

IPR (Intellectual Property Rights):

It refers to creation of the mind such as invention of mind, literary, Artistic works: design & symbols, names and images used in e-commerce.

- IP is protected in law by e.g. Patents, copyright & trademarks which enable people to earn recognition and financial benefit from what they invent or create.
- By striking the right balance b/w the interest of innovators and wide public interest.
- IP aims to foster the environment in which creativity and innovation can flourish.

* Need of IPR ?

Cyber crimes related to IPR :-

- + Infringement, counterfeiting and Misappropriation of trade secrets are main IP crimes.
- 1. Designing logos and Name with the intention of duping consumer that they are purchasing the original brand.
- 2. Unauthorized video or music recording as well as copying intellectual (Yes, even on a photocopier for private use)
- 3. Copying a patent & selling as your own by doing so.

4. Making patented products without valid license (any)

-i Patent : Patent Law grants one or more inventors exclusive rights and shield creation from unauthorized use.

3 Categories :

1. Patent for Designs :- A device or invention aesthetics are protected. Emojis, fonts and other distinctive visual characteristics are all covered by ornamental design patents, such as :-
E.g. Coca Cola bottle's shape.

2. Patents for plants act as safeguards for noble plant species. Fruit trees without pests are an illustration of plant patent.

3. Protection for a product that is helpful and serves as a practical function provides by utility Patents.
E.g. Software, pharma (medicine), auto safety system.

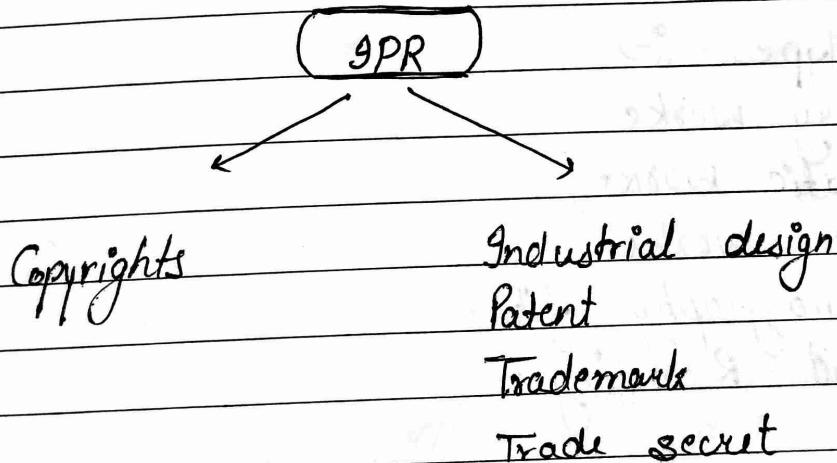
-ii Trademark : The use of logos, sounds, words, colors or other symbols by a business to distinguish its goods or services are protected by trademark mark.

E.g. Twitter logo, McDonald's golden arches, font the Dunkin' uses are all instances of trademark.

- Copyrights → The rights of the original creators of original work of IP are safeguarded by copyright laws.
- Copyrights unlike Patents, must be observable for example - Idea cannot be protected by copyright, however you can obtain a ^{copyright} and record a original speech, poetry or song can be invented protected.

Trade Secrets: are private, valuable & informational IP that belongs to a business. They could be a formula, recipe or method utilise to gain an advt. over rivals.

Date
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- Copyright → music, sound P
- Copyright Act
- Subject of protection
- Duration of copyright
- Ownership of "
- Infringement and remedies against infringement
Rights provide against copyright holders.

Importance of Copyright

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- Promoting creativity
- Securing ownership
- Legal Protection
- Compliance with risk management

Creativity : Set of Ideas

Innovation : Implementation of ideas

Challenges of copyright :

- Global nature of Internet
- Emerging technology
- Fair use and licensing
- Digital rights management

Types :-

- Literary works
- Dramatic works
- Artistic works
- Cinematography films
- Sound Recording

Rights :-

- Reproduce
- Modify
- Publish
- Authorship claim

- Tree Patents issued for reproduced, distinct & new varieties of plants, for example Dahlia Plant named mystic wizard.

~~group 1-~~ Need of Patent Protection →

- Financial Returns
- Corporate Value
- Competitive Barriers
- Investor Appeal
- Innovation incentives

* How to file a Patent.

Schemes :

1. International Patent Classification (IPC)
2. US Patent classification (UPSC)
3. Cooperative Patent " (CPC)

-i- Data Protection On Internet :-

Data Protection under Indian law :- (2011)

Includes 5 entities provided with protection :-
Password.

- (I) Financial info. such as credit card, debit card etc.
- (II) Orientation of an human being
- (III) Medical records and history
- (IV) Biometric information.

-i- Features of Privacy Policy :-

- Clearly and easily accessible stats for its practice and policies.
- Clearly state the type of personal and sensitive personal data or info. collected by the business.
- Purpose of collection & uses of such info.
- About disclosure of info. including sensitive personal data or info. collected.
- Reasonable security practices adopted by .

-i- Elements of Privacy Policy

- (I) Consent
- (II) Purpose of info. collected .
- (III) Disclosure of info.
- (IV) Security Practices

- Data Privacy : means being sensitive to personal info. based on collected data.
- Data Security : refers to process of protecting data from unauthorized access & corruption.

Privacy of Data on Internet :->

7- Principles to follow

- Collection, purpose & means
- Accuracy & detention
- use
- Security
- Openness
- Data actions & corrections

Data Privacy Laws : in the User .

◦ GDPR (General Data Protection Rights)

① → COPPA (Children Online Privacy Protection Act)
Us federal law ensures parental consent is granted before collecting personal info. from children under the age of 13.

② HIPAA (Health insurance portability & Accountability Act) : A federal law that protect privacy of health care info. collected by various entities.

(3) GDPR : General Data Protection Regulation :
Although already mentioned, it's worth noting
for the
collection & use of personal info in Europe
including individual rights for opting out or
or requesting
info. deletion.

Assignment - 2

1. What is Patent ? Explain diff. b/w copyright & Patent
2. Write a short note on concept of how to register trademark
3. What is Self Regulation Approach in Data Privacy
4. Write a Procedure for the grant of Patent
5. Explain All types of Trademarks & describe all types of signs can be used as a trademark.

List of Documents Submitted During Procedure for filing Patent Application.

1. Application Form (Form -1)

2. Provisional / Complete Specification : Detailed description of product, features & functional aspect.
3. Abstract of Invention : Brief description of invention.
4. Power of attorney : Authorisation to the person filing the application
5. Statement & Undertaking (Form 3) : Declaration regarding accuracy of info. & inventor's rights.

- Priority Document (if applicable) :

- Proof of Right to File : Required applicant is not the inventor.
- Acknowledgment of Fee Payment
- Form 28 :

Patent Registration in India is granted by Office of the Controller General of Patents, Designs and Trade Marks under the Indian Patent Act 1970.

→ It might take 12 - 48 months

Forms :-

- Form 1 → Application form
- Form 2 → The provisional or complete specification.
- Form 3 → Statement and undertaking
- Form 4 :- Request for Extension of Time
- Form 5 : Declaration as to Inventorship
- Form 6 : Claim or Request regarding any change in Applicant for Patent.

Form 7 : Notice of Opposition

Form 7(A) : Representation for Opposition to Grant of Patent

Form 8 : Claim or Request Regarding Mention of Inventor as such in a Patent.

Form 8(A) : Certificate of Inventorship

Form 9 : Request for Publication.

Form 10 : Application for amendment of Patent

Form 11 : Application for direction of The Controller

Form 12 : Request for grant of Patent Under section 26(1) + 52(2)

Form (13) : → App. for Amendment of the complete specification

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Form 14 : Notice of Opposition to Amendment / Restoration / Surrender

Form 15 : Application for Restoration of Patent

Form 16 : " " " Title / Interest

Form 17 : " " Compulsory Licence

Form 18 : Request for Examination of Application for Patent

- ① TRIPS Law
- ② WIPO Law

① TRIPS Law → Trade Related Aspects of Intellectual Property Rights Agreement (1994)

→ Came into effect on 1st Jan 1995

→ At a broad level it covers Copyright & related rights (rights of performers, record company & broadcasting organisations)

② Trade names include

- ③ Geographical indication such as appellations of origin
- ④ Industrial origins
- ⑤ Patents which protect noble plant varieties.
- ⑥ Integrated circuits layout designs & enclosed info. such as trade secrets and test data.

o Standards:

→ TRIPS Agreement specifies the min. standards of protection that each member must offer with regard to each of the primary IP domain that it covers.

→ The subject matter to be protected the rights to be granted, the permissible changes to those rights & min. length of protection are all defined as the essential components of the protection.

o Enforcement: APR enforcement on a domestic level is addressed by enforcement procedures & remedies.

• Agreement establishes a few broadlines that apply to every APR enforcement process.

• It also includes detailed provisions on criminal procedures, special requirements related to border measures, civil & administrative procedures & remedies.

Dispute Settlement :- Acc. to agreement dispute among WTO members regarding observance of TRIPS obligations are resolved through the WTO dispute resolution processes

WIPO :- World Intellectual Property Organisation.

1. Paris Convention of the Protection of Industrial property (1883)
2. Berne Convention for the Protection of literary and artistic works (1886)
3. Budapest Treaty
4. Marrakesh Treaty
5. Patent Cooperation Treaty (1970)

- ① Jurisdiction issues
- ② Procedure to apply for patent