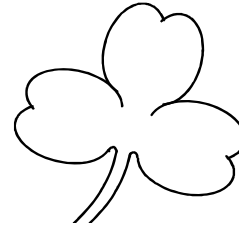




Happy St. Patrick's Day

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"Tip of the Month"

Intellectual Property Challenges of 3D Printing

3D printing can make a three-dimensional "photocopy" of a solid object of virtually any shape. In an additive process, successive layers of material are laid down in different shapes according to a digital blueprint generated by computer aided design (CAD) or animation modelling software. By "slicing" the blueprint into digital cross-sections, the printer deposits the layers to build up the completed object.

The ability to copy nearly any object has significant ramifications for IP rights owners. This is particularly so for objects that have few or no moving parts, such as spare parts, sporting goods or toys.

The problem is that 3D printing does not fit nicely within the rights granted by patent, copyright, or trademark laws. Unfortunately, IP laws lag behind this disruptive technology.

Patent Law and 3D Printing:

If your product is protected by a granted patent, such as a new mousetrap, your patent can stop the distribution of unauthorized 3D printed replicas and maybe also the process to make them. Patents protect inventions, but they do not apply to the vast majority of consumer goods whose patents have long since expired or which are not patentable.

Copyright Law and 3D Printing:

A copyright will assist only in limited circumstances, particularly where articles themselves are scanned and copied. Copyright can apply if the product is a work of artistic craftsmanship, such as decorative vases, ceramics or interior design objects. Many articles and parts that are purely functional or utilitarian in nature, however, do not qualify for copyright protection.

A design drawing for a product may also be a copyrighted work, but unless the design is registered or is a work of artistic craftsmanship, copyright law does not prohibit others from copying it, using a 3D digital blueprint, or selling it. Creating digital blueprints by scanning a product and distributing the blueprint will not infringe a copyright in the product or in the original digital blueprint.

Trademark Law, Counterfeit Products and 3D Printing:

If a registered trademark is applied to counterfeit goods in the marketplace without the permission of the trademark owner, infringes the trademark. A difficulty with 3D printing is that trademark law does not prohibit a consumer from printing the product and using it personally, even if the digital blueprint reproduces a trademark on the product, so long as the consumer does not seek to sell the product bearing the mark.

Understanding the practical reality of how infringement may occur, who may be infringing, and what types of products or markets are most likely to be threatened is a first step to understanding how 3D printing will affect your business.

If you have any questions about IP rights, the intellectual property attorneys at Mesmer & Deleault, PLLC are available to help you. Please give us a call at (603) 668-1971 or contact us by e-mail at [mailbox @ biz-patlaw.com](mailto:mailbox@biz-patlaw.com) to schedule an appointment.

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