Patent and trademark laws have been in effect in the United States for more than 200 years. The purpose of such laws is to promote science and the arts by allowing inventors and authors/creators exclusive use of their product for a limited time. The United States Patent and Trademark office (USPTO) is a federal government agency under the Department of Commerce, which examines and issues patents and registers trademarks. Protection under intellectual property laws is a mainstay of the United States’ economy and industry, allowing products to be invented, new uses to be found for existing products, brands to built, and jobs to be created.

Patent is defined as an exclusive right to the benefits of an invention or improvement granted by the U.S. Patent Office, for a specific period of time, on the basis that it is novel (not previously known or described in a publication), and "non-obvious" (a form which anyone in the field of expertise could identify), and useful. There are three types of patents:

1) 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 thereof;

2) Design patents may be granted to anyone who invents a new, original, and ornamental design for an article of manufacture; and

3) Plant patents may be granted to anyone who invents or discovers and asexually reproduces any distinct and new variety of plant.

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A trademark can be established through legitimate use of the mark, or a trademark can be granted through the US Patent and Trademark Office. Advantages of applying for a trademark through the USPTO include notice to the public of the registrant’s ownership of the mark and the ability to bring action regarding the mark in federal court.

Technology creates new issues in IP law around the world, especially in the areas of computer software and digital reproduction of artistic works. Because technology moves faster than law-making bodies, IP law in the United States tends to lag several years behind technological progress.