



## Weekly Information Sheet 06

# *Intellectual Property*

There are three recognized **types** of intellectual property.

Like the **types** of property itself, these **types** of intellectual property allow one to exercise their property rights according to the use and function of the intellectual property.

These **types** of intellectual property include:

## *Types of Intellectual Property*

- 1. Copyrights** (Rights in Writings, Arts or Expression);
- 2. Patents** (Rights in Inventions or Discoveries); and
- 3. Trademarks** (Rights in a Word, Name or Symbol).

These rights were NOT widely recognized in common law.

These rights are NOT enforceable world-wide (without a treaty).

These rights are recognized in modern law pursuant to federal statutes.

- *Title 17 of the United States Code outlines United States Copyright law.*
- *Title 35 of the United States Code outlines United States Patent law.*
- *Title 15 of the United States Code outlines United States Trademark law.*

Computer Programs have been held to be covered under copyright law as they are written code, not under patent law as processes.

# Common Law Felonies

Remember **MR & MRS LAMB.**



**Murder**  
**Rape**  
**Manslaughter**  
**Robbery**  
**Sodomy**  
**Larceny**  
**Arson**  
**Mayhem**  
**Burglary**



## Common Law Felonies vs. Modern Felonies

At common law, a **felony** was a capital offense, meaning the ultimate **punishment** was **DEATH**.

Today, a **felony** under New York law is generally considered a **crime that can be punished by more than a year in jail**. While a **Misdemeanor** is generally considered a **crime that can be punished by less than a year in jail**.

### Murder

A person is guilty of murder when:

1. With intent to cause the death of another person, he causes the death of such person or of a third person;
2. Under circumstances evincing a depraved indifference to human life, he recklessly engages in conduct which creates a grave risk of death to another person, and thereby causes the death of another person; or
3. Acting either alone or with one or more other persons, he commits or attempts to a felony, and, in the course of and in furtherance of such crime or of immediate flight therefrom, he, or another participant, if there be any, causes the death of a person other than one of the participants.

### Rape

A person is guilty of rape (in the first degree) when:

He or she engages in sexual intercourse with another person:

1. By forcible compulsion; or
2. Who is incapable of consent by reason of being physically helpless; or
3. Who is less than eleven years old; or
4. Who is less than thirteen years old and the actor is eighteen years old or more.

### Robbery

Robbery is forcible stealing.

A person forcibly steals property and commits robbery when:

In the course of committing a larceny, he uses or threatens the immediate use of physical force upon another person for the purpose of:

1. Preventing or overcoming resistance to the taking of the property or to the retention thereof immediately after the taking; or
2. Compelling the owner of such property or another person to deliver up the property or to engage in other conduct which aids in the commission of the larceny. (2)