

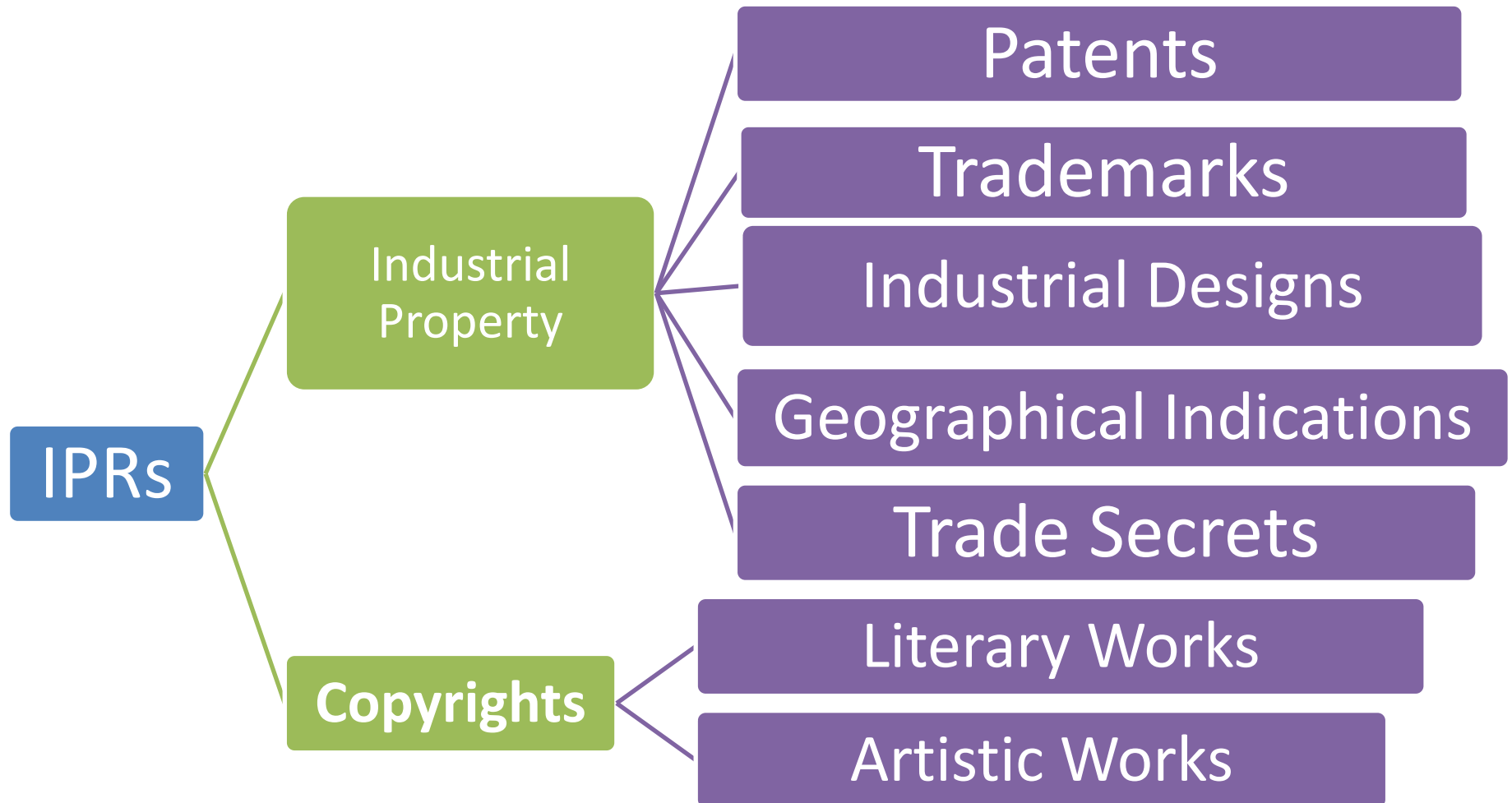
INTELLECTUAL PROPERTY RIGHTS(IPRs)

IPRs are the rights granted to the inventors of intellectual property.

Like Physical property, intellectual property also needs protection

- The owner of any property has the exclusive authority to decide:
- How that property is used and by whom.

Different Types of Intellectual Property



Patents

Exclusive rights granted to an individual for his/her invention (not discovery).

May be any product or process or both

Which offers an innovative (new) and none obvious method of doing something

Ex. : The first telephone was invented and patented by Alexander Graham Bell in 1876.

Despite the popularity of mobile phones having Wi-Fi connectivity, people still opt for Bluetooth as an option for data transfer. Invented in 1994 by Jaap Haartsen, Bluetooth technology allows nearby electronic devices to connect using low-power, ultra-high-frequency waves. Today, Bluetooth is used in almost every handheld device for multimedia transfer and reception.

Patentable subject matter

Invention must

relates to a Process or Product or both
be new (Novel)

**involves an inventive step (not obvious to
the person skilled in that art)**

For patent to be granted:



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graph TD; A[For patent to be granted:] --- B[The invention must not be published anywhere either in India or elsewhere]; A --- C[Also, it must not be in prior public use or prior public knowledge.]; A --- D[The claims made in the patent specification must not be claimed before in any of the specifications.];
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The invention must not be published anywhere either in India or elsewhere

Also, it must not be in prior public use or prior public knowledge.

The claims made in the patent specification must not be claimed before in any of the specifications.

- **A patent provides protection for the invention to the owner of the patent.**
- **The protection is granted for a limited period, generally 20 years.**
- **Patent Act 1970**

Protection offered by Patents

- Patent protection means that the *invention cannot be*
 - commercially made
 - Used
 - distributed or
 - sold

without the patent owner's consent.

Rights of a patent owner

- ***A patent owner has the right to***
 - ***decide who may – or may not – use*** the patented invention for the period in which the invention is protected.
 - ***give permission or license to other parties*** - to use the invention on mutually agreed terms.
 - ***sell the right of the invention to someone else***, who will then become the new owner of the patent.

- **Once a patent expires, the protection ends, and an invention enters the public domain.**
- **The owner no longer holds exclusive rights to the invention, which becomes available to commercial exploitation by others.**

It's a fact:

Alexander Graham Bell applied for a patent for the telephone on February 14, 1876, only a few hours before another inventor named Elisha Grey handed in his application for a telephone as well. Had Bell waited one more day to apply for a patent, Elisha Grey would today be considered as the inventor of the telephone.



Obtaining a Patent

- File an application for patent
 - With one of the patent offices based on territorial jurisdiction of the place of office or residence of the applicant /agent
- Information concerning application form and details of fee available at www.ipindia.nic.in
- Guidelines for applicants also available on this website

Complete Specification should have the following components:

a) Field of Invention.

b) Use of Invention : A brief statement of the advantages of the invention

c) Prior Art

d) Problem to be solved.

e) Object of Invention(may be more than one)

f) General statement of invention

g) Detailed Description of Invention[with reference. to drawings , if any)

h) Best method /example of working of the invention

i) Statement of claims.

j) Signature with date

k) Drawings

l) Abstract

Trade Mark (™)

A sign or any combination of signs, which can distinguish a product or service from other products and services in the market, is (are) known as Trademarks.

- May be a **symbol** or **design** or **word** or **phrase** or a **combination of these**.
- Helps in identifying and distinguishing the source of products or services of one party.



Logos:

- Mcdonald : Golden arch



Pictures/Drawings:

- MSN's Butterfly



Combination of letters & designs:



Slogans:



Trademarks are granted for forever (renewal after every 10 years)

Industrial Designs

- An industrial design is the protection granted to the product (part or whole) because of its features like lines, shapes, patterns, colors, texture or material or its ornamentation.
- Designs are protected for 10 years from the registration date and may be extended to further 5 more years.
- Examples: Coca Cola's contour bottle, the pattern of writing polo on the tablet



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Trade Secrets

- Any information which is confidential and valuable for the business and is used as a secret to gain competitive economic advantage over others is known as trade secret.
- The secrets are maintained by companies by adopting their own ways and methods.
- Trade secrets cannot be registered anywhere.
- So, if any secret is leaked then the company cannot claim any type of right on that.
- For ex. The recipe and ingredients for Coca cola and Pepsi are maintained as secrets generation by generation and are never disclosed anywhere. The benefit of trade secret is that it never expires or there is no need of any type of renewal etc.



How Are Trade Secrets Protected?

Since trade secrets are not registered like patents or trademarks, businesses protect them using:

- ◇ **Non-Disclosure Agreements (NDAs)** with employees & partners.
- ◇ **Restricted Access** (Limited employee access to confidential information).
- ◇ **Cybersecurity Measures** to prevent data leaks.
- ◇ **Legal Action** against misappropriation (theft, corporate espionage).

Geographic Indications

A geographical indication is a sign used on goods that have a specific geographical origin and possess qualities or reputation that are due to their place of origin.

- Uttarakhand tejpatta
- Nagpur Orange



Geographical Indications (GIs)

- ✓ GI is an indication of product origin
- ✓ Typically used to identify agricultural, natural or manufactured goods originating in a particular area
- ✓ Must have a special quality or characteristic or reputation based upon the climatic or production characteristics unique to the geographical location
- ✓ *India: Geographical Indications of Goods (Registration and Protection) Act, 1999.*

Geographical Indications

- GI identify goods but not a service
- GI cannot be created but **recognized**

The registration of a GI shall be for a period of ten years but may be renewed from time to time for an unlimited period, by payment of the renewal fees.

Copyright

Copyright is the protection granted to the 'form of ideas' created by an individual in the field of literary or artistic works.

Copyrights give protection only for physically expressed works and not to the unexpressed ideas.

It protects items such as paintings, drawings, sculptures, photographs, architecture, instruction manuals, software, databases, technical documentation, advertisements, maps, literary works, music, films or songs.

Two necessary conditions for grant for copyright is, that:

- It should originate from the creator itself (originality)
- It should be presented physically and not just a mere ideation

- No need of compulsory registration for the copyrights.
- The original creator can start using the symbol © on their piece of creation and it shows that it is protected by the claimant.
- Although it is always good to get the copyright registered so as to get much stronger protection.
- The copyrights get protection from the moment they are created till the death of author (creator) plus 60 more years after his or her death.

Comparison of Different IPRs

Type of IP	What It Protects	Validity	Example
Patent	Inventions & processes	20 years	Tesla's battery tech
Trademark	Brand names, logos, slogans	10 years (renewable)	Nike Swoosh, Apple logo
Copyright	Books, music, software, movies	Lifetime + 60 years	Harry Potter books, Windows OS
Trade Secret	Confidential business information	Unlimited (if kept secret)	Coca-Cola formula
Geographical Indication	Region-based product quality	10 years (renewable)	Darjeeling Tea, Champagne

Kinds of Rights

- Economic rights
 - Cover the economic benefits from reproduction, broadcasting , public performance, adaptation, translation , public recitation ,public display ,distribution etc. to the creator and restricts other parties to perform any or all of these acts on his or her creation.
- Moral rights
 - Grant the creator to restrict any type of distortion or modification to his or her creation, which may hamper his or her image or may showcase his or her creation in a morally wrong way, even after transfer of the economic rights or the end of copyright protection tenure.

Thank You