

1)Summarize the ethical principles that policies for research ethics should be addressed.

Ethical Principles in Research Ethics Policies

Policies for research ethics are designed to ensure that research is conducted honestly, safely, and responsibly. The main ethical principles that should be addressed include:

1. Honesty:

Researchers must present data, results, and methods truthfully without fabrication, falsification, or plagiarism.

2. Integrity:

Maintaining consistency between one's values and actions; following moral and professional standards in all stages of research.

3. Objectivity:

Avoiding personal bias, conflicts of interest, or favoritism that may affect research outcomes.

4. Respect for Participants:

Protecting the rights, dignity, and privacy of human and animal subjects involved in research.

5. Confidentiality:

Ensuring private information of participants or organizations is not disclosed without consent.

6. Accountability:

Taking responsibility for one's actions, methods, and results in the research process.

7. Social Responsibility:

Ensuring research benefits society and does not harm people, communities, or the environment.

8. Compliance with Laws and Regulations:

Following institutional, national, and international guidelines that govern ethical research.

2)Explain in detail about various kinds of IPs.

3)Explain about the important acts or laws for the protection of intellectual property.

IP (Intellectual Property) refers to the **creations of the human mind** such as inventions, literary and artistic works, designs, symbols, and brand names that are used in business.

It gives the creator or owner **legal rights** to protect their ideas or innovations from unauthorized use by others.

Various Kinds of Intellectual Property (IP):

1. Patents:

Protect new inventions or technological improvements that are novel, useful, and non-obvious.

Example: A new type of engine or a mobile technology.

2. Copyrights:

Protect original literary, artistic, and creative works.

Example: Books, songs, movies, software programs.

3. Trademarks:

Protect brand names, logos, symbols, or slogans that identify a company or product.

Example: The Nike “swoosh” logo or the word “Google.”

4. Trade Secrets:

Protect confidential business information that gives a company a competitive edge.

Example: The Coca-Cola formula or KFC’s secret recipe.

5. Industrial Designs:

Protect the visual appearance, shape, or pattern of a product.

Example: The design of a car model or a smartphone.

6. Geographical Indications (GI):

Identify products that originate from a specific place and have qualities or reputation linked to that location.

Example: Darjeeling Tea, Banarasi Sarees

4) Explain about the important acts or laws for the protection of intellectual property.

Important Acts or Laws for the Protection of Intellectual Property (IP)

Intellectual Property Rights (IPR) are protected by various **national and international laws** to safeguard creators’ and inventors’ ideas, inventions, and creative works. These laws ensure fair use, prevent misuse, and promote innovation.

1. The Patents Act, 1970 (Amended in 2005)

- Governs patent protection in India.

- Provides **exclusive rights** to inventors for their inventions for **20 years**.
- Covers inventions that are **novel, non-obvious, and industrially applicable**.
- Administered by the **Controller General of Patents, Designs, and Trademarks (CGPDTM)**.

Example: Granting patents for new technologies, machines, or chemical processes.

2. The Copyright Act, 1957 (Amended in 2012)

- Protects **literary, musical, artistic, and software works**.
- Gives authors exclusive rights to reproduce, distribute, and display their work.
- Copyright protection lasts for **60 years** from the author's death.

Example: Protects books, songs, films, computer programs, etc.

3. The Trademarks Act, 1999

- Protects **brand names, logos, symbols, and slogans** used in trade.
- Ensures that consumers can identify genuine products and services.
- Trademark registration is valid for **10 years** and can be renewed indefinitely.

Example: Logos of companies like Apple, Nike, or Tata.

4. The Designs Act, 2000

- Protects the **visual design** or **aesthetic appearance** of products.
- The design must be **new, original, and applied to an article** by an industrial process.
- Protection lasts for **10 years**, extendable by another **5 years**.

Example: The shape of a car model or a unique bottle design.

5) What is a patent? Explain step-by-step procedure for patent granting.

A **patent** is a legal right granted to an inventor for a new invention — a product or process that offers a **new way of doing something** or provides a **new technical solution** to a problem. It gives the inventor **exclusive rights** to make, use, sell, or distribute the invention for a specific period (usually **20 years**).

Step-by-Step Procedure for Patent Granting:

- 1. Idea and Documentation:**
 - The inventor clearly defines the idea or invention.
 - Prepare detailed notes, drawings, and explanations about how the invention works and its novelty.
- 2. Patent Search:**
 - Conduct a patent search to check if a similar invention already exists and ensures the invention is **novel** and **unique**.
- 3. Patent Drafting:**
 - A **patent specification** (complete or provisional) is prepared with technical details, claims, and diagrams.
- 4. Filing the Patent Application:**
 - Submit the application to the **Patent Office** (in India, to the Indian Patent Office)
- 5. Publication of Application:**
 - The application is published in the **Patent Journal** after **18 months** from the filing date and the invention details become publicly available.
- 6. Examination:**
 - A **request for examination** must be filed within 48 months.
- 7. Response to Examination Report:**
 - The inventor must reply to any objections or clarifications raised by the examiner and Amendments can be made if required.
- 8. Grant of Patent:**
 - Once all requirements are met, the patent is **granted** and published in the **Patent Gazette**.
- 9. Renewal and Maintenance:**
 - The patent must be renewed every year (after the 3rd year) to keep it in force for up to 20 years.

6) What is a patent? Explain in detail about patent infringement and options for claiming.

A **patent** is a **legal right granted by the government** to an inventor for a new invention, product, or process that provides a **new way of doing something** or offers a **new technical solution** to a problem.

It gives the **exclusive right** to the inventor to **make, use, sell, and distribute** the invention for a **specific period**, usually **20 years** from the filing date of the patent application.

In return, the inventor must **publicly disclose** the details of the invention so that others can learn from it once the patent expires.

Key Features of a Patent:

- 1. Novelty** – The invention must be new and not known to the public before filing.
- 2. Inventive Step / Non-obviousness** – It should not be an obvious improvement to someone skilled in that field.

3. **Industrial Applicability / Utility** – It should be capable of being used or manufactured in industry.
4. **Disclosure Requirement** – The inventor must clearly describe how the invention works.

Patent Infringement:

Patent infringement occurs when someone **makes, uses, sells, or distributes** a patented invention **without the permission** of the patent owner during the term of the patent.

In simple terms, it is the **unauthorized use** of a patented invention.

Types of Patent Infringement:

1. **Direct Infringement:**
 - Occurs when someone directly makes, sells, or uses the patented invention without authorization.
2. **Indirect Infringement:**
 - Occurs when someone contributes to or induces others to infringe a patent (for example, supplying parts or encouraging others to use the patented process).
3. **Literal Infringement:**
 - When the infringing product or process **exactly copies** all the components or steps mentioned in the patent claims.
4. **Doctrine of Equivalents:**
 - Even if not identical, infringement may still occur if the accused product or process performs **substantially the same function in the same way to achieve the same result**.

Options for Claiming Patent Infringement:

When a patent holder identifies infringement, they have several legal options:

1. **Cease and Desist Notice:**
 - The patent owner can first send a **legal notice** to the infringer demanding that they stop using the patented invention.
2. **Filing a Civil Lawsuit:**
 - The patent holder may file a **suit for infringement** in the appropriate court seeking remedies.
3. **Available Remedies:**

- **Injunction:** Court order to stop the infringer from continuing the violation.
- **Damages / Compensation:** Monetary compensation for the loss caused by infringement.
- **Account of Profits:** Claiming profits that the infringer earned by using the patented invention.
- **Seizure or Destruction:** Court may order the destruction or confiscation of infringing goods.

4. Settlement / Licensing:

- In some cases, the patent owner may **negotiate a license** with the infringer instead of pursuing lengthy litigation.

7) What is a Copyright? Explain terms of protection and which types of works can be protected by Copyright.

A **copyright** is a **legal right** granted to the **creator of an original work** — such as a book, song, film, painting, or computer program — giving them **exclusive rights** to use, reproduce, distribute, and display their work.

It protects the **expression of an idea**, not the idea itself.

In other words, copyright safeguards the **form in which ideas are expressed**, such as written text, music, or visual art.

Main Purpose of Copyright:

- To **encourage creativity** by rewarding authors and artists for their efforts.
- To **prevent unauthorized copying** or commercial exploitation of creative works.
- To ensure creators can **earn recognition and income** from their work.

Rights of a Copyright Owner:

The copyright owner has exclusive rights to:

1. **Reproduce** the work in any form.
2. **Distribute** copies of the work.
3. **Perform or display** the work publicly.
4. **Translate or adapt** the work.
5. **Communicate** the work to the public (e.g., broadcasting, online sharing).

Term of Protection (Duration of Copyright):

The term of protection varies depending on the **type of work** and the **jurisdiction**, but under the **Indian Copyright Act, 1957**, the general rule is:

Type of Work	Duration of Copyright Protection
Literary, Dramatic, Musical, and Artistic Works	Lifetime of the author + 60 years after their death
Cinematograph Films	60 years from the year of publication
Sound Recordings	60 years from the year of publication
Photographs	60 years from the year of publication
Government Works	60 years from the year of first publication
Anonymous or Pseudonymous Works	60 years from the year of publication or disclosure of author's identity

Types of Works Protected by Copyright:

1. **Literary Works:**
 - Books, articles, computer programs, tables, compilations, etc.
2. **Dramatic Works:**
 - Plays, screenplays, scripts, choreography, etc.
3. **Musical Works:**
 - Compositions, melodies, and musical notations (not sound recordings).
4. **Artistic Works:**
 - Paintings, drawings, sculptures, architecture, photography, etc.
5. **Cinematograph Films:**
 - Movies, documentaries, video clips, etc.
6. **Sound Recordings:**
 - Songs, recordings of speeches, podcasts, etc.
7. **Architectural Designs:**

- Layouts or blueprints of buildings and structures.

1) Study the Case given below and answer the following questions:

A cyber-squatting issue, where the Academy Awards was headed up against the domain retailer GoDaddy. Initially, in 2010, it was filed by Academy alleging GoDaddy's decision to let customers buy the "confusingly" similar domain names like 2011Oscars.com, etc. It claimed to allow individuals to pass on the profits who wanted to "park" on these domains and claimed a part of revenue.

Initially, the Academy demonstrated to the court that there were 57 domains sold by GoDaddy that were termed as 'potentially confusing'. But, in the end, the judge ruled that GoDaddy had no "requisite bad faith intent to profit" from their domain sales.

The legal battle between these two big brands lasted 5 years and was deemed as an expensive affair. While this legal battle was undoubtedly expensive, it went in favor of the cybersquatting space and GoDaddy came out clean.

a) Who is the plaintiff in this case?

→ The plaintiff is **The Academy of Motion Picture Arts and Sciences (AMPAS)** — the organization behind the **Academy Awards (Oscars)**.

They filed the case against **GoDaddy** in 2010 for allowing registration of confusingly similar domain names such as **2011Oscars.com**.

b) In whose favor did the case end?

→ The case ended in favor of GoDaddy.

After a long 5-year legal battle, the court ruled that GoDaddy did **not act with bad faith** and therefore was **not guilty of cybersquatting**.

c) Did the infringement happen in this case? How did the defendant come clean out of the case?

→ No, infringement (cybersquatting) was not proven in this case.

Reason / How GoDaddy came clean:

- The court found that **GoDaddy did not have the "bad faith intent to profit"** from the domains — a key requirement to prove cybersquatting under the **Anti-Cybersquatting Consumer Protection Act (ACPA)**.
- GoDaddy was merely providing a **domain registration and parking service**, not actively trying to profit from or misuse the Oscars brand.

- The revenue earned came from **automated ad placements**, not intentional exploitation of the Academy's trademark.
- Since there was **no deliberate intent** to deceive or profit unfairly from the Academy's name, GoDaddy was **cleared of all allegations**.

2) Study the Case given below and answer the following questions:

A case of food industry vs fashion for the brand name – Zara happened between Zara Fashion and Zara Food. Zara is a renowned fashion brand having major operations across the world found a restaurant operating in Delhi under the same name. It is highly possible that any consumer would confuse one for the other and take into consideration that the restaurant was started by the fashion brand.

And this what Delhi High Court ruled out. Zara had a presence in India since 2010 when it opened its first store through a joint venture and has also applied for a few trademarks in India.

The restaurant was forced to change its name and now it operates under the name of Tapas Bar.

a) Who is the plaintiff in this case?

→ The plaintiff is **Zara Fashion** — the internationally renowned clothing and lifestyle brand. They filed a case against **Zara Food** (a restaurant in Delhi) for using the same brand name "Zara."

b) In whose favor did the case end?

→ The case ended in favor of **Zara Fashion**. The **Delhi High Court** ruled that the restaurant's use of the name "Zara" was **likely to confuse consumers** into believing it was associated with the famous fashion brand.

c) Did the infringement happen in this case? What did the defendant do after being proven guilty?

→ Yes, trademark infringement happened in this case.

Explanation:

- The restaurant **used the same brand name "Zara"**, which is a **registered and well-known trademark** of the global fashion company.
- Even though the restaurant operated in a different industry (food), the **use of an identical name** could cause **consumer confusion** and **dilute the brand's distinct identity**.

- The court found that **Zara Fashion's trademark rights were violated.**

After being proven guilty:

- **The restaurant was ordered to stop using the name “Zara.”**
- **It changed its name to “Tapas Bar”** and continued operating under that new name, complying with the court's order.

3) Study the Case given below and answer the following questions

This is given here to illustrate how infringement matters related to designs are handled in courts. This is an example from a decision in the Indian High court. Reckitt & Coleman (RCI) vs. Renkit Industries (RIL). RCI filed a case in the Kolkata High Court in India against RIL on the grounds of infringement of their design registered 'harpic' bottle. The principal basis of the allegation was the inclined nozzle besides allegation of passing off. The defendant RIL argued that the nozzle angle is solely dictated by function and hence is not a subject matter for a design registration. Moreover other competing products in the market also have same/similar angle of the inclined nozzle. The court refused injunction. In conclusion it may be appreciated that design registration is a very cost effective and powerful tool that can be exploited for the benefit of an enterprise to create and retain its competitive position in the market place.

a) Who is the plaintiff in this case?

→ The plaintiff is **Reckitt & Coleman (RCI)**.

They filed the case in the Kolkata High Court against Renkit Industries (RIL).

b) In whose favor did the case end?

→ The case ended in favor of **Renkit Industries (RIL) — the defendant.**

The court **refused to grant an injunction** against RIL, meaning the court did not find sufficient grounds to stop RIL from using its bottle design.

c) Did the infringement happen in this case? Explain how a design patent is powerful.

→ **No, infringement was not established** in this case.

The court held that the **inclined nozzle** of the 'Harpic' bottle was **dictated purely by functional needs**, not by an ornamental or aesthetic design. Since design protection applies only to the **aesthetic (non-functional) features**, it was **not eligible for protection** under design law. Moreover, **similar nozzles** were already present in other market products.

How a Design Patent (Design Registration) is Powerful:

- A **design registration** gives the owner **exclusive rights** to use the appearance, shape, or configuration of a product.
- It helps **differentiate** a company's product from competitors.
- It is a **cost-effective** and **powerful tool** for maintaining a **competitive market position**.
- It allows the owner to **take legal action** against anyone copying or imitating the registered design.

4) Study the Case given below and answer the following questions:

In 2013, Idenix Pharmaceuticals sued Gilead Sciences Inc. for infringement of a patent covering the use of nucleosides or phosphate derivatives thereof in the treatment of HCV.

At trial, a jury found in favour of Idenix and that Gilead had willfully violated the patent in question. A \$2.54 billion sum of initial damages was levied against the company as part of the verdict; However, Gilead then took the case before the US Court of Appeals for the Federal Circuit on the premise that the patent itself was invalid for failing to meet the written description and enablement requirements.

A federal judge was convinced after reviewing the text of the patent, ruling that it did not disclose how to make the treatment that it covered without undue experimentation, and should therefore not have been granted in the first place. The \$2.54 billion verdict was overturned, and attempts to revive it have failed.

a) Who is the plaintiff in this case?

→ The plaintiff is Idenix Pharmaceuticals.

They sued **Gilead Sciences Inc.** for allegedly infringing their patent related to hepatitis C virus (HCV) treatment.

b) In whose favor did the case end?

→ The case ultimately ended in favor of Gilead Sciences Inc.

Although Idenix initially won at the trial stage, the **U.S. Court of Appeals for the Federal Circuit overturned** the verdict, ruling the patent **invalid**.

c) Did the infringement happen in this case? Explain why the patent was invalid.

→ No, infringement was not legally recognized in the end because the patent itself was found **invalid**.

Once a patent is declared invalid, **there can be no infringement**, since an invalid patent provides **no enforceable rights**.

Reason why the patent was invalid:

- The patent failed to meet the “written description” and “enablement” requirements under U.S. patent law (35 U.S.C. §112).
- The court found that the patent did not sufficiently describe or enable how to make or use the claimed HCV treatment without undue experimentation.
- In simpler terms, the patent did not provide enough detail for a person skilled in the field to reproduce the invention reliably.

Hence, the court concluded that the patent **should not have been granted**, and the **\$2.54 billion damages verdict was overturned**.

5) Study the Case given below and answer the following questions:

Pandeyji Seeti Bajaye is a hit song composed by the director duo Sajid-Wajid from the Bollywood Film Dabang 2. But, Priyankka Shaily Shailendra (granddaughter of lyricist and producer Shailendra) alleged that the song is inspired by the famous track Chalat Musafir of the film Teesri Kasam (1961). The music was composed by Shankar-Jaikishen for her grandfather's production. Priyankka alleged this issue by sending a legal notice to the producers and associates of the film. Priyankka just demanded the due courtesy to Shailendra and Shankar-Jaikishen. But, it was not accepted by the people who were associated with Dabang 2. The lawyer has replied to the notice by saying that it is adopted from a folk tune which is a national property.

a) Who is the plaintiff in this case?

→ The plaintiff is **Priyankka Shaily Shailendra**, granddaughter of lyricist and producer **Shailendra**.

She alleged that the song "*Pandeyji Seeti Bajaye*" from *Dabangg 2* was inspired by "*Chalat Musafir*" from *Teesri Kasam* (1961) and sent a legal notice to the producers.

b) In whose favor did the case end?

→ The case ended in favor of the producers and music directors of *Dabangg 2* (Sajid-Wajid and the film's production team).

Their lawyer responded that the tune was **based on a traditional folk song**, which is **public domain** (national property), not an original copyrighted work.

c) Did copyright infringement happen in this case? If not, why?

→ No, copyright infringement did not happen in this case.

Reason:

- The disputed tune (*Chalat Musafir*) was **based on a traditional folk melody**, which means it belongs to the **public domain** and **cannot be copyrighted** by any individual.
- Since *Pandeyji Seeti Bajaye* only drew inspiration from a **folk tune**, it did **not violate any copyright** owned by Shailendra or his estate.
- Folk tunes are considered **national property**—anyone can use or adapt them without permission.