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Question	Answer
What is the simple difference between a copyright and a trademark?	<i>A trademark is a word, phrase, symbol, and/or design that identifies and distinguishes the source of the goods of one party from those of others. A copyright protects original works of authorship including literary, dramatic, musical, and artistic works, such as poetry, novels, movies, songs, computer software, and architecture</i>
How long does copyright protection last?	<i>For works created by an individual, protection lasts for the life of the author, plus 70 years. For works created anonymously, pseudonymously, and for hire, protection lasts 95 years from the date of publication or 120 years from the date of creation, whichever is shorter</i>
How long does a trademark last?	<i>A trademark can last forever - so long as you continue to use the mark in commerce to indicate the source of goods and services. A trademark registration can also last forever - so long as you file specific documents and pay fees at regular intervals.</i>
If an employee (paid by IRS Form W-2) creates a project or design while on "company time", who own the project or design?	<i>Absent a SIGNED agreement to the contrary, the default would be the Employer owns the project or design and may do with the project/design what the Employer sees fit.</i>
What is the best way to secure permission to copy, recreate or teach a design created by another person or business?	<i>The best way to secure permission to utilize the copyright protected work of another is in writing! While email is nice, a quick, short grant of permission in hard copy format signed by the parties with the specific permission is always safest!</i>
Our store would like to use "old" artwork in an upcoming class. Can we use "old" artwork especially since we can't find the artist?	<i>"Old" Artwork is tricky. Artwork created before 1923 most likely falls into the Public Domain (provided it does not also include a valid trademark in the art) and is free to use. A great "cheat sheet" can be found on Cornell University's Website (http://copyright.cornell.edu/resources/publicdomain.cfm)</i>
Our Store contracts (paid by IRS Form 1099) with a teacher to teach a canvas class each month. The Store wants to offer the class again but with a different teacher. Is this ok?	<i>Generally, Contractors (those paid by IRS Form 1099) own all rights to the projects or designs they create. Therefore, absent a signed, clear transfer (Work for Hire Agreement) of the Contractor's rights to the project or design, the Store would not have the rights to offer the class with a new teacher without the "old" teacher's written permission. However, if the Project/Design was one offered in a kit or book specifically granting permission to be taught commercially, then any teacher could teach the class.</i>
I have an idea! How do I protect it?	<i>Patent It! Utility patents may be granted to anyone who invents or discovers any new and useful process, machine, article of manufacture, or composition of matter, or any new and useful improvement of an existing process, machine, article of manufacture, or composition of matter. Design patents may be granted to anyone who invents a new, original, and ornamental design for an article of manufacture.</i>
How should the Store sign its projects and/or designs to let customers know the project/design is protected by copyright?	<i>While US Copyright Law does not require a Copyright Notice on a project/design to enforce the copyright, Copyright Notices on projects/designs are a good idea. The Copyright Notice Formula is - "©, Copy., Copr." + Year of Creation (and Any Subsequent Revisions) + "," + Owner of the Copyright (Ex - © 2017, Awesome Store)</i>
Is the Store liable if a customer or employee uses/infringes on the copyright or the trademark of someone else?	<i>YES! While the Store may or may not be caught, Vicarious Liability (aka you're automatically guilty of someone else's actions) attaches to the customer/employees use. There are defenses available to a store owner if infringement happens, but a good general rule is to have a policy in place to ensure that it doesn't happen or if infringement does happen, the Store did not endorse it.</i>