



**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF TENNESSEE**  
Joel W. Solomon United States Courthouse  
900 Georgia Avenue  
Chattanooga, Tennessee 37402

## **FEDERAL COURTS PROTECT PROGRESS AND CREATIVITY**

We are living in a time when we can take for granted so many things that a mere hundred years ago would have been considered miracles or the height of fantasy. We enjoy products that make life easier and more pleasant, and even products that prolong life itself. In our work we have many tools that increase our efficiency and allow us to be more productive. In our health care we receive treatment through an ever-increasing array of medications, medical procedures, and medical equipment. We have cars that can drive themselves, and phones with sophisticated navigation systems that direct us accurately to destinations we have no idea how to find on our own. For our personal enjoyment, we have flatscreen televisions in our homes, cellphones with a huge array of movies, music, and other entertainment accessible in our pockets, and instant communication with friends and family virtually around the globe through our cellphones, tablets, and other devices. We go to theaters that present live plays and to movie theaters showing the latest movies with amazing special effects. Our homes boast microwave and convection ovens, programable coffeemakers, voice-controlled appliances, miniature security cameras, and other technological marvels. We can travel the world, read the latest news, learn about interesting events and times in history, enjoy whatever genre of books brings us pleasure, or listen to our favorite music from the comfort and safety of our homes by use of our computers, smartphones, smart watches, tablets, and other devices.

### **Federal Courts Play Critical Role in Promoting and Protecting Creativity**

All of these wonderful developments exist because of inventions, innovations, and the creativity of human beings. Our federal courts play a critical role in promoting and protecting the creativity that brings these developments into our lives.

The framers of the Constitution understood that for creativity to flourish and produce new and beneficial ideas, those who develop these ideas would need both protection and incentives for their originality. Article I, Section 8, Clause 8 of the Constitution gives Congress the power “To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries.” Over the years Congress has passed many laws under this authority. And under this authority, the federal courts routinely adjudicate cases involving innovations, inventions, and products of the human mind.

## **Intellectual Property**

The rights protected under these laws are collectively referred to as intellectual property, which includes patents, copyrights, and trademarks. Trademarks are protected under Congress's authority under a separate clause, the Commerce Clause.

A writer or inventor's work is only protected under patent and copyright law to the extent that it is original. A further requirement for patent protection is that the work must be nonobvious and useful. A simple add-on to someone else's work would not be protected because it would not be original. The public benefits from these new ideas and products in two ways: (1) being able to enjoy and use the works or products immediately while the authors or inventors profit for the limited time they are granted protection, and (2) at the end of that limited time, the entire public can use and benefit from the ideas or works without compensating the original authors or inventors.

## **Federal Courts Resolve Disputes Over Intellectual Property Rights**

Just as with disputes over physical property, such as land, building, houses, and vehicles, disputes arise over the ownership, use, compensation, and invasion or trespass into intellectual property rights. The owners of patents, copyrights, and trademarks have the exclusive right to use their property, sell their property, make money from their property, and rent or license their property, just like owners of physical property do. The owner of a patent, copyright, or trademark who believes someone is using that property without permission may sue the user in federal court to prevent future misuse or to be compensated for past misuse. For example, some of the cases with the highest monetary value between corporate computer giants over ownership of computer language or programs are heard in federal courts. Federal courts also routinely are the locale of suits by one musical performer or writer against another alleging that the defendant wrongfully used the plaintiff's creation. It is one of the functions of the federal courts to resolve these disputes.

This right to go into federal court to protect intellectual property acts as a safeguard of the constitutional mandate to promote creativity and protect the interests of authors and inventors, thereby permitting the public to enjoy the benefits of these innovations. The federal courts are fulfilling this constitutional mandate to protect progress and creativity every day all across the country.

Curtis L. Collier  
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