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Is Our Magazine Concept Protected By Intellectual Property Laws?
[Kristie Prinz](#)

Q. We just launched a magazine that is based on a distinct concept about personal safety and security and is targeted to family and community readers. Our intention is to take the concept to a national level. Is our concept protectable by intellectual property law? Could another publishing company with stronger financial footing pick up our idea and run with it? What can we do to protect ourselves - or can we?

-- Donna

A.

Unfortunately, intellectual property law is not going to provide you much protection against other publishing companies who might want to use your idea.

Copyright law protects original works of authorship fixed in a tangible form of expression. Section 102 (a) of the Copyright Act defines "works of authorship" as including (i) literary works; (ii) musical works, including any accompanying words; (iii) dramatic works, including any accompanying music; (iv) pantomimes and choreographic works; (v) pictorial, graphic, and sculptural works; (vi) motion pictures and other audiovisual works; (vii) sound recordings; and (viii) architectural works. However, Section 102 (b) expressly states the following:

"In no case does copyright protection for an original work of authorship extend to any idea, procedure, process, system, method of operation, concept, principle, or discovery, regardless of the form in which it is described, explained, illustrated, or embodied in such work."

As Section 102 of the Copyright Act clearly indicates, your magazine idea or concept is not in itself protectable by copyright law.

Having said this, intellectual property law does afford your magazine other types of protection. Your magazine design, for example, may be protected by copyright law, and your authors' stories as well as any photos taken for your magazine published in the magazine may also be protected. Likewise, any logo

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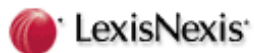
design for your magazine is likely protected by both copyright and trademark law.

And, of course, you can always require your writers and employees to sign confidentiality agreements, prior to sharing or discussing any future plans or ideas for the magazine, which will afford your magazine some additional protection against any unauthorized use.

Thus, while intellectual property law does not protect the underlying idea or concept for your magazine, it still does afford your magazine certain important protections.

-- Kristie Prinz

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