



CONGRESSIONAL INVENTIONS PROJECT

Glossary of Terms



ESSENTIAL TERMS AND RESOURCES FOR
NAVIGATING INTELLECTUAL PROPERTY

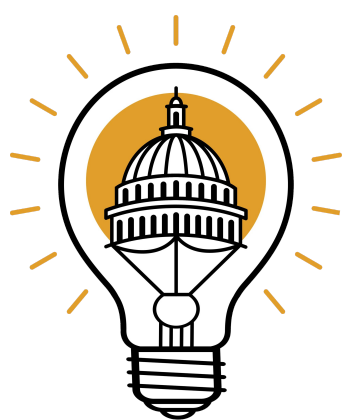
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Rooted in Article I, Section 8 of the U.S. Constitution, the American patent system was founded on the principle that patents should be awarded based on ingenuity and technological merit rather than political or social standing. This uniquely democratic approach expanded opportunities for inventors from all walks of life and continues to serve as the foundation of American innovation.

For the Congressional Inventions Project (CIP), an intellectual property glossary builds on that legacy by providing a common vocabulary that promotes understanding, reduces confusion, and makes the principles of the U.S. intellectual property system more accessible to Members of Congress, inventors, educators, and the public.

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Key Agencies for IP

The Congressional Inventions Project (CIP) is a nonprofit dedicated to educating lawmakers, their staffs, and the public on issues related to invention, creators, inventors, and intellectual property.

Learn more at www.congressionalinventionsproject.org.

GLOSSARY OF TERMS



A

Abandonment

When a patent application is no longer pursued by the applicant, either expressly or by failing to reply to a U.S. Patent and Trademark Office “office action.”

Assignment

The transfer of ownership rights in a patent, trademark, copyright, or other intellectual property from one party to another.

B

Business Method Patent

A patent covering a method of conducting business.

C

Claim

The claims in a patent describe exactly what the invention covers and define what is legally protected.

Continuation Application

A patent application that claims an invention disclosed in an earlier application while pursuing different claim sets.

Copyright

A form of intellectual property protection covering original works of authorship, including books, music, software, films, and artwork.

Cross-license

To grant someone a license to use one’s IP in exchange for a license to use that person’s IP, enabling collaboration and cooperation in commercial or other joint endeavors. There may be few or many parties to a cross-licensing arrangement.



GLOSSARY OF TERMS



D

Derivative Work

A new creation based on or derived from one or more existing copyrightable works.

Design Patent

A patent that protects the ornamental appearance of a product rather than its function.

Double Patenting

Seeking to obtain two patents for the same invention or an obvious variation of the same invention (see Obviousness-type Double Patenting).

E

Effective Filing Date

The earliest date, either the application's own filing date or that of an earlier application it properly claims priority to, used to determine what counts as prior art against a given claim.

Ex Parte Reexamination

A process by which the USPTO reexamines an issued patent's validity at anyone's request. The Central Reexamination Unit of the USPTO conducts reexamination in light of prior art or some other basis. This proceeding only involves communication between the patent owner and the patent examiner with no third-party participation. It can be appealed to the Patent Trial and Appeal Board (PTAB).

F

Fair Use

A legal doctrine permitting limited use of copyrighted material without permission for purposes such as criticism, comment, news reporting, education, and research.



GLOSSARY OF TERMS



F

First Inventor to File

The U.S. patent system since the 2011 America Invents Act under which patent rights generally go to the first inventor who files a patent application.

First Inventor to Invent

The original, historical U.S. patent system under which patent rights generally go to the first inventor of an invention.

G

Geographical Indications (GI)

Signs used on products that have a specific geographical origin and possess qualities or a reputation due to that origin.

I

Infringement

To expropriate, trespass, or encroach on the exclusive legal rights that copyrights, patents, and trademarks secure.

Intellectual Property (IP)

Creations of the mind protected by law, including patents, copyrights, trademarks, and trade secrets, such as inventions, literary and artistic works, designs, symbols, names, and images used in commerce.

Inter Partes Review (IPR)

A process established under the America Invents Act that allows third parties to challenge the validity of a granted patent based on prior art, such as patents or printed publications, before the Patent Trial and Appeal Board (PTAB).





I

IP Portfolio

The collection of intellectual property assets owned by an individual, company, or institution.

L

License

Permission granted by an IP owner allowing another party to use intellectual property under specified terms without transferring ownership.

M

Moral Rights

The rights of creators to protect the personal and reputational value of their work, including the right to attribution and integrity.

N

Nondisclosure Agreement (NDA)

A contract requiring parties to keep confidential information from being disclosed to unauthorized parties.

Nonobviousness

When, at the effective filing date of a patent application, a person having ordinary skill in the relevant technical field would have found the invention not to be an obvious modification or combination of existing knowledge.





N

Novel (Novelty)

When an invention is new and has not been publicly disclosed, i.e., by publication, in an earlier patent or printed publication, or public use (subject to certain grace periods), before the patent application's filing date.

O

Obvious

When, at the effective filing date of a patent application, a person having ordinary skill in the relevant technical field would have found the invention an obvious modification or combination of existing knowledge.

Obviousness-type Double Patenting (OTDP or ODP)

A judicially created doctrine barring a later patent's claims if they are not patentably distinct from, i.e., would have been obvious over, the claims of an earlier commonly owned patent, intended to prevent improper extension of patent exclusivity beyond the earlier patent's expiration.

P

Patent

A document akin to a deed to property that secures the legal right to exclude others from making, using, selling, offering to sell, or importing an invention for a limited period.

Patent Application

The formal filing that is submitted to a patent office seeking patent protection of an invention.

Patent Assertion Entity (PAE)

An organization that acquires and enforces patents but typically does not manufacture products.





P

Patent Cooperation Treaty (PCT)

An international treaty that streamlines the process of seeking patent protection in multiple countries. Administered by the World Intellectual Property Organization.

Patent Eligibility

Whether an invention qualifies for patent protection based on meeting statutory categories of subject matter (e.g., process, machine, manufacture, composition of matter, improvement to an invention or discovery). Generally excluded from subject-matter patent eligibility are abstract ideas, natural phenomena, and laws of nature.

Patent Examination

The process conducted by a patent office in which a patent application is reviewed to ensure it meets all legal requirements for subject matter eligibility and patentability.

Patent Examiner

A patent professional employed by the United States Patent and Trademark Office who reviews patent applications for compliance with legal requirements for granting a patent.

Patent Infringement

Unauthorized use, making, selling, offering for sale, or importing of a patented invention.

Patent Pool

An agreement in which multiple patent owners cross-license (i.e., exchange licenses on patents), often to streamline access to technologies and reduce litigation risks.

Patent Prosecution

The process of obtaining a patent through interactions between an applicant and the patent examiner.

Patent Trial and Appeal Board (PTAB)

A quasi-judicial body within the USPTO that decides issues of patentability, including appeals from patent examiners and inter partes review proceedings.





P

Post Grant Review (PGR)

An administrative process handled by the PTAB that allows the validity of a newly granted patent to be challenged on any grounds of patentability (not just prior art) within nine months of the patent's issuance.

Prior Art

Evidence that an invention was already known, used, sold (subject to certain grace periods), patented, or published before a patent application's effective filing date, which precludes its patentability.

Priority Date

The filing date of the earliest application in a chain that a later application claims benefit from.

Provisional Patent Application

A U.S. filing that establishes an early filing date for an invention, expiring after 12 months unless a patent application is filed.

Public Domain

Creative works not protected by IP, meaning they are free for public use without permission or payment.

R

Reasonable Royalty

A measure of damages in patent infringement cases based on the royalty that parties would have likely negotiated.

Royalty

A payment made to the owner of intellectual property (e.g., a patent, copyright, or trademark) for the right to use the creative work, typically based on revenue or units sold.





S

Software Patent

A patent that protects inventions that involve software or computer-implemented processes that meet patent eligibility criteria and are sufficiently specific to avoid being an abstract idea.

Standard-Essential Patent (SEP)

A patent that is essential to implement a technical standard; meaning no technically feasible way of complying with the standard exists without using the patented invention.

T

Technology Transfer

The process of licensing patented inventions from research institutions to commercial markets.

Terminal Disclaimer

A legal document that shortens the life of one patent so it expires at the same time as another patent. It is often used to address concerns that the two patents are too similar.

Trade Dress

The overall look and feel of a product or packaging that identifies its source and can be protected under trademark law.

Trade Secret

Confidential business information that derives value and a competitive edge from not being generally known, such as formulas, practices, processes, or designs, and is protected through secrecy measures.

Trademark

A word, phrase, symbol, logo, or other identifier that distinguishes the source of goods or services.





T

Transformative Use

In copyright's fair use doctrine, "transformative" use changes the original content to such an extent, such as changing its meaning, that the new material may legally be used without the permission of the original material's creator.

U

U.S. Copyright Office

The government agency within the Library of Congress responsible for administering copyright laws, registering copyrights, and maintaining records of copyright registrations.

U.S. International Trade Commission (USITC)

An independent federal agency that adjudicates trade disputes involving imported goods. One of its principal IP enforcement functions is administering investigations under Section 337 of the Tariff Act of 1930 (19 U.S.C. § 1337), which prohibits unfair acts in the importation of products into the United States, including infringement of U.S. patents, registered trademarks, registered copyrights, and certain forms of trade dress and trade secret misappropriation. USITC's remedies (exclusion orders, cease and desist orders) are geared toward preventing unfair imports and protecting U.S. industries from IP-related trade violations.

U.S. Patent and Trademark Office (USPTO)

The federal agency within the Department of Commerce responsible for issuing patents and registering trademarks in the United States, as well as promoting the protection of intellectual property.





U

U.S. Trade Representative (USTR)

This office develops and coordinates U.S. international trade policy and negotiates trade agreements on behalf of the United States. USTR addresses systemic IP issues at the government-to-government level, promoting effective IP protection and enforcement through bilateral, regional, and multilateral trade negotiations. It monitors foreign countries' IP laws and enforcement practices through the annual Special 301 Report, which identifies countries with inadequate IP protection or enforcement.

Useful (Utility)

When an invention provides a specific, credible, practical use and works as claimed.

Utility Patent

The most common type of patent, which protects the functional aspects of inventions, inventive processes, machines, manufactures, and compositions of matter.

W

Work Made for Hire

A copyright doctrine under which an employer or commissioning party is considered the legal author of a work under certain circumstances.



KEY ACRONYMS



ACRONYM	MEANING
FRAND	Fair, Reasonable, and Non-Discriminatory (licensing term.)
IP	Intellectual Property
ITC	International Trade Commission
NDA	Nondisclosure Agreement
NPE	Nonpracticing Entity
PAE	Patent Assertion Entity
PCT	Patent Cooperation Treaty
PTAB	Patent Trial and Appeal Board
SEP	Standard Essential Patent
USPTO	United States Patent and Trademark Office
WIPO	World Intellectual Property Organization



KEY AGENCIES FOR IP

U.S. Copyright Office (USCO)

(202) 707-3000 or toll-free (877) 476-0778

101 Independence Ave, S.E., Washington, DC 20559

USCO Contact Page: <https://www.copyright.gov/help/index.html>

U.S. International Trade Commission (USITC)

(202) 205-2000

500 E Street, S.W., Washington, DC 20436

USITC Contact Page: https://www.usitc.gov/contact_us

U.S. Patent and Trademark Office (USPTO)

1-800-786-9199 (U.S.) or (571) 272-1000

Email: usptoinfo@uspto.gov

P.O. Box 1450, Alexandria, VA 22313

USPTO Contact Page: <https://www.uspto.gov/about-us/contact-us>

U.S. Trade Representative (USTR)

(202) 395-3230

600 17th Street, N.W., Washington, DC 20508

USTR Contact Page: <https://ustr.gov/about-us/contact-us>

