and economic. They can be open to abuse, as well as to legal and ethical interpretation. Whether for stained glass windows or water closets or genetically modified mice, patents protect invention. But the noble purpose of promoting ingenuity is haunted by the specter of monopoly. The answer to the question «Should it be patented?» has never been patently obvious.

(the text is retrieved and modified from the Internet at  
<http://www.uh.edu/engines/epi2002.htm> as of 20 August of 2017)

### **Text B**

**Read some information below about the origin of the trade mark and write a 180-word essay to it.**

#### **The Origin of the Trade Mark**

A trade mark is a type of shorthand symbol used to indicate the origin of goods. The benefits of using such a shorthand symbol as opposed to the full details of the maker or manufacturer are obvious. A mark is easier to remember and recognise, and oftentimes more practical to physically apply to the product.

Most of the earliest known trade marks on goods are associated with makers' or owners' identities. The most ancient identifiable marks (even though they may not fit contemporary definitions of trade marks) known are those reportedly found on some Transylvanian pottery pieces which date back to circa. 5000 BC. Marks similar in style to those were also evidenced centuries later throughout the ancient civilisations of Egypt, Crete, Etruria and Greece. Later, during Roman times, even more distinctive marks began to emerge - including the earliest known examples of word marks. Later still, during the Dark Ages, there was an apparent decline in the use of trade marks with the possible exception of makers' marks appearing on sword blades, particularly those of European origin. Stone seals dating to 3,500 B.C. have been found in the Middle East. The seals were used to indicate who made certain items. The

ancient Egyptians, Greeks, Romans, and Chinese all used various forms of stamps or markings to indicate who made certain things, such as pottery or bricks. Not only did the marks indicate quality, but they also let people know whom to blame if there was a problem with the product.

During the Middle Ages, European trade guilds began using marks to indicate who made a specific product. Bell makers were among the first to adopt the practice, followed by other manufacturers including paper makers. They added watermarks so people would know who made that particular sheet.

In 1266, the Bakers Marking Law, which governed the use of stamps or pinpricks on loaves of bread, was passed in England. It is one of the earliest known laws on trademarks. Silversmiths were required to mark their products in 1363. Bottle makers and porcelain manufacturers also followed suit, possibly influenced by Chinese porcelain, which bore markings indicating its origin. Thus the use of trade marks became more widespread on a variety of goods from the 12th Century onwards, with printers' marks emerging from the 15th Century onwards.

By the arrival of the 16th and 17th Centuries rudimentary codes of early trade mark regulation began to emerge in Europe - most notably in Germany and France. By this stage primitive hallmarking of gold, silver and other precious metals had also evolved, albeit for the primary purpose of quality control and tracing the origin of sub-standard goods.

One of the earliest court cases involving the improper use of a trademark occurred in England in 1618. The manufacturer of high-quality cloth sued a competitor who produced lower-quality cloth, but used the marking reserved for top-quality cloth. The case, *Southern v. How*, is considered the first case of actual trademark infringement.

By the late 19th Century, coinciding with the advent of the Industrial Revolution, there was a marked shift away from agricultural and cottage-based industries toward mass production. The introduction of mechanical systems combined with the rapid development of scientific and technical know-how soon led to profound changes in economic structures and the need to regulate market competition. The qualitative and quantitative standardisation of products led to the use of distinguishing signs to assist consumers in choosing their products. The trademark consequently acquired its present financial, social and commercial importance with the development of mass production, distribution and consumption.

(the text is retrieved and modified from the Internet at  
<https://www.infoplease.com/trademarks-history> as of 20 August of 2017)

## Text C

**Read the story about Horace Wells Discovery and write an article to the section “Great inventions of 19<sup>th</sup> century” to a local website.**

### **Horace Wells Discovers Pain-free Dentistry**

In the early 19th century Hartford dentists Horace Wells and William Morton played instrumental roles in the development of anesthesia for dental and other medical applications. Horace Wells, born in Hartford, Vermont, and educated in Boston, began his practice in Hartford, Connecticut, in 1836 and quickly rose to prominence. He married Elizabeth Wales in 1838 and continued to write about dentistry and invent various devices, such as a foot-powered shower. Wells sees potential in laughing gas.

In 1842, Wells took Morton, first, as his student and then as his partner. Morton, who was born in Massachusetts and trained for dentistry in Baltimore, Maryland, married Elizabeth Whitman, daughter of Lemuel Whitman, on her father’s condition that he quit dentistry and study to practice medicine instead. In 1844, Morton began (but never completed) his studies at Harvard Medical College.

Although Wells tried to form a dentistry practice with Morton in Massachusetts, the new partnership lasted less than two weeks, and Wells returned to Connecticut. In December of 1844, Wells and his wife attended a demonstration at Union Hall in Hartford of “laughing gas” (nitrous oxide) put on by showman Gardner Colton, who had briefly studied medicine. Wells noticed that one of the volunteers, while ingesting the gas to the amusement of the audience, had injured his leg during the demonstration. Wells later talked to the man and found he was unaware he had suffered an injury.

Wells had long been concerned about the amount of pain suffered by his patients during dental procedures, he immediately enlisted Colton’s help. The day after the demonstration, Colton came to Wells’s practice and administered nitrous oxide while Wells’s associate, John Riggs, extracted one of Wells’s own troublesome wisdom teeth. Feeling not “so much as the prick of a pin” in the course of this usually painful procedure, Wells believed that he, with the help of Colton and Riggs, had invented painless dentistry.

In 1864, the American Dental Association, followed by the American Medical Association in 1870, recognized Horace Wells as the discoverer of anesthesia.

**P.S.** Wells was also trying to find a way to gain fame and fortune as an anesthetist. By the end of 1847, he had participated in dental and other surgical procedures in Hartford, but decided that he should relocate to New York City to achieve greater recognition and success.

He moved there in January of 1848, intending to establish himself before sending for his wife and their young son, Charles Wells. Loneliness and homesickness overcame him, however, and Wells began using ether and chloroform in an attempt to ease his depression. Wells spent several days intoxicated on the combination of drugs, eventually becoming so confused that he could not distinguish sleep, dreams, and reality.

On the night of his 33rd birthday, Wells went out and threw acid on a pair of women in the street. Fortunately, the acid only burned their clothing and did not permanently injure the women. The police responded to their cries for help and arrested Wells, who they incarcerated in the Tombs Prison. He continued to ingest chloroform and ether while in jail, but in moments of clarity realized the depths to which he had sunk.

Believing that he had disgraced himself and his family beyond repair, Wells took a large dose of chloroform and used a razor to slash a major artery on his thigh. He quickly bled to death, and his body was released to his family for burial at Old North Burying Ground in Hartford. In 1908, Charles Wells re-buried his father and mother (who had died in 1889 and been buried alongside her husband) at Cedar Hill Cemetery. Wells's tombstone identifies him as the "discoverer of anesthesia".

(the text is retrieved and modified from the Internet at  
<https://connecticuthistory.org/horace-wells-discovers-pain-free-dentistry/>  
as of 20 August of 2017)



## Part 8

### DISCUSSION SECTION

**Read pieces of information about international trademark infringement. Discuss the situations in groups of three or four and express your point of view to every situation.**

**All situations are the real cases from the courts.**

**South Korea: Louis Vuitton vs Louis Vuiton Dak**



One of the more shocking examples of international trademark infringement, a South Korean fried chicken restaurant recently lost a trademark battle with designer Louis Vuitton. The court ruled in the designer's favor after determining that the restaurant's name of Louis Vuiton Dak was too similar to Louis Vuitton. In addition to the name infringement, the restaurant's logo and packaging closely mirrored the designer's iconic imagery.

The restaurant was ultimately hit with another 14.5 million fine for non-compliance, after changing their name immediately after the first ruling to LOUISVUI TONDAK. Many brands can avoid similarly expensive legal battles by avoiding mirroring their brand closely after another, even if the products and purchase channels have nothing in common.

***Verdict in Favor of Louis Vuitton.***

## 2. US: Adidas v. Forever21



Adidas very recently filed a lawsuit against clothing retailer Forever21 alleging that the retailer's products, which contain a «three stripe» design, constitute «counterfeit products.» Adidas reports they have «invested millions» to build and protect the three-stripe design as a trademark component of their brand and own «numerous» patents.

While representatives for Adidas and Forever21 have not released further comments in regards to the lawsuit since initial statements, it remains to be seen how the courts will respond to the lawsuit. Given the similarity of Forever21 and Adidas' products and distribution channels, Forever21 may have been able to avoid this lawsuit by evaluating their recent designs against Adidas' products and trademarks.

*Verdict Pending.*

## 3. US: Segway vs Swagway and Razor



Love them or hate them, there's no question that the two-wheeled standing scooter has been associated with Segway since 2001. There's currently a mass of litigation around Segway and competitors. Segway is suing Kickstarter-backed Hovertrax, which is now owned by Razor, as well as Swagway. Razor has also filed against Swagway.

VentureBeat notes that the motivation for these lawsuits could be based on more than just the noticeable similarity of the products under mention. Swagway is currently facing extensive safety and accident lawsuits for incidents that involve falls and fires. While it remains to be seen how the patent infringement allegations will be evaluated in court, there's no question that these cases are more complex than simple trademark infringement. They're also motivated by concepts of brand protection, and a desire to distance products from Swagway's reported safety risks.

***Verdict Pending.***

#### **4. India: American Eagle v. Pantaloons**



**AMERICAN EAGLE  
OUTFITTERS**

The parent company of clothing retailer American Eagle, Retail Royalty Company, has filed in the Delhi high court against Pantaloons Fashion & Retail. The lawsuit alleges that the “ brand and logo are deceptively similar to its American Eagle Outfitters brand and logo.”

While Retail Royalty Company is US-based, this case is far from the first example of international retail copyright infringement. Fashion United reports that Gap has also recently filed against India-based brands selling under the name “Gap Two” Even for organizations that are not international, it can be critical to monitor your trademarks on an international scale.

***Verdict Pending.***

## 5. US: Lucky 13 v. Taylor Swift



Taylor Swift recently settled a lawsuit brought by Blue Sphere, a clothing company that owns the “Lucky 13” trademark. The organization filed when Swift began selling fan merchandise marked “Lucky 13,” and launched a “Lucky 13” sweepstakes among other activities.

While Swift insisted that 13 was just a lucky number to her and claimed “harassment” by the plaintiff, the results of the lawsuit were not released publicly. A confidential agreement was reached out of court, and Swift has begun proactively trademarking other phrases and lyrics she uses often to avoid future issues.

*Verdict Out-of-Court, Confidential.*

## 6. US: Starbucks v. Freddocino



In January 2016, Starbucks filed a lawsuit against the parent company of New York’s Coffee Culture Cafe for launching a drink called the “Freddocino” The lawsuit’s documents allege that not only does the drink appear similar to the Frappucino, the structure of the name con-

tains enough similarities to cause “confusion in the marketplace” and diminish “Starbucks’s brand equity.”

Starbucks does own the trademark for the term Frappucino, and additionally alleged that Coffee Culture has created deceptive packaging to make it appear the term “Freddocino” is trademarked when it is not. While Coffee Culture Cafe has changed the name of the drink to a “Freddo,” Starbucks is proceeding with the lawsuit. Coffee Culture could have avoided the issue by avoiding infringement on a closely-guarded trademark, with an annual value of approximately \$1.5 billion.

***Verdict Pending.***

(the information is retrieved and modified from the Internet at <https://www.trademarknow.com/blog/9-nasty-trademark-infringement-cases-and-how-to-avoid-them> as of 20 August of 2017)

# TEST BANK

## Test 1

*Intellectual property* refers to creations of the mind: inventions; literary and artistic works; and symbols, names and images used in commerce.

### Vocabulary and Grammar

**I. Choose a word or a word combination to complete the sentences below (Use each combination once only).**

- a) commercial potential
- b) trade secret
- c) tangible form
- d) the right of publicity
- e) infringement

1) A strategy to increase worker productivity, for example, is a \_\_\_\_\_.

2) \_\_\_\_\_ is the right of a person to control the commercial value and exploitation of his or her name, voice, or likeness

3) The law of intellectual property allows artists to protect themselves from \_\_\_\_\_, or the unauthorized use and misuse of their creations.

4) The property protected by copyright laws must be fixed in a \_\_\_\_\_.

5) By allowing celebrities the right to control the commercial use of their name, voice, and image, right-of-publicity laws protect their \_\_\_\_\_.

**II. Match the words and give the translation into Ukrainian/Russian**

1. commercial	a) court
2. prevent	b) property
3. public	c) value

4. protect	d) from infringement
5. granting	e) unauthorized use
6. civil	f) property rights
7. intellectual	g) penalties
8. patent	h) protection
9. commercial	i) source
10. criminal	j) figures

### III. Match the following words and their meaning

1. inventor	a) to violate or interfere with the rights of another person
2. infringe	b) a judicial order restraining a person from beginning or continuing an action threatening or invading the legal right of another or compelling a person to carry out a certain act, e.g. to make restriction to an injured party
3 royalty	c) a person who invented a particular process or device or who invents things as an occupation
4 patentee	d) a sum payable for the right to use someone else's property for the purpose of gain
5 injunction	e) a person or a company that owns patent rights in respect of an invention

### IV. Choose the correct variant

1. The law of intellectual property typically.....the areas of Copyright, Patents, and trademark law.

- a) shows                      b) indicates                      c) encompasses

2. Trade secret laws protect any formula, pattern, device or compilation of information that provides a business.....over competitors who do not use or know of it.

- a) running                      b) advantage                      c) protection

3. Trade secrets do not receive patent.....because they are not inventive.

- a) satisfying                      b) protection                      c) infringement

4. Trade secret laws prevent the unauthorized use of certain.....  
subject matter.

- a) intangible                      b) unfair                      c) tangible

5. The right of.....is the right of person to control the commercial value and exploitation of his or her name, voice or likeness.

- a) intellectual property      b) copyright law              c) publicity

6. By allowing.....the right to control the commercial use of their name, voice, and image, right-of-publicity laws protect the commercial potential of entertainers.

- a) judges                      b) celebrities                      c) property  
right owners

7. For.....material, the exclusive right lasts for 70 years beyond the death of the author.

- a) unauthorized              b) commercial              c) copyrighted

8. Some copyright laws authorize criminal....., but by and large, the body of intellectual property law is concerned with prevention and compensation, both of which are civil matters.

- a) penalties                      b) injunctions                      c) law

9. The property protected by copyright laws must be fixed in a.....form.

- a) tangible                      b) oral                      c) recognized

10. A symbol may not receive.....protection unless it has been placed on goods or used in connection with services.

- a) device                      b) quality                      c) trademark

### Use of English

V. Read the text. If a line is correct, put a tick. If it has a word which should not be there, write the word on the line.



<p>Photographer Art Rogers shot a lot of photograph of a couple holding a line of puppies in a row and sold it for use in greeting cards and similar products. Internationally, renowned artist Jeff Koons in the guess process of creating an exhibit on the banality of everyday items, ran across Rodgers' photograph and used it to create a two set of statues based on the image.</p>	<p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>
<p>Koons sold several of these structures, making a significant profit. Upon discovering process the copy, Rodgers sued Koons for copyright. Koons responded by claiming fair use by parody.</p>	<p>_____</p> <p>_____</p> <p>_____</p>

## VI. Fill in the correct word derived from the word in bold

1. Yesterday I \_\_\_\_\_ (to translate) two articles on criminal law.
2. These students \_\_\_\_\_ (to study) law at the University.
3. Before the discussion was over he \_\_\_\_\_ (to make) some notes to the questions he was interested in.
4. A lot of young lawyers \_\_\_\_\_ (to be trained) at our University every year.
5. This professor \_\_\_\_\_ (to deliver) lectures in Criminal law at the University.

## Communication

### V. Complete the exchanges.

A : What do you want?

B : I want to apply for loan.

A : \_\_\_\_\_?

B: I am studying in Government Engineering College Salem.

A : \_\_\_\_\_?

B: I have chosen Mechanical branch.

B : I need a loan of Rs. 80,000//for my professional studies.

A : \_\_\_\_\_?

B : My father is an Inspector of police in Mettur, Salem District.

A : I will sanction a loan of Rs. 60000/- only. It is the limit.

B : \_\_\_\_\_?

A : Yes. Meet me tomorrow morning with your father.

### **Writing**

**VII. Do you agree with the following statement: “People have to respect intellectual property”. Use reasons and specific examples to support your answer (Write a 150-word essay).**

## Test 2

**Copyright laws** grant authors, artists and other creators protection for their literary and artistic creations, generally referred to as “works”. Works covered by copyright include, but are not limited to: novels, poems, plays, reference works, newspapers, advertisements, computer programs, databases, films, musical compositions, choreography, paintings, drawings, photographs, sculpture, architecture, maps and technical drawings.

### Vocabulary and Grammar

**I. Choose a word or a word combination to complete the sentences below (Use each combination once only).**

- a) requirement
- b) widespread
- c) infringement
- d) utilitarian
- e) purpose
- f) “fair use”

1. \_\_\_\_\_ of copyright occurs whenever someone exercises the exclusive rights of the copyright owner without the owner’s permission.

2. The \_\_\_\_\_ use of the Internet since the mid 1990’s caused new concerns in the area of copyright.

3. The most important exception to the exclusive rights of the copyright holder is the \_\_\_\_\_ doctrine.

4. If the only \_\_\_\_\_, the work cannot be copyrighted.

5. The writing \_\_\_\_\_ ensures that copyrighted material is capable of being reproduced.

**II. Match the words on the left with the words on the right to form collocations and then translate them into Ukrainian.**

1) tangible	a) in royalties
2) fill	b) works
3) exclusive	c) sharing

4) copyright	d) paintings
5) derivative	e) requirements
6) digital	f) illegal use
7) money	g) source
8) expressive	h) right
9) satisfy	i) audio device
10) facilitate	j) holder

### III. Match the words to their meanings.

1. violation	a) designed to be useful or practical rather than attractive
2. prevention	b) compliance with the law, rule or obligation
3. enforcement	c) the action of breaking the terms of a law or an agreement
4. trivial	d) the action of stopping something from happening or arising
5. utilitarian	e) of a little value or importance

### IV. Choose the correct option A, B, C

- The law of intellectual property encompasses the areas of \_\_\_\_\_, Patents and Trademark law.  
a) Civil law                      b) Criminal law                      c) Copyright law
- The property protected by copyright laws must be fixed in a (an) \_\_\_\_\_ form.  
a) virtual                      b) tangible                      c) valid
- Copyright laws \_\_\_\_\_ unauthorized use or misuse.  
a) attract                      b) preserve                      c) prevent
- The right of publicity controls the \_\_\_\_\_ value and exploitation of his or her name, voice, likeness.  
a) material                      b) spiritual                      c) commercial
- Copyright protection gives the \_\_\_\_\_ exclusive right to perform the work publicly, distribute copies of the work.  
a) patentee                      b) copyright holder                      c) judge
- The infringement must be \_\_\_\_\_.

- a) intentional      b) accidental      c) occasional

7. The \_\_\_\_\_ use of information technologies caused new concerns in the area of copyright.

- a) popular      b) important      c) widespread

8. If the variation is more than \_\_\_\_\_ the work will merit copyright protection.

- a) casual      b) trivial      c) usual

9. Only \_\_\_\_\_ expression of ideas can be protected.

- a) collective      b) individualized      c) personal

10. Copyright laws \_\_\_\_\_ to inventors the exclusive right to produce and distribute original work.

- a) grant      b) ban      c) implement

### Use of English

V. Read the text. If a line is correct, put a tick. If it has a word which should not be there, write the word on the line.

Richard Prince is a well known appropriation artist — one who transforms the work of others people to create new meaning in his own artistic work. For an exhibition in the Gagosian Gallery, Prince Ricco appropriated 41 images from a photography book by French photographer Patrick Cariou, claiming fair use doctrine that he created new meaning out of the photographs. Cariou argued with that it wasn't fair use, but copyright infringement of the law.	1) 2) 3) 4) 5) 6) 7) 8) 9)
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### VI. Fill in the correct word derived from the word in bold.

1. A jury \_\_\_\_\_ (to consist) of twelve men and women from the local community.

2. She \_\_\_\_\_ (to be) a company director before she retired.

3. Javier Perez de Guellar \_\_\_\_\_ (to be) the Secretary General of the UN from 1982 to 1991.

4. I \_\_\_\_\_ (to go) to the country tomorrow.

5. They told us they \_\_\_\_\_ (to take) into account all the circumstances of the crime.

### Communication

#### V. Complete the exchanges.

A: I want to buy this **laptop**.

B: Well, this laptop is an excellent choice!

A: \_\_\_\_\_?

B: The **regular price** is \$2340.00.

\_\_\_\_\_. So, the **reduced price** will be \$2106.00.

### Writing

VI. Do you agree with the following statement: “Folk wisdom is a wisdom of a person from the folk who can’t prove his or her authorship “. Use reasons and specific examples to support your answer (Write a 150-word essay).

## Test 3

*A **patent** is an exclusive right granted for an invention – a product or process that provides a new way of doing something, or that offers a new technical solution to a problem. A patent provides patent owners with protection for their inventions. Protection is granted for a limited period, generally 20 years.*

### Vocabulary and Grammar

**I. Choose a word or a word combination to complete the sentences below (Use each combination once only).**

- a) confer
- b) relevant
- c) incentives
- d) in accordance with
- e) public domain

1. The \_\_\_\_\_ encourage innovation, that ensures that life's quality is continuously improved.

2. An application for a patent must be filled \_\_\_\_\_ the law of certain country.

3. Court usually analyzes all of the \_\_\_\_\_ patent documents.

4. If the patent protection ends and an inventor enter the \_\_\_\_\_, that is, the owner loses exclusive rights to the invention.

5. A product or process, which is useless and doesn't \_\_\_\_\_ any benefit can't be patentable.

**II. Match the words on the left with the words on the right to form collocations and then translate them into Ukrainian.**

1) willful	a) patent protection
2) patented	b) consent
3) future	c) reward
4) visual	d) fee
5) patentee's	e) infringement
6) material	f) field
7) reasonable	g) information
8) disclose	h) materials
9) technical	i) generations
10) pursue	j) device

### III. Match the words to their meanings.

1. diligence	a) judicial order restraining person from doing an action threatening the legal right of another
2. pervade	b) careful and persistent work
3. injunction	c) be present and apparent thought
4. expire	d) acknowledgment of existence or validity of something
5. recognition	e) agreements or authorizations come to the end of the period of validity

### IV. Choose the correct option A, B, C

1. Patents provide \_\_\_\_\_ to individuals by offering them material rewards for their inventions.

- A incentives                      B injunctions                      C royalties

2. The \_\_\_\_\_ requirements for patent protection are more stringent than for copyright protection.

- A pervade                      B implement                      C enrich

3. Patent owners are obliged, in return for patent protection, to publicly disclose information on their inventions order to \_\_\_\_\_ the total body of technical knowledge.

- A attract                      B preserve                      C prevent

4. The patent owner can give \_\_\_\_\_ to other parties to use the invention on agreed terms.

- A injunction                      B permission                      C application

5. Patentee may apply for an injunction to \_\_\_\_\_ a certain party using the invention.

- A prohibit                      B permit                      C grant

6. The novelty requirements focus on events that occur \_\_\_\_\_ to the invention.

- A later                      B prior                      C whenever

7. The first inventor to \_\_\_\_\_ the product or process has priority in the application process.

- A confer                      B anticipate                      C conceive



8. A court may declare a patent \_\_\_\_\_ upon a successful challenge by a third party.

- A illegal                      B inoperative                      C invalid

9. If successful in court, the patent holder also may \_\_\_\_\_ court costs and attorney's fee.

- A recover                      B demand                      C require

10. Patent protection is usually \_\_\_\_\_ in a court.

- A enforced                      B allowed                      C granted

### Use of English

**V. Read the text. If a line is correct, put a tick. If it has a word which should not be there, write the word on the line.**

In one of the more shocking examples of international trademark law infringement, a South Korean fried chicken restaurant <u>recently has been lost</u> a trademark battle war with designer Louis Vuitton. The court ruled without in the designer's favor after determining that the restaurant's name of Louis Vuitton Dak was too similar to Louis Vuitton. The restaurant was ultimately hit with another 14.5 million fine solving for non-compliance, after changing their name immediately.	1) 2) 3) 4) 5) 6) 7) 8) 9) 10)
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### VI. Fill in the correct word derived from the word in bold

1. Last week I \_\_\_\_\_ (to translate) this article on civil law into Ukrainian.

2. We think he \_\_\_\_\_ never \_\_\_\_\_ (to drive) in the excess of the speed limit.

3. I \_\_\_\_\_ (to translate) the article you recommended.

4. We \_\_\_\_\_ (to engage) the best commercial lawyer we could find to represent us, but we still lost the case.

5. The constitution of a country or organization \_\_\_\_\_ (to be) the system of laws and rules which normally states people's rights and duties.

## Communication

### VII. Complete the exchanges.

A: I'd like to **make a reservation for a room** from May 5 till May 7.

B: \_\_\_\_\_: **single, twin or double?** And what will be the **category** of the room: **standard** or **suite**?

A: Double standard, please. \_\_\_\_\_  
\_\_\_\_\_?

B: 145 euro per night.

## Writing

### VIII. Why do people need patents? (Write a 150-word essay)

## Test 4

*A **trademark** is a distinctive sign that identifies certain goods or services produced or provided by an individual or a company. Its origin dates back to ancient times when craftsmen reproduced their signatures, or “marks”, on their artistic works or products of a functional or practical nature. Over the years, these marks have evolved into today’s system of trademark registration and protection. The system helps consumers to identify and purchase a product or service based on whether its specific characteristics and quality – as indicated by its unique trademark – meet their needs.*

### Vocabulary and Grammar

**I. Choose a word or a word combination to complete the sentences below (Use each combination once only).**

- a) counterfeit
- b) relief
- c) collateral
- d) assume
- e) owner

1. The \_\_\_\_\_ of a trademark may pursue legal action against trademark infringement.
2. Defences to infringement include fair use and \_\_\_\_\_ use.
3. A trademark holder also may obtain injunctive \_\_\_\_\_ to prevent infringement.
4. The unauthorized usage of trademarks by producing and trading \_\_\_\_\_ consumer goods is known as brand piracy.
5. \_\_\_\_\_ that a tree surgeon has received trademark protection for the mark Tree Huggers.

**II. Match the words on the left with the words on the right to form collocations and then translate them into Ukrainian.**

1) exclusive	a) use
2) trademark	b) trademarks
3) unauthorized	c) relief

4) brand	d) owner
5) non-conventional	e) piracy
6) service	f) ownership
7) claim	g) awareness
8) public	h) mark
9) attorneys'	i) properties
10) injunctive	j) fees

### III. Match the words to their meanings.

1. piracy	a) the legal means to recover a right or to prevent or obtain redress
2. remedy	b) a sum paid or charged for a service
3. fee	c) made to look like the original of something, usually for dishonest or illegal purposes
4. counterfeit	d) the unauthorized use of another's invention in infringement of a copyright
5. attorney	e) a person legally appointed to act for another

### IV. Choose the correct option A, B, C

1. Most countries \_\_\_\_\_ formal registration of a trademark as a precondition for pursuing this type of action.

- a) approve                      b) protect                      c) require

2. \_\_\_\_\_ law trademarks offer the holder in general less legal protection than registered trademarks.

- a) common                      b) civil                      c) criminal

3. When a trademark is used in relation to services rather than products, it may sometimes be called a \_\_\_\_\_ mark.

- a) post                      b) service                      c) office

4. A trademark holder also may obtain injunctive relief to \_\_\_\_\_ infringement.

- a) pervade                      b) protect                      c) prevent

5. \_\_\_\_\_ use is use of the same mark in a different market.

- a) collateral                      b) fair                      c) misuse

6. \_\_\_\_\_ occurs if a mark is likely to cause confusion among consumers.  
 a) offense                      b) violation                      c) infringement
7. The restaurant may not \_\_\_\_\_ itself by the mark without infringing the mark.  
 a) identify                      b) inquire                      c) investigate
8. To receive trademark protection, a mark usually must be \_\_\_\_\_.  
 a) exceeding                      b) distinctive                      c) especial
9. Licenses can be bought from trademark \_\_\_\_\_ and brokers.  
 a) owners                      b) holders                      c) possessors
10. When mark is known to consumers only in a \_\_\_\_\_ geographic area, though, it may not receive protections in areas where it is unknown.  
 A limited                      B restricted                      c) confined

### Use of English

**V. Read the text. If a line is correct, put a tick. If it has a word which should not be there, write the word on the line.**

Adidas very filed a lawsuit against clothing retailer For-	1)
ever21 alleging that the retailer's products, which con-	2)
tain a «three stripe» design, constitute «counterfeit prod-	3)
ucts.» Adidas reports they soon have «invested millions»	4)
to build and protect the three-stripe design as a trademark	5)
component of their brand and own «numerous» patents.	6)
Given the similarity patterns of Forever21 and Adidas'	7)
products and distribution channels, Forever21 may have	8)
been able to avoid this lawsuit by evaluating their recent	9)
designs against Adidas' products and trademarks.	10)

### VI. Fill in the correct word derived from the word in bold

1. We \_\_\_\_\_ already \_\_\_\_\_ ( to stay) in Australia for a year and a half.

2. She \_\_\_\_\_ (to want) to be a lawyer against her parent's wishes.
3. Mrs. Winter \_\_\_\_\_ (to send) the little boy with a message to the next village last week.
4. The train \_\_\_\_\_ (to start) in five minutes.
5. The verdict \_\_\_\_\_ (to be given) by the jury and the sentence was passed by the judge.

### Communication

#### VII. Complete the exchanges.

A: Good morning. Can I have your ticket, please?

B: Here you are.

A: Thank you. \_\_\_\_\_?

B: Non-smoking, please.

A: \_\_\_\_\_?

B: An aisle seat, please.

A: \_\_\_\_\_?

B: Yes, this suitcase and this carry-on bag.

A: Here's your boarding pass. \_\_\_\_\_.

B: Thank you.

### Writing

**VIII. Can you prove that a trademark is subject to various defences? Use reasons and specific examples to support your answer (Write a 150-word essay).**

## Test 5

### Vocabulary and Grammar

**I. Choose a word or a word combination to complete the sentences below (Use each combination once only).**

- |              |             |
|--------------|-------------|
| a) earn      | d) patent   |
| b) entertain | e) property |
| c) wipe      |             |

1. In fact the earliest known \_\_\_\_\_ was granted to John Utyman in 1449 to a glass-making process used by Venetian Glass.

2. Such \_\_\_\_\_ laws prevented many women from acquiring patents for inventions several countries ago..

3. Mary Kies was the first American woman to \_\_\_\_\_ a patent in her own name.

4. Cochrane was a socialite who loved to \_\_\_\_\_, but after her husband died in 1883, she was left with a massive debt.

5. \_\_\_\_\_ that a tree surgeon has received trademark protection for the mark Tree Huggers.

**II. Match the words on the left with the words on the right to form collocations and then translate them into Ukrainian.**

- |                 |               |
|-----------------|---------------|
| 1) granting     | a) process    |
| 2) glass-making | b) Classes    |
| 3) Patent       | c) property   |
| 4) Trademark    | d) computer   |
| 5) high-tech    | e) infringers |
| 6) intellectual | f) use        |
| 7) economic     | g) Law        |
| 8) large-scale  | h) boon       |
| 9) domestic     | i) privileges |
| 10) potential   | j) trademarks |

### III. Match the words to their meanings.

1. licensee	a) based on consent or agreement, contractual
2. conventional	b) a person who holds a license
3. trademark	c) imaginary or unreal
4. fanciful	d) legal right of possession, proprietorship
5. ownership	e) a name, symbol used to identify and promote a product or service, especially an officially registered name or symbol that is thereby protected against use by others

### IV. Choose the correct option A, B, C

1. Here ten-year monopolies were \_\_\_\_\_ to the inventors of a silk weaving process.

**A**prohibit

**B**permit

**C**granted

2. Such property laws \_\_\_\_\_ many women from acquiring patents for inventions several centuries ago.

**A**prevented

**B**interrupted

**C**pervaded

3. The first statutes \_\_\_\_\_ to Patents were issues in the Republic of Venice in 1474.

**A**regarding

**B**referring

**C**relating

4. It was the 1950's, and the electric typewriter had just been \_\_\_\_\_.

**A**moved

**B**introduced

**C**represented

5. Grahan was fired from her job for spending so much time \_\_\_\_\_ what she called "Mistake Out".

**A**spreading

**B**extending

**C**distributing

6. The real impetus for invention was \_\_\_\_\_ over her servants breaking her heirloom china after fancy dinner.

**A**disorder

**B**frustration

**C**disturbance

7. More households \_\_\_\_\_ the device as greater numbers of woman entered the workplace.

**A**acquired

**B**bought

**C**gifted



8. Anderson received the patent for her \_\_\_\_\_ in 1903.  
**A**device                      **B**invention                      **C**appliance

9. At the end of the 20<sup>th</sup> century, only 10 percent of all patents were \_\_\_\_\_ to female inventors.  
**A**encouraged                      **B**awarded                      **C**granted

10. This was the beginning of what is now \_\_\_\_\_ at media franchise.  
**A**established                      **B**admitted                      **C**announced

### Use of English

**V. Read the text. If a line is correct, put a tick. If it has a word which should not be there, write the word on the line.**

In January 2016, Starbucks filed a lawsuit against the parent company of New York's Coffee Culture Cafe for launching a drink called the «Freddocino»	1)
The <u>lawsuit's</u>	2)
<u>local documents</u> allege that the structure of the name have	3)
been contains enough similarities to cause «confusion in	4)
the marketplace» and diminish «Starbuck's brand equity.»	5)
Starbucks does owns the trademark for the term Frap-	6)
pucino. While Coffee Culture Cafe has changed the name	7)
of the drink to a «Freddo,» Starbucks is being proceeding	8)
with the lawsuit.	9)
	10)

### VI. Fill in the correct word derived from the word in bold.

1. Dr Green \_\_\_\_\_ (to take) on the position of Head of the Department.

2. After driving most of the afternoon we \_\_\_\_\_ (reach) the town at five.

3. The job of a jury \_\_\_\_\_ (to be) to bring in the verdict.

4. You \_\_\_\_\_ (to tell) us anything about the decision the court passed yesterday.

5. Negotiations \_\_\_\_\_ (to be held) at two levels, for the aim is to sign the agreement acceptable for both sides.

## Communication

### VII. Complete the exchanges.

A: \_\_\_\_\_?

B: No I'm afraid not. I'm meeting Ruth then. How about the fourteenth in the morning?

A: \_\_\_\_\_. I'm attending a meeting at the Hilton then.

B: What about the next day?

A: No. I'm busy then too. I'm meeting Dorothy Heath at North Bridge Road. \_\_\_\_\_?

B: Yes, I think I am. Let's meet for lunch at mouth restaurant.

A: Good idea! Is two o'clock okay?

B: That's fine. \_\_\_\_\_!

## Writing

**VIII. Do the patents have any effect on research? Use reasons and specific examples to support your answer (Write a 150-word essay).**

# Review Test 1

## Vocabulary and Grammar

**I. Choose a word or a word combination to compete the sentences below. Use each word / word combination once only.**

- |                             |                    |
|-----------------------------|--------------------|
| a) legal issues             | d) trademark laws  |
| b) apply for the injunction | e) give permission |
| c) «fair use» doctrine      |                    |

1. If the patent holder anticipates infringement, he or she may \_\_\_\_\_

2. The patent owner may \_\_\_\_\_ to other parties to use the invention on mutually agreed terms.

3. The usage of trademarks by its owner can cause \_\_\_\_\_ if this usage makes him guilty of false advertising.

4. \_\_\_\_\_ allow businesses to protect the symbolic information that relates to their goods and services by preventing the use of such features by competitors.

5. \_\_\_\_\_ allows the general public to use copyrighted material without permission in certain situations.

**II. Match the words on the left with the words on the right to form collocations and then translate them into Ukrainian.**

- |                     |                 |
|---------------------|-----------------|
| 1. patent           | a) requirements |
| 2. novelty          | b) form         |
| 3. anticipate       | c) piracy       |
| 4. derivative       | d) application  |
| 5. tangible         | e) goods        |
| 6. brand            | f) trademarks   |
| 7. counterfeit      | g) property     |
| 8. collateral       | h) works        |
| 9. non-conventional | i) use          |
| 10. intellectual    | j) infringement |

**III. Match the words to their meanings.**

- |                  |  |
|------------------|--|
| 1. appropriation | a) a person, typically a lawyer, appointed to act for another in business or legal matters |
|------------------|--|

2. fee            b) to take back possession of property, especially for nonpayment of money
3. patentee    c) a payment made to a professional person or to a professional or public body in exchange for advice or services
4. reposses    d) the deliberate reworking of images and styles from earlier, well-known work of art
5. attorney    e) a person or organization that obtains or holds a patent for something

#### **IV. Choose the correct option A, B or C.**

1. A \_\_\_\_\_ may be located on a package, a label, a voucher or on the product itself.

- a) patent                                      b) brand                      c) trademark

2. The writing elements require that a work of art, before receiving copyright protection, must be reduced to some \_\_\_\_\_ form.

- a) intangible                                  b) tangible                  c) written

3. Infringements occurs if a mark is likely to cause confusion among \_\_\_\_\_.

- a) lawyers                                      b) consumers              c) trademark owners

4. Still common law trademarks offer the \_\_\_\_\_ in general less legal protection than officially registered trademarks

- a) holder    b) patentee                  c) attorney

5. Trademarks can be owned, but also \_\_\_\_\_.

- a) repossessed                                  b) sold                          c) licensed

6. The practice of granting \_\_\_\_\_ to citizens first found voice in Venice as early as the 12th century.

- a) privileges                                      b) exclusive rights          c) reward

7. The utility requirement ensures that the product or process receiving patent protection will have some \_\_\_\_\_ use.

- a) profitable    b) fair                          c) beneficial

8. The statutory requirements for patent protection are more \_\_\_\_\_ than those for copyright protection.  
 a) easier                                      b) stringent                                      c) important
9. Such an ever-increasing body of public knowledge promotes further \_\_\_\_\_ and innovation in others.  
 a) novelty                                      b) creativity                                      c) invention
10. Fair use occurs when the second user uses a protected mark in \_\_\_\_\_ way to identify a component of a good or a service.  
 a) non-conspicuous                                      b) smart                                      c) rational

**V. Read the text. If a line is correct, put a tick. If it has a word which should not be there, write the word on the line.**

<p><b>The owner of a trademark patent may pursue legal action against <b>trademark infringement</b>. Most countries require formal registration of application of a trademark as a <b>precondition</b> for pursuing this type of action. <b>They recognize common public law</b> trademark rights, which means action <b>can be taken to protect an</b> unregistered trademark if it is in use. Still <b>common law trademarks offer</b> the holder in general less legal protection <b>than registered trademarks</b>.</b></p>	<p>1) 2) 3) 4) 5) 6) 7)</p>
---	---

**VI. Fill in the correct word derived from the word in bold.**

- Defenses to infringement \_\_\_\_\_ ( to include) fair use and collateral use.
- To receive trademark protection, a mark \_\_\_\_\_ (must) be used in commerce.
- At the end of the 20th century, only 10 percent of all patents \_\_\_\_\_ (to award) to female inventors.
- In early 1999 Shawn Fanning, who was only 18 at the time, \_\_\_\_\_ (to begin) to develop an idea.
- When the inventor \_\_\_\_\_ (to claim) that his or her patent has been infringed, the court \_\_\_\_\_ (to engage) in two-step process.

**VII. Complete the exchanges.**

- A: What... \_\_\_\_\_ ?  
 B: The court generally engages in two-step process in case of claiming the infringement by patentee.

2. A: How long...\_\_\_\_\_?

B: Often two inventors apply for a patent for the same product within 12 months

3. A: Did...\_\_\_\_\_?

B: Metallica argued that Napster facilitated illegal use of digital audio devices.

4. A: Can...\_\_\_\_\_?

B: Copyrighted material can receive varying degrees of protection.

5. A: What...\_\_\_\_\_?

B: Copyright protection gives the copyright holder the exclusive right to reproduce the copyrighted work.

### **VIII. Answer the questions.**

1. What is «fair use» doctrine?
2. Why do law systems need institute of patent protection?
3. Which are the most wide-spread types of intellectual property?
4. When and where the oldest trademarks were registered?

## Review Test 2

### Vocabulary and Grammar

**I. Choose a word or a word combination to complete the sentences below. Use each word / word combination once only.**

- a) widespread
- b) infringement
- c) relevant
- d) counterfeit
- e) wipe

1. \_\_\_\_\_ of copyright occurs whenever someone exercises the exclusive rights of the copyright owner without the owner's permission.

2. The \_\_\_\_\_ use of the Internet since the mid 1990's caused new concerns in the area of copyright.

3. Court usually analyzes all of the \_\_\_\_\_ patent documents.

4. The unauthorized usage of trademarks by producing and trading \_\_\_\_\_ consumer goods is known as brand piracy.

5. She noticed that the driver had to stop the tram every few minutes to \_\_\_\_\_ the snow off his front window.

**II. Match the words on the left with the words on the right to form collocations and then translate them into Ukrainian.**

- |                     |                 |
|---------------------|-----------------|
| 1. anticipate       | a) infringement |
| 2. non-conventional | b) property     |
| 3. collateral       | c) use          |
| 4. derivative       | d) goods        |
| 5. tangible         | e) application  |
| 6. patent           | f) piracy       |
| 7. intellectual     | g) form         |
| 8. novelty          | h) works        |
| 9. counterfeit      | i) trademarks   |
| 10. brand           | j) requirements |

### III. Match the words to their meanings.

- |                  |   |
|------------------|---|
| 1. patentee      | a) to take back possession of property, especially for non-payment of money                                       |
| 2. reposses      | b) the deliberate reworking of images and styles from earlier, well-known work of art                             |
| 3. fee           | c) a person or organization that obtains or holds a patent for something  |
| 4. appropriation | d) a person, typically a lawyer, appointed to act for another in business or legal matters                        |
| 5. attorney      | e) a payment made to a professional person or to a professional or public body in exchange for advice or services |

### IV. Choose the correct option A, B or C.

1. At the end of the 20<sup>th</sup> century, only 10 percent of all patents were \_\_\_\_\_ to female inventors.  
a) encouraged      b) awarded      c) granted
2. This was the beginning of what is now \_\_\_\_\_ at media franchise.  
a) established      b) admitted      c) announced
3. To receive trademark protection, a mark usually must be \_\_\_\_\_.  
a) exceeding      b) distinctive      c) especial
4. Licenses can be bought from trademark \_\_\_\_\_ and brokers.  
a) owners      b) holders      c) possessors
5. Patent owners are obliged, in return for patent protection, to publicly disclose information on their inventions in order to \_\_\_\_\_ the total body of technical knowledge.  
a) attract      b) preserve      c) prevent
6. The patent owner can give \_\_\_\_\_ to other parties to use the invention on agreed terms.  
a) injunction      b) permission      c) application



7. If the variation is more than \_\_\_\_\_ the work will merit copy-right protection.

- a) casual                      b) trivial                      c) usual

8. Only \_\_\_\_\_ expression of ideas can be protected.

- a) collective                  b) individualized              c) personal

9. By allowing.....the right to control the commercial use of their name, voice, and image, right-of-publicity laws protect the commercial potential of entertainers.

- a) judges                      b) celebrities                      c) property right owners

10. For.....material, the exclusive right lasts for 70 years beyond the death of the author.

- a) unauthorized              b) commercial                      c) copyrighted

**V. Read the text. If a line is correct, put a tick. If it has a word which should not be there, write the word on the line.**

Who has the right to legal trademark the word "apple,"	1)
the Beatles or Apple Inc.? The Beatles came with first,	2)
with their music company Apple Corps, and then eight	3)
years later Steve Jobs introduced Apple Inc. to the mag-	4)
ic world. The two mega-corporations have battled it out	5)
in court over the years.	6)
After the first round, Apple Inc. agreed to pay Apple	7)
Corps a cash settlement and to stay out of the music	8)
launch business. But with the advent of iTunes, the le-	9)
gal wrangling between the two giants heated up again.	10)

**VI. Fill in the correct word derived from the word in bold.**

1. This young lawyer \_\_\_\_\_ (to speak) English very well.
2. The solicitor \_\_\_\_\_ ( to receive) your letter yesterday.
3. The President \_\_\_\_\_ (to approve) the new law Parliament had adopted.
4. This article \_\_\_\_\_ (to be related) to the information we are looking for.
5. The defendant says he cannot pay the amount the court \_\_\_\_\_ (to award).

### **VII. Complete the exchanges.**

A: Hello? Hi, Stephanie, how are things at the office?

B: Hi, A! How are you? Can you please stop and pick up extra paper for the computer printer?

A: \_\_\_\_\_? Can you repeat that, please? Did you say to pick up ink for the printer? Sorry, the phone is cutting out.

B: \_\_\_\_\_? No, I need more computer paper. Listen, I'll text you exactly what I need. Thanks, A. Talk to you later.

A: Thanks, B. \_\_\_\_\_  
\_\_\_\_\_.

### **VIII. Answer the questions.**

5. What does intellectual property mean?
6. What do copyright laws grant to authors?
7. How can patent protection be obtained?
8. What defences to trademark infringement include?

# ASWER KEY

## TEXT BANK

### Part 1

#### Exercise 1.

- 1) інтелектуальна власність – intellectual property
- 2) розум людини – human mind/human intelligence
- 3) творіння – creation
- 4) творіння людського розуму – creation of human mind
- 5) винахідник –inventor
- 6) винахід – invention
- 7) встановлений термін – a specified duration/term
- 8) ексклюзивні права – exclusive rights
- 9) надавати ексклюзивні права –to grant exclusive rights
- 10) авторське право – copyright
- 11) патент – patent
- 12) патентоспроможний винахід (тобто винахід, який, згідно з певними характеристиками, може бути запатентовано) – **patent-able invention**
- 13) надавати франчайзинг – **franchise out, grant/provide franchising**
- 14) надавати ліцензію – license out, grant/provide a license
- 15) промислові зразки – industrial designs
- 16) топологія (креслення) інтегральних схем – the layout design (topography) of integrated circuits
- 17) матеріальна форма – tangible form
- 18) нематеріальна форма – intangible form
- 19) інвестувати/вкласти гроші – to invest money
- 20) співпрацювати з – cooperate/collaborate with
- 21) відновлювати/продовжувати – to renew
- 22) відновлення /продовження (строку дії контракту, патенту тощо) – renewal
- 23) щорічні оплата за продовження (строку дії) – **annual renewal fees**
- 24) географічне зазначення – geographical indication
- 25) особлива якість – special quality
- 26) особливе місце розташування – particular location

### **Part 3**

- 1) to
- 2) to
- 3) has
- 4) can
- 5) over
- 6) of
- 7) on
- 8) under
- 9) as
- 10) if
- 11) are
- 12) within
- 13) out
- 14) may
- 15) have
- 16) however/on the other hand
- 17) been
- 18) way
- 19) for
- 20) who
- 21) have
- 22) any
- 23) such
- 24) that/which

# ASWER KEY

## TEST BANK

### Test 1

- I. 1. b, 2. d, 3. e, 4. c, 5. a
- II. 1. c, 2. e, 3. j, 4. d, 5. f, 6. a, 7. b, 8. h, 9. i, 10. g
- III. 1. c, 2. a, 3. d, 4. e, 5. b
- IV. 1. c, 2. b, 3. b, 4. a, 5. c, 6. b, 7. c, 8. a, 9. a, 10. c
- V. 1. a lot of, 2. -, 3. -, 4. guess, 5. -, 6. two, 7.- 8.- 9. process, 10. -
- VI. 1. translated, 2. are studying, 3. made, 4. are trained, 5. delivers

### Test 2

- I. 1) c 2) b 3) f 4) e 5) d 6) a
- II. 1) g 2) c 3) h 4) j 5) b 6) i 7) a 8) d 9) e 10) f
- III. 1) c 2) d 3) b 4) e 5) a
- IV. 1) c 2) b 3) c 4) c 5) b 6) a 7) c 8) b 9) b 10) a
- V. 1) - 2) people 3) artistic 4) - 5) - 6) - 7) doctrine 8) with 9) of the law.
- VI. 1) consists 2) used to be 3) was 4) am going to 5) would take

### Test 3

- I. 1) c 2) d 3) b 4) e 5) a
- II. 1) e 2) j 3) i 4) h 5) b 6) c 7) d 8) g 9) f 10) a
- III. 1) b 2) c 3) a 4) e 5) d
- IV. 1) a 2) c 3) c 4) b 5) a 6) b 7) c 8) c 9) a 10) a
- V. 1) - 2) law 3) has been 4) war 5) without 6) - 7) - 8) - 9) solving 10) -
- VI. 1) translated 2) will drive 3) have translated 4) engaged 5) is

### Test 4

- I. 1) e
- 2) c
- 3) b
- 4) a
- 5) d

- II.** 1) i  
2) d  
3) a  
4) e  
5) b  
6) h  
7) f  
8) g  
9) j  
10) c

- III.** 1) d  
2) a  
3) b  
4) c  
5) e

- IV.** 1) c  
2) a  
3) b  
4) c  
5) a  
6) c  
7) a  
8) b  
9) a  
10) a

**V)** 1) very 2) - 3) - 4) soon 5) - 6) - 7) - 8) patterns 9) - 10) -

**VI)** 1) have started 2) wants 3) sent 4) is starting 5) was given

### **Test 5**

**I.** 1) d 2) e 3) a 4) b 5) c

**II.** 1) i 2) a 3) g 4) b 5) j 6) c 7) h 8) d 9) f 10) e

**III.** 1) b 2) a 3) e 4) c 5) d

**IV.** 1) c 2) a 3) c 4) b 5) c 6) b 7) a 8) a 9) b 10) a

**V)** 1) - 2) - 3) - 4) local 5) been 6) - 7) does 8) - 9) being 10) -

**VI)** 1) has taken 2) reached 3) is 4) haven't told 5) will be held

## **Review Test 1**

**I.** (1b, 2e, 3a, 4d, 5c)

**II.** (1d, 2a, 3j, 4h, 5b, 6c, 7e, 8i, 9f, 10g)

**III.** (1d, 2c, 3e, 4b, 5a)

**IV.** (1 c, 2 b, 3 b, 4 a, 5 c, 6 a, 7 c, 8 b, 9 b, 10 a)

**V.**

**VI.**

1. include, 2. must, 3. were awarded, 4. began, 5. claims, engages

## **Review Test 2**

### **Vocabulary and Grammar**

**I.** 1) b 2) a 3) c 4) d 5) e

**II.** 1. a, 2. i, 3. c, 4. h, 5. g, 6. e, 7. b, 8. j, 9. d, 10. c

**III.** 1. c, 2. a 3. e, 4. b 5. d

**IV.** 1. c, 2. a, 3. b, 4. b, 5. c 6. b, 7. b, 8. b, 9. b, 10. c.

**V.** 1) legal 2) with 3) - 4) magic 5) - 6) - 7) - 8) launch 9) - 10) -

**VI.** 1) speaks, 2) received 3) approved 4) is related 5) has awarded

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**ПРОФЕСІЙНОГО СПРЯМУВАННЯ**  
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