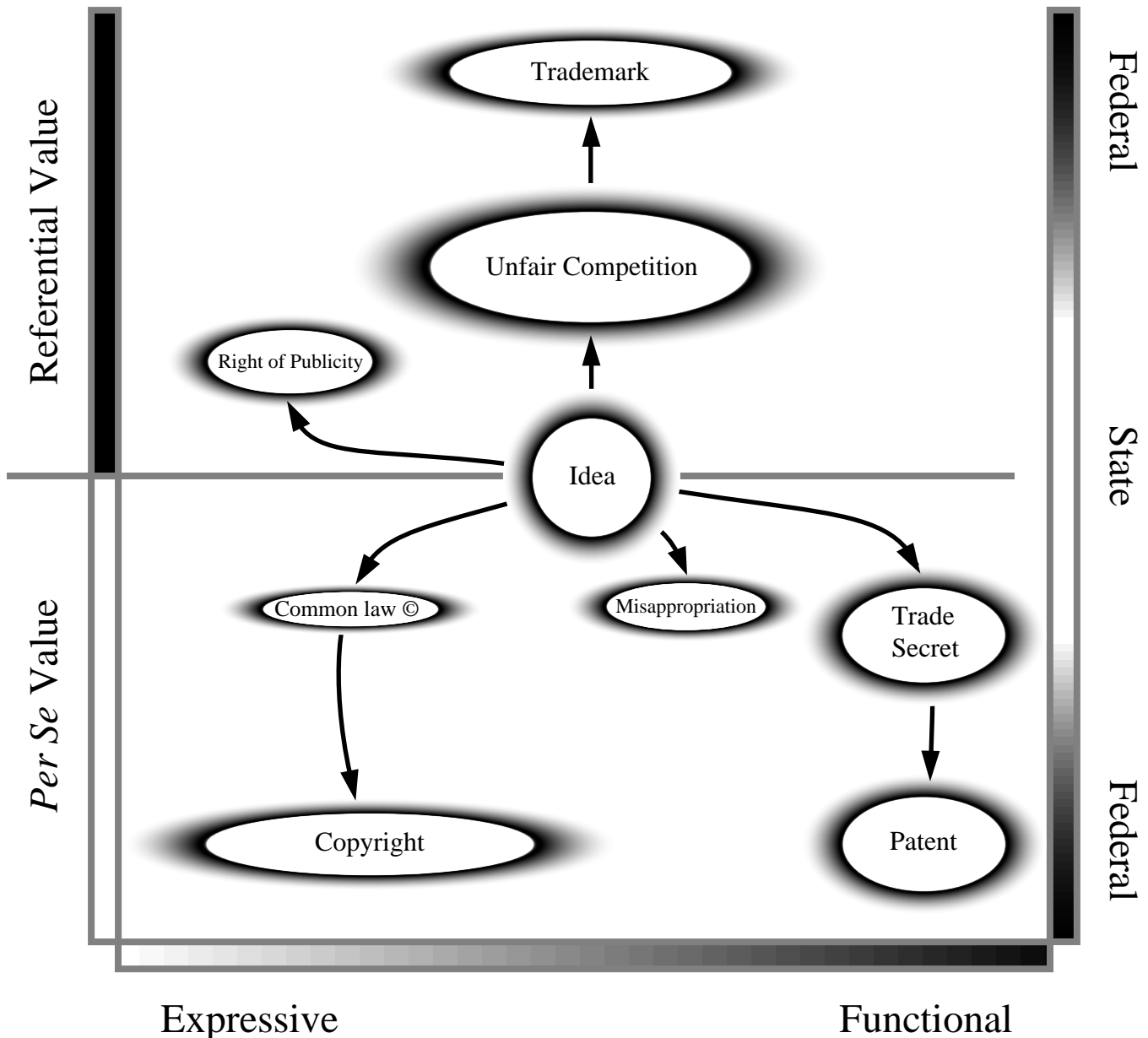


A Map of Intellectual Property



Notes to the Map

1. The left vertical scale divides intellectual property (IP) into two fundamentally different categories. IP above the horizontal divide, such as trademark, protects subject matter valuable only insofar as it helps to identify other things of value. IP below the divide, in contrast, protects intrinsically valuable subject matter. Ask yourself which type of IP-protected subject matter you would want on a desert island; those types of IP go below the line.
2. The right vertical scale shows the extent to which a given type of IP arises under state or federal law. Common law copyright relies solely on state law, for instance, whereas patent law relies solely on federal law. Some types of IP, such as unfair competition, arise under both state and federal law.
3. The bottom horizontal scale indicates to what degree a type of IP protects expressive or functional subject matter. Copyright stretches from poems to computer programs, for instance, whereas trade secret covers only commercially useful ideas.
4. The arrows indicate how IP develops over time. Every sort of IP begins as a mere idea. From there, different types of IP move in different directions depending on their subject matter. As a general matter, however, as you follow the arrows out from the center of the map, IP rights grow: a) more mature in a developmental sense; b) more powerful; c) harder to obtain (the requirements become more stringent and formal); and d) more public and federal.
5. The categories of IP have fuzzy borders here just as they do in practice. Indeed, this map simplifies much of IP's real-world messiness.