

HUM 4441

ENGINEERING ETHICS

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INTELLECTUAL PROPERTY RIGHTS

INTELLECTUAL PROPERTY

- Intellectual property (IP) is a category of property that includes intangible creations of the human intellect. [World Intellectual Property Organization]
- The modern concept of intellectual property developed in England in the 17th and 18th centuries. The term "intellectual property" began to be used in the 19th century, though it was not until the late 20th century that intellectual property became commonplace in the majority of the world's legal systems

PURPOSE OF INTELLECTUAL PROPERTY LAW

- The main purpose of intellectual property law is to encourage the creation of a wide variety of intellectual goods.
- To achieve this, the law gives people and businesses property rights to the information and intellectual goods they create, usually for a limited period of time.
- This gives economic incentive for their creation, because it allows people to profit from the information and intellectual goods they create

DIFFERENCE FROM TRADITIONAL PROPERTY

- The intangible nature of intellectual property presents difficulties when compared with traditional property like land or goods.
- Unlike traditional property, intellectual property is "**indivisible**", since an unlimited number of people can "consume" an intellectual good without it being depleted.
- Unfair usage of IP may harm the original creator.
- Balancing rights so that they are strong enough to encourage the creation of intellectual goods but not so strong that they prevent the goods' wide use is the primary focus of modern intellectual property law

BRANCHES OF INTELLECTUAL PROPERTY

- Industrial Property
 - Patents
 - Industrial Design
 - Trademarks
 - Tradename
 - Integrated Circuits Design
- Copyright

PATENTS

- A patent is a form of right granted by the government to an inventor or their successor-in-title, giving the owner the right to exclude others from making, using, selling, offering to sell, and importing an invention for a limited period of time, in exchange for the public disclosure of the invention.
- An invention is a solution to a specific technological problem, which may be a product or a process and generally has to fulfill three main requirements: it has to be new, not obvious and there needs to be an industrial applicability.

TRADEMARKS

- A trademark is a recognizable sign, design or expression which distinguishes products or services of a particular trader from similar products or services of other traders



TRADE SECRETS

- A trade secret is a formula, practice, process, design, instrument, pattern, or compilation of information which is not generally known or reasonably ascertainable, by which a business can obtain an economic advantage over competitors and customers.

COPYRIGHT

- A copyright gives the creator of an original work exclusive rights to it, usually for a limited time.
- Copyright may apply to a wide range of creative, intellectual, or artistic forms, or "works".
- Copyright does not cover ideas and information themselves, only the form or manner in which they are expressed.

INFRINGEMENT

- Violation of intellectual property rights, called "**infringement**" with respect to patents, copyright, and trademarks, and "misappropriation" with respect to trade secrets, may be a breach of civil law or criminal law, depending on the type of intellectual property involved, jurisdiction, and the nature of the action.

PATENT INFRINGEMENT

- Patent infringement typically is caused by using or selling a patented invention without permission from the patent holder.
- The scope of the patented invention or the extent of protection is defined in the claims of the granted patent.
- There is safe harbor in many jurisdictions to use a patented invention for research.

TRADEMARK INFRINGEMENT

- Trademark infringement occurs when one party uses a trademark that is identical or confusingly similar to a trademark owned by another party, in relation to products or services which are identical or similar to the products or services of the other party. In many countries, a trademark receives protection without registration, but registering a trademark provides legal advantages for enforcement

COPYRIGHT INFRINGEMENT

- Copyright infringement is reproducing, distributing, displaying or performing a work, or to make derivative works, without permission from the copyright holder, which is typically a publisher or other business representing or assigned by the work's creator.
- **Piracy** is one of the biggest problems with digital products. Websites such as the pirate bay are used to distribute copyrighted materials such as audio, video, software, etc.
- Copyright infringement refers to the unauthorized use of copyrighted materials.