

## ***Creative Ancestors & IP Records: Finding Copyrights, Trademarks, & Patents***

presented by Brian Slawski on behalf of the Burke Historical Society

### **What type of intellectual property do I search for?**

-**Copyrights** apply to original creative works fixed in a tangible medium of expression. These include literary, musical, dramatic, choreographic, pictorial, graphic, sculptural, and audiovisual works. If your ancestor was a writer, composer, visual or performing artist, or filmmaker, search here.

-**Trademarks** apply to words, phrases, symbols, or other devices that identify the source of goods or services. If your ancestor was an entrepreneur or involved in advertising, marketing, or public relations (whether in the for-profit, non-profit, or government world), search here.

-**Patents** apply to new and useful processes, machines, products, compositions, ornamental product designs, and plants. If your ancestor was an inventor, scientist, engineer, product designer, or plant breeder, search here.

Often, the same line of work will involve more than one of these types of IP!

### **Searching copyrights**

-Federal copyright registration dates to 1790.

-Post-1978 copyright records can be searched at <http://copyright.gov> > "Search Records" > "Post-1978 Records."

-Pre-1978 copyright records are in the Catalog of Copyright Entries (CCE), which covers the years 1891–1977. The CCE was published in multiple volumes each year (semiannually at first, then quarterly, then by type of work) and has been digitized, but can only be text-searched by individual volume.

-The University of Pennsylvania's guide to the CCE is easier to use than the link from copyright.gov. Google *Catalog of Copyright Entries* and go to the first (UPenn) hit. Follow the links to individual years in the table at top.

-You can also visit the staffed card catalog in the Public Records Reading Room (LM-404), 8:30 a.m.–5:00 p.m. M–F, in the Copyright Office on the fourth floor of the Madison Building of the Library of Congress, 101 Independence Avenue, SE Washington, DC.

### **Searching trademarks**

-Federal trademark registration dates to 1870.

-Trademarks that were live as of 1984 (which may be indefinitely old if continuously used in commerce), those filed since, and some dead as of 1984 but filed as of 1974 can be field-searched online with the U.S. Patent & Trademark Office's TESS: <http://tess2.uspto.gov> .

-Old and new trademark certificate images can be found online with the USPTO's TSDR, but only by registration number or serial number <http://tsdr.uspto.gov/> .

-Russ Allen's personal website offers text-searching of older trademarks collectively: <http://historicip.com> > "Trademarks" > "OCR Search."

### Searching trademarks (continued)

-If you still think an older trademark is out there (e.g., it may have been mis-scanned in HistoricIP.com), you can text-search individual volumes of the Annual Report of the Commissioner of Patents (1870–1925, 1962–74): [www.hathitrust.com](http://www.hathitrust.com) > search *annual report patents* > “Catalog Record” for 1<sup>st</sup> hit —& the Official Gazette (1872–1972): <http://ptrca.org/history> > “Official Gazette” > Sort by date ascending.

-Each state (plus D.C. and Puerto Rico) also maintains its own trademark registry. These can generally be searched online to varying degrees. For a directory of them, Google *state trademark information* and go to the 1<sup>st</sup> hit (at uspto.gov).

-You can also visit the USPTO’s Public Search Facility; see below.

### Searching patents

-Full-text field searches of patents 1976–present, and searches by issue date, patent number, or current classification of older patents, are available from the USPTO’s online PatFT: <http://patft.uspto.gov> > “Advanced Search” (on left).

-Older (and newer) patents can also be searched via Google Patents: Google *advanced patent search*.

-For Southern inventors from the Civil-War era, a list of Confederate patents can be found at <http://www.myoutbox.net/popstart.htm> . However, very few of the actual patents have been found. Be sure to search the U.S. patent records, too!

-Foreign patents can also be searched collectively online (regardless of the issuing national office) via Google (*advanced patent search*) or from the European Patent Office’s Espacenet website: Google *Espacenet advanced search*.

### Searching trademarks & patents at the USPTO

-More powerful electronic search tools for patents and trademarks, bound and microfilm older records, and helpful staff are available at the Public Search Facility of the U.S. Patent & Trademark Office.

-The Search Facility is on the east side of the main lobby of the Madison Building, 600 Dulany Street, Alexandria , VA 22314. Hours are 8 a.m.–8 p.m. M–F. (Research assistance is offered 8 a.m.–5 p.m.)

-While there, check out the National Inventors Hall of Fame museum across the hall!

### More resources

-A good guide to searching copyrights is at <http://onlinebooks.library.upenn.edu/cce/> .

-Information and tools for older patents and trademarks is at <http://HistoricIP.com> .

-A list of links for historical and specialized patent and trademark research is at <http://ptrca.org/history> .

-Google the author “Tom A. Tuner” for a helpful set of slides called ““Did My [Great, Great] Grandfather Have a Patent?” How to Help Searchers with Historical Patent Information.”