What Can and Cannot Be Patented, Copyrighted, Trademarked

Professor Desire' Dubounet
Doctorate in International Law
Recognized International Lawyer
Professional Consultant
in Regulatory Affairs since 2005

contact - desire.dubounet@gmail.com
Desire' Dubounet Esquire
International Attorney
and Regulatory Consultant
Contents

Trademarks are NOT a sign of ownership of a work but trademarks are merely a sign of ownership of the name, title, logo or heading.

Intellectual Property Law .................................................................................................................................................. 3

You cannot own an idea but you can own the form that idea takes ................................................................................... 3

What Can and Cannot Be Patented ...................................................................................................................................... 4

  Why Can't I Patent a Discovery I Made? .......................................................................................................................... 4
  What Is Physical Phenomena? ............................................................................................................................................. 4
  Are Products of Nature Included in the List of What Cannot Be Patented? .......................................................................... 4
  What Are Abstract Ideas? .................................................................................................................................................... 4
  Can I Patent Software? .......................................................................................................................................................... 4

What can and can’t be copyrighted? ....................................................................................................................................... 8

Crash course on trademarks: What are trademarks ............................................................................................................. 20

  What kind of trademarks exist ........................................................................................................................................... 20

Professor of Medicine Desire' Dubounet for IMUNE

https://www.youtube.com/watch?v=vNlPPc8sVUc
Intellectual Property Law

Intellectual Property (IP) is a legal concept which refers to creations of the mind that take form for which exclusive rights are recognized. Examples are books, music, movies, and software. Under intellectual property law, owners are granted certain exclusive rights to license, sell, distribute and profit from their intellectual work.

Common types of intellectual property rights include copyright, patents, industrial design rights, software source code, trade dress, and in some jurisdictions trade secrets.

If a conflict in court comes up, one will have to defend oneself with proof and detail of the history of the software development. And perhaps a professional court inquiry as to the education experience and expertise might be asked to see who really developed the source code and thus truly owns the software.

This will explain the history and this will prove beyond a shadow of doubt who developed the SCIO tech. http://indigoquantumbiofeedback.com/useruploads/files/brief_history_of_development_and_mission_statement.pdf. No one could sanely argue this. Reports of others developing this are just lies.

The history of the research and textbooks of Desire’ Dubounet further validate the verification of it working and the true ownership of the software. The ISSN journals and ISBN books document the ownership.


Trademarks are NOT a sign of ownership of a work but trademarks are merely a sign of ownership of the name, title, logo or heading. Thinking a trademark is ownership of a software is a tale told by a fool believed by an idiot. The law does NOT allow someone to put a trademark onto a software and steal it. You cannot own an idea but you can own the form that idea takes. You cannot own an idea about freedom but if you write a book the words on the page take the form of your idea and you can own the book by copyright (NOT trademark). You cannot own just an idea about energetic medicine but if you write software to take the form of your idea and you can own the software by copyright (NOT trademark). Trade mark just lets you own the title, logo, or name. No part of your software can be taken or used without your permission. So if you own large software and someone steals a small part of it then they still must pay you for the part you use.

Now most of you know who truly owns the SCIO-Indigo-Eductor software, but for those with less than intelligent minds or for bigots with hate in their hearts we have prepared this conclusive document. The major concept in this software is the Electro-Physiological-Reactivity (EPR). With EPR you can measure the reaction of a patient to an item. Only the 510k of Eclosion allows for this. In Europe we have made the registration of the TVEP (Transcutaneous Voltammetric Evoked Potential). This is not biofeedback but needs it own registration and thus only BHO can give you this. Attempts to do this by QWV and others are futile. Only BHO controlled software is able to be used for EPR or TVEP.

So who owns the EPFX, QXCI, SCIO, Indigo, Eductor software? Well Dr. Nelson now Prof Desire’ Dubounet clearly developed the software and the ownership resides in QX Ltd who licenses this to the Budapest Home Office, BHO. BHO has the patents, copyrights, trademarks, history, registrations, sophistication and ownership of the legal fully operative source code. Only BHO can help you and only BHO can give you legal real functioning software. If anyone tells you different they are deceiving you.

Not only the history, but here attached to this document is the copyright renewal, trademarks, past iso certs, registration certs, patents, all proving completely and decisively that BHO and only BHO has the right to give you real software.
What Can and Cannot Be Patented

You can patent pretty much anything under the sun that is made by man except laws of nature, physical phenomena, and abstract ideas. These categories are excluded subject matter from the scope of patents.

Why Can't I Patent a Discovery I Made?
Even if you make a new and useful scientific discovery that no one else has ever thought of, you cannot get a patent on it because you did not actually create the fact you discovered. That fact was always in existence, you were just the first to notice it. However, if you can come up with an invention that makes use of that fact, you can patent the invention.

What Is Physical Phenomena?
Patent law classifies physical phenomena as products of nature. Thus, if your invention occurs in nature, it is a physical phenomenon and cannot be patented.

What Cannot Be Patented? Can I Patent a Living Thing?
It depends. If your invention is a product of nature, it falls under excluded subject matter. However, if your invention does not occur naturally and can only exist through some work on your part, you may be able to get a patent. For example:

- You cannot patent a species of mouse that you find running around your laboratory
- You can patent a genetically engineered mouse that you designed for use in cancer research
- You cannot patent a combination of bacteria with beneficial properties if that combination occurs somewhere in nature
- You can patent a species of bacteria that you genetically alter to solve a common problem if that form does not occur naturally

Are Products of Nature Included in the List of What Cannot Be Patented?
While simply identifying a product of nature like a gene or a hormone will not be enough to warrant a patent, if you are able to purify the product, you may be able to get a patent. Although genes, hormones, and other chemicals are products of nature, they do not exist naturally in isolated form. Thus, if you are able to isolate, purify, or somehow alter a product of nature, you may be able to patent it.

What Are Abstract Ideas?
Abstract ideas are concepts like pure mathematics and algorithms. You cannot patent a formula. However, you can patent an application of that formula. Thus, while you cannot patent a mathematical formula that produces nonrepeating patterns, you can patent paper products that use that formula to prevent rolls of paper from sticking together.

Can I Patent Software?
Although software functions by using algorithms and mathematics, it may be patentable if it produces some concrete and useful result. However, what cannot be patented is software whose only purpose is to perform mathematical operations. Thus, software that converts one set of numbers to another will not be patentable; but software that converts one set of numbers to another to make rubber will be patentable.
What Can’t be Patented?

- Any that can be performed mentally
- Abstract ideas that cannot be reduced to hardware
- Naturally occurring articles / events
- Business forms / printed matter
- Equations / Laws of Nature
What can be copyrighted?

Creative works that are copyrighted fall under the following categories:

- Literary works
- Artistic works, including graphic, pictorial and sculptural works
- Musical works, including lyrics
- Dramatic works, including accompanying music
- Motion picture and other audio-visual works
- Choreographic works
- Sound recordings
- Broadcasts

What can’t be copyrighted?

- Ideas
- Facts
- Typefaces and fonts
- Titles, names, symbols, short phrases, slogans
"You Can't Patent anything Natural only SINthetic"

Desiree Dubounet Patents

- Irish Patent #51995/043. Grant# S67228 ‘Apparatus and method for detecting the reaction of a subject to a plurality of substances.’
- Irish Patent #5194/0228. Grant# 80784 a homeopathic medicine
- Irish Patent #S1994/0084. Grant# 584057 a method for testing a homeopathic pharmaceutical

Primary Examiner--Julia W. Rollins
Inventor-----William Nelson

ABSTRACT

A homeopathic medicine comprises a homeopathic carrier solution which is prepared by mixing a base solution of alcohol and water in the ratio of 1 part alcohol to 9 parts water, and subsequently mixing in sea water, brain hormone and biologically active enzymes into the base solution in the proportions 1/10, 1/2 and 1/20, respectively. The homeopathic carrier solution is sequentially subjected to an alternating current and a direct current treatment which requires applying an alternating current of 20 milliamps at 10 volts and 10 KHz for a duration of 38 seconds and a DC current of 20 milliamps at 1,000 volts for 4 minutes. The active homeopathic ingredient is then added to the carrier solution.
What can and can’t be copyrighted?

II. What can and can’t be copyrighted?
To recap, copyright is the legal right that one has to control copies and distributions of their work. The copyright holder can temporarily disallow others from copying, changing or distributing their work. Its purpose is to incentivize creators to create so that the public can benefit from their continued productivity. Knowing those two things helps make sense of the rules regarding what can and can’t be copyrighted.

To copyright something, only three elements are required: (1) fixation, (2) originality, and (3) expression.

(1) Fixation: a creative idea must be locked in a permanent state. To protect a song, for example, it must be notated on paper or recorded onto tape or CD. A live performance of that song won’t be protected.

(2) Expression: Expression goes hand-in-hand with the fixation requirement. Ideas can’t be copyrighted, but the “expression” of an idea can be copyrighted. For example, the idea that a movie should be made about a suave, British superspy who uses quirky technology can’t be copyrighted, but the James Bond films, the expression of that idea, certainly can.

(3) Originality: Creative work must meet a basic level of originality to be considered the product of an author. Direct copies of someone else’s work can’t be copyrighted, and neither can facts, short phrases, titles, etc. For example, the names and addresses in a phonebook can’t be copyrighted but the photo on its front cover most certainly can.

These three requirements require a bit more depth to understand fully.

(1) Fixation

To get copyright protection, you must fix your work “in a tangible medium.” That means to copyright your song, you first need to record your song and write down the lyrics. To copyright your story, it needs to be written on paper or saved on your word processor.
If you perform your song live for a friend without recording it, notating it or writing down the lyrics, your song is not protected by copyright. Regardless of the quality of your song, you won’t receive copyright protection until the song is in a state that is capable of being reproduced.

“Fixed” work is defined as a work that is “sufficiently permanent or stable to permit it to be perceived, reproduced, or otherwise communicated for a period of more than transitory duration.” For example, a sandcastle or ice sculpture that you worked all day on would probably not be considered fixed so it’s not copyrightable. However, as soon as you take a photograph of your sandcastle or ice sculpture, thus fixing it in reproducible medium other than your own memory, the image and design of the sandcastle can receive legal protection.

(2) Expression

Imagine asking a friend for a movie recommendation. You tell your friend that you want to see a movie about a suave government spy who uses gadgets and is irresistible to women. That synopsis is an idea.

If that person handed you a James Bond DVD, that would be an expression of that idea. That person could also hand you a DVD of the movie xXx or its sequel or xXx: State of the Union or even any of the Austin Powers movies. Those would all be expressions of that same idea, too.

The Copyright Act protects expressions. It does not protect idea[s], procedure[s], process[es], system[s], method of operation[s], concept[s], principle[s], or discover[ies].

The reason for the Act’s demarcation makes sense if you remember that copyright laws exist solely for the public’s benefit. The law wants everyone who is interested in writing about government spies to actually write about government spies. The public does not benefit from someone merely thinking about writing a novel. So if someone doesn’t express their ideas, the public does not benefit, and thus, the idea cannot be copyrighted.
If ideas were protected, whenever a person came up with an interesting, memorable character for a film or book, it would bar everyone else from making a similar character. The same could be said about familiar plots or settings. If these could be copyright protected, everything in the human experience would quickly be copyrighted. After all, some argue that there are at most 36 different plots of stories that can be told and every story told is just a variation of one of those 36 plots.

Expression is easier understood when you consider the concept of parallel independent creation: copyright laws protect your specific expression of an idea, but interestingly enough, it doesn’t prevent someone else from independently generating that same expression.

For example, imagine you are a poet in Brooklyn, New York, and you’ve just finished your 10-line masterpiece that you’ve been writing everyday at the coffee shop for the last year. Meanwhile, at a bar 3,000 miles away in California, Average Joe writes that same poem, word for word on the back of a napkin while waiting for his drink. Since both of you independently thought of that poem and generated the expression without ever being influenced by the other’s work, both of you would get full copyright protection in your poem. It wouldn’t matter who wrote it first.

(3) Originality

It’s a common saying that “everything has been done before.” As I said above, some smart people say there are no more than 36 stories that can be told. Everything we’ve ever seen or read is just a variation on one of those stories.

Copyright law takes this into consideration by setting a low threshold for originality. Though no one can definitively say what is original and what isn’t original, examples from past cases offer helpful guidance.

A photograph on the front cover of a phonebook is clearly an original work. But a list of names and addresses listed alphabetically in a phonebook is not original, as the Supreme Court declared in Feist Publications, Inc. v. Rural Telephone Service Co.
Somewhere in between those two examples is the cutoff point between protected originality and non-protected unoriginality.

The law also recognizes that some creative works, especially those in genres like science fiction and westerns, share lots of common elements that may not be copyrightable. Science fiction stories are full of spaceships, aliens, or gruff space marines; westerns are full of horses, saloons, and quick-shooting cowboys. Some elements of stories like these are often so formulaic that they can’t be protected by copyright. The law calls these non-copyrightable aspects of works as **scenes-a-faire**.

**So What Can’t Be Copyrighted?**

- Ideas and facts
- Works whose copyright has expired
- Works of the US Government
- Laws
- Things the authors have dedicated to the public domain

Finally, it’s worth noting that the law isn’t concerned with the quality of the work when it looks at originality. A child’s drawing in crayon is just as copyrightable as a master-painter’s greatest work. Low budget pornography is just as original and worthy of copyright protection as art films or high-budget summer blockbusters.

In conclusion, it’s more likely than not that if something fits the common sense definition
of creative work, it will satisfy the originality requirement.

**Putting it all together**

Generally, titles, short phrases, facts, and utilitarian language can’t receive copyright protection. This makes sense because they are either too much like ideas or not original enough to meet copyright law’s requirements. This means that even if someone spends a lot of time and mental energy generating a title, I can copy it and use it in my own work in any way I want without issue.

**Facts**

Copyright law protects a person’s expression; it does not protect facts. A person who discovers a fact about the world (like a biologist who discovers a fact about human cellular structures, a historian who discovers a fact about Napoleon’s life, or a journalist who learns secret information about a news event) is not the author of that fact under copyright law. [Feist Publications, Inc. v. Rural Tel. Serv. Co., 499 U.S. 340, 347 (1991).] That person has neither expressed anything to create the fact nor does a fact of the world involve any creative originality.

Said another way, facts may be discovered, but that discovery isn’t an act of authorship.

For example: Imagine you’re a historian and you’ve devoted your life’s research to proving through the archeological record that Genghis Khan, rather than being an aggressive Mongolian warlord, was actually a peace-loving Mongolian philosopher. After searching for archeological evidence on the Mongolian Steppes for a decade, finally you find evidence that definitively proves your hypothesis. You publish this all in a detailed biography of Genghis Khan’s life that rocks the history world.

If a movie producer wanted to make a movie based on Genghis Khan being an ancient peace-loving beatnik using all of the details you describe in your book, he wouldn’t have to pay you a dime because you merely learned a non-protectable historical fact.

But if the movie producer wanted to make a movie directly based on the biography that you wrote (where he uses lines from your book or the structure of your book), he would need your permission because he’s using the rights to your “expression” of the historical
fact that you learned.

**Other examples of things that would be considered non-protectable facts.**
- The President of the United States is Barack Obama
- Mosquitoes are carriers of malaria

A fact can’t be protected even if you’re the one who independently created the fact or you’re the only person who knows about the fact:

- You can see me perform my secret concert at Balboa Park tomorrow night
- This watercolor in my closet that I painted is blue

**Titles**

Neither copyright nor trademark law protects titles of individual works. The only possible protection for titles is through unfair competition laws.

- The Girl With the Dragon Tattoo
- Gone with the Wind
- Citizen Kane

**Short phrases**

Phrases are not protectable under copyright law.

- “Land ho!”
- “A bird in the hand is worth two in the bush.”
- “A buyer’s market.”

However, short phrases may be protected under some other legal scheme, like trademark, rights of publicity, or unfair competition law.

“Here’s Johnny” – a protected trademark of Johnny Carson
“Just Do It” – trademark of Nike
Utilitarian language

If there’s only one way to accurately communicate a concept to someone, then the language you’re using is utilitarian. Utilitarian language is not protected by copyright law, because if it were, someone could get the exclusive rights to basic explanations like the instructions on how to assemble a chair or bake a cake. If there’s only one way for people to communicate an idea, the law doesn’t want anyone with control over people’s ability to communicate freely.

By contrast, patent law protects truly original, novel, and useful instructions with practical value, and trademark law gives people limited protection to use utilitarian language in their business transactions or on products.

Some examples of non-protectable utilitarian language are:

- “Turn the screws counterclockwise with a Phillips-head screwdriver,” in instructions to build a desk.

- “Crack two eggs into a preheated skillet.”

FBI Anti-Piracy Warning:
The unauthorized reproduction or distribution of a copyrighted work is illegal. Criminal copyright infringement, including infringement without monetary gain, is investigated by the FBI and is punishable by up to five years in federal prison and a fine of $250,000.
Gods, Religious texts cannot be trademarked: SC

What:
The SC has held that a person cannot claim the names of a holy or religious book as a trademark for his goods or services

By Whom:
A bench of Justices Ranjan Gogoi, Agrawal and N V Ramana rejected the appeal by Lal Babu Priyadarshi.
Lal Babu from Patna appealed who sought to trademark the word ‘Ramayan’ to sell incense sticks and perfumes.

Why
- No individual can be given an exclusive right over gods and holy books, especially to make a profit.
- The word ‘Ramayan’ represents the Hindu Religious book title written by Valmiki.
- Thus, the name ‘Ramayan’ as a trademark for any commodity cannot be permissible under the (Trade and Merchandise Marks) Act.

Trivia:
Judgment referred to the 8th Report on Trade Marks Bill, 1993 submitted by the Parliamentary Standing Committee
What Can and What Cannot be Trademarked

In my previous article, The Secret of Thriving in a Competitive Industry, you learned a strategy that uses trademarking to create and maintain an important advantage over your competition.

Now, it’s time to get into what trademarks actually are, so that you can understand what can and what cannot be trademarked.

A trademark is a feature unrelated to the characteristics of your products or services which allows your business to help customers and consumers distinguish your products and services from identical or similar products and services of everyone else.

Let me rephrase it: A trademark can be anything (a name of a product, a name of a service, a logo, a tagline, a sound, a color, a shape, or the look and feel of a product) as long as it has
nothing to do with the functionality or features of your products and services and as long as it allows your customers to tell your products and services from the same or similar products and services offered by your competition.

Trademarks are not designed to protect the products or services themselves. They protect that which identifies your product or service and sets it apart from all other similar products and services.

Oh, and if you are the only business on the market that offers your particular product or service, you need to imagine that you have competitors who offer exactly the same products or services that you offer. Will your brand still allow your guests to distinguish your stuff from your competitors’ stuff?

What can and cannot be trademarked flows directly from this function of trademarks: to allow the market to tell your products and services apart from your competition’s.

As I mentioned, pretty much anything can act as a trademark. It can be invented words—for example, Xerox or iPad. It can be dictionary words—like Apple or Windows. It can be a slogan—like I’m Loving It. It can be a logo. It can be a character from a book or a cartoon. It can be the shape of a product—like the Coca-Cola bottle. It can be a color, such as the magenta color of T-Mobile or the red soles of Louboutin shoes. It can be a tune, such as the famous Nokia tune. It can also be just a sound or a noise—like MGM’s roaring lion. Indeed, every time you hear a roaring lion in the beginning of a movie, you don’t even have to look at the screen; you’ll know exactly who made it. This is the function of a trademark.

One important thing is that simply because you have a trademark doesn’t mean you have the monopoly over the word, slogan, or image you chose as your trademark. You only have a monopoly over the association between that word, slogan, or image and the specific goods or services that you offer.

The example I always use is McDonald’s. They don’t own the phrase “I’m loving it” by itself. They own the phrase “I’m loving it” in connection with restaurant services. So if you are a funeral home or a gynecologist, you can safely use or even trademark the same phrase.
McDonald’s is not going to go after you for trademark infringement. But I’ll let you be the judge of whether using the phrase for a funeral home or a gynecology practice is a wise business decision.

While knowing what can be tradmarked is important, it’s not sufficient. You also need to clearly understand what can’t be tradmarked.

You are not allowed to claim the generic name of a product or a service itself as your trademark.

For example, you can’t trademark ACCOUNTING for accounting services. This means you can’t stop other people from using the word accounting to describe their accounting services. Similarly, you can’t trademark BADMINTON for badminton, and you can’t trademark APPLE for apples. Remember, the function of a trademark is to distinguish the apples of different producers, not to give someone the right to say, “I am the only one who can sell apples in Canada.”

Next to generic names are “clearly descriptive or deceptively misdescriptive” marks.

In human terms, clearly descriptive means that your trademark is made up of dictionary words (or their phonetic equivalents) which describe some important characteristics of your product or service. For example, you can’t trademark COLOR for printers, or SAFE for cars, or DELISHEWZ for apples.

Deceptively misdescriptive means that your trademark is made up of dictionary words (or their phonetic equivalents) that would mislead consumers into believing that your products or services have characteristics that they do not possess. For example, you can’t trademark LEATHUR SHOOZ for shoes that are not made of leather. Likewise, you can’t trademark WYOMING OCEANFRONT PROPERTIES for real estate services.

Unlike clearly descriptive marks, suggestive marks only give some vague idea about the products and services covered by the trademark, and are registrable. Sometimes the boundary between unregistrable clearly descriptive marks and registrable suggestive marks isn’t very clear. This
can result in long disputes between applicants and the Trademark Office. Ultimately, it is up to the Trademark Office or the courts to decide one way or the other.

In Canada, while you can use your personal name as a trademark, as a general rule, you can’t register a trademark that consists only of your full name or your last name. For example, JOHN SMITH or SMITH would not be registrable. However, if you combine the name with something else, for example, JOHN SMITH’S ACCOUNTING, it will become registrable.

Furthermore, you can’t trademark something that goes to the functionality of the product itself. Anything that is required in order for the product to function cannot be protected as a trademark. If anything, it should be protected through a patent. For example, Philips’ attempt to protect its three-head shaver through a trademark failed because the court found that what Philips was actually trying to accomplish was to monopolize the market of three-head shavers rather than allow customers to tell Philips’ three-head shavers from three-head shavers of other companies.

Naturally, you can’t trademark something that had already been trademarked in association with identical or similar products and services. Remember my example about I’m Loving It used by a gynecologist from the previous article? I’m oversimplifying here, but the general rule is that if both your brand and your products and services are similar to someone else’s brand, you are not allowed to trademark your brand.

My upcoming article will cover the difference between unregistered and registered trademarks and outline 7 reasons for registering trademarks.

My goal with this series of articles is to cover the basics of trademarking, not to turn you into a trademark professional. As a result, you will be able to confidently identify your trademarking needs and have meaningful conversations with investors, partners, and lawyers. However, it is not designed to turn you into someone who files their own trademark applications. I’m not questioning your ability to draft proper trademark applications—if you spend enough time learning. I’m questioning whether it’s the best use of your time to do your own trademarking as opposed to growing your business.
Trademark Factory® exists for this very reason—to do what we’re very good at and allow you to focus on what you’re very good at. That’s why we are offering a free comprehensive trademark search. Just tell us what brand you want to trademark, and we’ll let you know if it’s trademarkable, for free!

Crash course on trademarks:
What are trademarks

A trademark must inform potential buyers about the trademarked goods and services. This can be the company that made it, but also a characteristic of the good itself. Companies have a wide variety of options to achieve this, from words and logos to shapes and colors and in some cases even sounds. The most important requirement is that a trademark is distinctive. A purely descriptive name cannot help buyers to identify the origin of the goods, and so it can not be a valid trademark.

What kind of trademarks exist

Trademarks and service marks

A trademark is a word, phrase, symbol or design, or a combination of words, phrases, symbols or designs, that identifies and distinguishes the source of the goods of one party from those of others. A service mark is the same as a trademark, except that it identifies and distinguishes the source of a service rather than a product. Historically, many trademark laws only provided protection from marks regarding products and not services. Later, when protection for the source of services became more important, trademark law was extended to allow for this. In most cases, the distinction between the two is not important. Trademark lawyers and scholars still use the term 'goods and services' out of habit to indicate that trademarks can cover both.

Collective marks
Collective marks indicate the origin of goods and services just like "ordinary" trademarks. However, as the name suggests, they indicate that the origin is a member of an association rather than one particular company. This way, the members of the association can jointly profit from the image created by the collective mark. Consumers then also know that a company bearing the collective mark meets the standards set by the association.

For example, the term "realtor" could be a collective mark by a national association of realtors, which means that it may only be used by real estate agents who are members of that association. The association could set certain standards for e.g. the price, or offer guarantees regarding the service offered or act as a mediator in case of conflict. Non-members cannot use the term "realtor" to designate their services, and so potential customers are warned that these companies do not necessarily meet the standards set by the association.

Certification marks

Certification marks are somewhat similar to collective marks. Certification marks do not indicate the origin of the goods, but certain characteristics of the good. For example, a certification mark could indicate that a particular product is 100% silk, or that it was developed without animal testing. Many consumer electronic products in Europe, for example, bear the "CE" mark, which indicates that the product meets the safety standards set by various European Directives. The letters "CE" are an abbreviation of Conformité Europeénne, which is French for European Conformity.

Typically, a certification mark is held by an independent body, which also maintains the standards that a product or service must meet in order to be allowed to bear the certification mark. This body should not commercially use the certification mark itself, as this would give this body an unfair advantage.

What can be used as a trademark

Words and graphical signs

The most common forms of trademarks are word marks and graphical marks. A word or phrase, whether made-up or already existing, can be used as a trademark. A graphical sign, often a logo, can also be a trademark. It is often easier to get trademark protection for a graphical sign containing that word than for the word itself. The graphical "dressing" of the sign helps make it more distinctive. A word must be able to qualify as trademark without any such "dressing". Of course, if someone has trademarked a graphical sign containing a descriptive word, that doesn't mean that he has any rights to the descriptive words. He can only act against people using that graphical sign.

Shapes and colors

Next to words and graphical signs, the shape of a product can also be a trademark. The most famous shape mark is of course the Coca Cola bottle. Shape marks can be more valuable than word marks, as consumers are often able to recognize a shape even when the label has been removed. Colors can, under certain circumstances, also qualify as a trademark. Typically, such colors are then part of the house style of a particular company.

Sounds
Sounds are usually not able to qualify as a trademark. The main reason for this appears to be administrative: sounds, unlike text or graphics, cannot be easily added to the registration database, making it very difficult to find out whether a particular sound would be trademarked.

In the United States, sounds can be a trademark. A famous example is the roar of the lion from the MGM movie company. Harley-Davidson applied for a trademark on the distinctive sound made by its motorcycles (potato-potato-potato), but this application (serial number 74485223) was abandoned after a decision by the Trademarks Trial and Appeals Board in September 2000.

Of course a distinctive and original sound can be protected by copyright. This would allow the company that held the copyright on the sound to prevent others from using that sound in their commercials. It wouldn't help against competitors who independently compose a similar sound, though.

Distinctiveness: when does something qualify as a trademark

The most important requirement is that a trademark is distinctive: the trademark must be able to identify the goods or services it protects as originating from a particular company, and thus to distinguish those goods or services from those of other companies. This is important in order to ensure that potential buyers are not tricked into buying a product of one company while believing it is a product of another company.

When is a trademark distinctive

A trademark can be distinctive simply because it is a very original or fantasy name (such as XYYZ) or because of the effort by the trademark holder to build up such a distinctiveness. Even when the trademark is a common word, it can still be distinctive for a particular good or service. For example, even though "Apple" is a common English word, it was successfully trademarked for computers and related products. It was also trademarked (by another company) for a particular record label. The computer company and the record label later made an agreement that the computer company would not market music software under the name "Apple" or using the "Apple" logo. Interestingly, MacOS comes with a System Sound named "sosume". More recently the Apple computer company has started an electronic music store, which prompted a trademark lawsuit from the Apple Music company.

Distinctiveness may vary in time

The distinctiveness of a trademark may increase or decrease over the years. If a particular trademark is used very intensively by the trademark holder, it becomes more famous and thus more easily identifiable by consumers. But if the trademark holder is not very careful, the trademark may end up as a generic name for the product to which it relates. This destroys all trademark rights the trademark holder has, and so it should be no surprise that many trademark holders actively try to prevent people from using trademark names as generic names.

Distinctiveness applies to the trademark as a whole

The distinctiveness of a trademark relates to the trademark as a whole, not to its individual components. Article 6quinquies of the Paris Convention says that something cannot be a trademark if it is devoid of any distinctive character or consists exclusively of signs or indications which may serve, in trade, to designate the kind, quality, quantity, intended purpose, value, place of origin, of the goods, or the time
of production, or have become customary in the current language or in the bona fide and established practices of the trade of the country where protection is claimed.

For instance, the words "baby" and "dry" are by themselves descriptive when used for diapers. The word "baby" indicates for whom the product is intended, and the word "dry" describes the intended purpose of the diapers. However, when put together the combination "Baby Dry" can be a trademark, as the combination forms an unusual juxtaposition that creates distinctiveness. The combination then doesn't exclusively consist of signs that describe intended purpose or use. This doesn't mean that others can no longer put the word "baby" or the word "dry" on the packaging of their diapers, they just can't sell diapers called "Baby Dry."

Degrees of distinctiveness

The distinctiveness of a trademark is relative to the goods and services for which it was registered. A trademark can be an ordinary word in itself, but that does not automatically mean it is not a distinctive trademark. Trademark lawyers use four different categories to indicate the distinctiveness of a trademark: fanciful marks, arbitrary marks, suggestive marks and descriptive marks.

Fanciful marks

Fanciful marks are composed of one or more fanciful or arbitrarily chosen words like "Xerox®" or "Persil®". Such made up words can be distinctive trademarks for any type of goods or service. While very fanciful names are very powerful as trademarks, it is difficult to enter a market with a completely arbitrary name. Potential buyers want to know what the product is because they can't tell from the name. Marketing people therefore prefer to have more or less descriptive names like "104 keys" or "Super Typing" for a keyboard, rather than "XYYZ". Such descriptive names are not very strong trademarks.

Arbitrary marks

Arbitrary marks are not original words, but they are distinctive because they are not related to the goods or services it designates. The word "Apple" can be used as a mark for computers or music records, but not for apples or fruit in general. It is clear that this word completely describes the goods in case of apples, and so it cannot distinguish between goods from different companies.

Suggestive marks

Suggestive marks are signs like "Microsoft" or "Silicon Graphics". These marks are suggestive of the goods they stand for, but they do not directly describe these goods. This allows them to serve as trademarks for those goods. Such suggestive marks are very attractive in marketing terms, as they remind consumers of the product and the (hopefully positive) image of the product they associate with it. And that will stimulate them to buy the product.

Descriptive marks

Descriptive trademarks are marks that directly describe the characteristics of goods or services, like "104 keys" for a computer keyboard. Such trademarks are very weak in terms of protection that they offer, and they run the greatest risk that they are deemed generic and hence cannot serve as a trademark.
The line between suggestive marks and descriptive marks is very hard to draw. A rough guideline is that suggestive marks require some imagination, thought, or perception to reach a conclusion regarding the nature of the goods.

All parts

- Crash course: Introduction
- Crash course: What are trademarks
- Crash course: The procedure for getting a trademark
- Crash course: The protection offered by trademark law
- Crash course: Limitations on trademark rights
- Crash course: Trademark-related treaties

**Desire Duboune Patents**
- Irish Patent #S1995/0437. Grant #S67328 "Apparatus and method for detecting the reaction of a subject to a plurality of substances."
- Irish Patent #S1994/0228. Grant #S60784 a homeopathic medicine
- Irish Patent #S1994/0084. Grant #S64087 a method for testing a homeopathic pharmaceutical
- Irish Patent #S1993/0215. Grant #S58223 a homeopathic medicine

---

**US005603915A**

**Primary Examiner—John W. Rollins**

**Inventor—William Nelson**

**ABSTRACT**

A homeopathic medicine comprises a homeopathic carrier solution which is prepared by mixing a base solution of alcohol and water in the ratio of 1 part alcohol to 9 parts water, and subsequently mixing in sea water, brain hormone and biologically active enzymes into the base solution in the proportion 9c, 12c and 12x, respectively. The homoeopathic carrier solution is sequentially subjected to an alternating current and a direct current treatment which requires applying an alternating current of 20 milliamps at 10 volts and 10 Kilo for a duration of 30 seconds and a DC current of 20 milliamps at 1,000 volts for 4 minutes. The active homoeopathic ingredient is then added to the carrier solution.
Here are examples of the Official International renewals of Copyrights.

Translation

Subject: certificate of voluntary register of works

I certify that Desiré Dubouzet, 1089 Budapest, Kálvária tér 2 as applicant, have registered the accompanying document EDUCTOR 64/2012 as their own computer program.

This certificate pursuant to the Regulation 26/2010.(XII.28.) regarding voluntary register of works, is issued by the National Office of Intellectual Property.
Tanúsítvány önkéntes minősítésvételekhez vételről

Igazolom, hogy

Deszré Duboumet, 1089 Budapest, Kálvária tér 2.

mint kérelmező(k) a mellékelt 'EDUCTOR 64 / 2013' című dokumentumot saját számitógépi programalkotásuk/ként vetették(k) ajánlására.


Budapest, 2013. október 15.

Translation CERTIFICATE

Subject: certificate of voluntary register of works

I certify that Deszré Duboumet, 1089 Budapest, Kálvária tér 2, as applicant, have registered the accompanying document EDUCTOR 64/2013 as their own computer program.

This certificate, pursuant to the regulation 26/2010.(XII. 28.) regarding voluntary register of works, is issued by the National Office of Intellectual Property.

If you go to the Europe online trademark site type in Educotor and you will see that in 7-2012 Mandaly secured the trademark for Educotor we allow Scio International to use the Educotor name as Educotor Scio as long as they work within our contract to use only BHO paypal activated software
**What Can and Cannot Be Patented, Copyrighted, Trademarked**

CTM-ONLINE - Detailed trade mark information

<table>
<thead>
<tr>
<th>Trade mark name</th>
<th>EDUCATOR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trade mark No :</td>
<td>011285207</td>
</tr>
<tr>
<td>Trade mark basis</td>
<td>CTM</td>
</tr>
<tr>
<td>Date of receipt</td>
<td>16/05/2013</td>
</tr>
<tr>
<td>Number of results</td>
<td>7 of 85</td>
</tr>
</tbody>
</table>

Filing date: 16/05/2013
Nice Classification: 9, 44
Trade mark: Individual
Type of mark: Word
Applicant’s reference: MM2013
Status of trade mark: Application published

**Mandalay has a trademark for SCIO and only Mandalay has a license to use the software**

CTM-ONLINE - Detailed trade mark information

<table>
<thead>
<tr>
<th>Trade mark name</th>
<th>SCIO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trade mark No :</td>
<td>011191194</td>
</tr>
<tr>
<td>Trade mark basis</td>
<td>CTM</td>
</tr>
<tr>
<td>Date of receipt</td>
<td>17/05/2012</td>
</tr>
<tr>
<td>Number of results</td>
<td>4 of 95</td>
</tr>
</tbody>
</table>

Filing date: 17/05/2012
Nice Classification: 9, 44
Trade mark: Individual
Type of mark: Word
Applicant’s reference: MM2012
Status of trade mark: Application published

Diagram: Mandalay has a trademark for SCIO and only Mandalay has a license to use the software.
The EPEX measures the Electrophysiologic Reactivity intensity of the patient to many QQC trivector voltammetry patterns. These are patterns of reactions to barcodes, Nosodes, Allersodes, Isodes, nutritional, herbal, imponderable, and classic homeopathics. The reaction patterns or profiles can relate disturbances of the patient. Therapies can then be arranged to develop harmonic reactions, desensitizations, biological resonance or rectification processes. All of these are applied and managed through biofeedback application. Biofeedback is the operation that allows for the systemic loop of systemic feedback. The only indicated use of this device and all claims related to this device are under biofeedback. The loop of measured reaction and bio-varied resonance response allow for a true feedback for self corrective Electrophysiologic therapy. Hence it is called the Electro Physiological Feedback Xrroid.

Excerpt from the 510k registration of 1989

Food and Drug Administration
Rockville, MD 20850

Re: K392144
Electro-Physio-Feedback-Xrroid System

Dated: Unmarked
Received: July 18, 1989
Regulatory Class: II
The CE mark Class 2 registration includes **European Registration**

The following excerpt is from the medical claims part of the SCIQ CE Mark:

- The SCIQ is indicated for use as a Universal Electrophysiological Biofeedback System. The Universal Electrophysiological Biofeedback System is made up of the following eight universal items which are functions of the SCIQ:
  1. Stress Reduction and Lifestyle Stressors Questionnaire;
  2. Simple EEG [electroencephalography] biofeedback brain wave stress reduction;
  3. Three-pole ECG [electrocardiography] simple heart awareness and biofeedback stress reduction;
  4. EMG [electromyography] biofeedback for simple reeducation of muscles;
  5. GSR [galvanic skin response] biofeedback and TVEP (transcutaneous voltammetric evoked potential) biofeedback (electrophysiological reactivity).

**TVEP = EPR**

Since GSR biofeedback requires a microcurrent voltammetric stimulation to measure GSR, then the microcurrent has the following secondary therapeutic functions which function as performed through the biofeedback loop:

- Microcurrent Transcutaneous electro neural stimulation (MENS) for pain reduction in the cybemetic biofeedback loop.
- Cranial Electro Stimulation (CES) for anxiety and addiction.
- Trauma or wound healing in the biofeedback loop.
- Global Voltammetric Charge Stability in the biofeedback loop.


What Can and Cannot Be Patented, Copyrighted, Trademarked

The International Journal of the Medical Science of Homeopathy
as a peer reviewed medical journal

under from Hungarian ISSN National Center 1997 apr.15-I and has awarded the international identification number:

ISSN 1417-0876

This number will remain unchanged for the lifetime of this publication.

Desire’ Dubounet Patents

- Irish Patent #51995/0437. Grant# 867328 “Apparatus and method for detecting the reaction of a subject to a plurality of substance.”
- Irish Patent #1994/0228. Grant# 80784 a homeopathic medicine
- Irish Patent# 51994/0985. Grant# 864088 “A method for monitoring quality of a homeopathic pharmaceutical”
- Irish Patent# 51994/0884. Grant# 864087 a method for testing a homeopathic pharmaceutical
- Irish Patent# 51993/0215. Grant# 558223 a homeopathic medicine.

[Image of patent information]

US00503915A


Primary Examiner—John W. Rollins
Inventor------ William Nelson

[57] ABSTRACT
A homeopathic medicine comprises a homeopathic carrier solution which is prepared by mixing a base solution of alcohol and water in the ratio of 1 part alcohol to 9 parts water, and subsequently mixing in sea water, brain hormone and biologically active enzymes into the base solution in the proportion 9x, 12x and 12c, respectively. The homeopathic carrier solution is sequentially subjected to an alternating current and a direct current treatment which requires applying an alternating current of 20 milliamperes at 10 volts and 10 KHz for a duration of 30 seconds and a DC current of 20 milliamperes at 1,000 volts for 4 minutes. The active homeopathic ingredient is then added to the carrier solution.
What Can and Cannot Be Patented, Copyrighted, Trademarked

Just Some Samples of IMUNE Certified Medical Textbooks
The history is clear. The research and textbooks further validate the truth of Desire’ Dubounet’s development. With the copyrights, trademarks, patents, research, education, expertise, and experience it is undeniable who developed the software and the EPR, TVEP and VARHOPE functions. Now BHO is the only entity to help you with the software for your Indigo, SCIO, QXCI, Eductor.
Professor Desire‘ Dubounet
Doctorate in International Law
Recognized International Lawyer
Professional Consultant
in Regulatory Affairs since 2005

contact - desire.dubounet@gmail.com
Desire ‘ Dubounet Esquire
International Attorney
and Regulatory Consultant