



VIT[®]
Vellore Institute of Technology
(Deemed to be University under section 3 of UGC Act, 1956)

Legal Aspects of Business

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Recapitulate

Intellectual Property Rights

- Introduction
- Objectives of the IPR
- Classification of IPR
- Grouping of IPR
- Legislations related to IPR
- Role of WIPO

Intellectual Property Rights (IPR)

The Patent Act, 1970

- The patent system in India is administered under the superintendence of the Controller General of Patents, Designs, Trademarks and Geographical Indications. The office of the Controller General functions under the Department of Industrial Policy and Promotion, Ministry of Commerce and Trade.
- The Controller General directs and supervises the functioning of the Patent Office and the Patent Information System (PIS).
- The Patent Office performs the statutory duties in connection with the grant of patents for new inventions under the Patents Act. The head office of Patents is at Kolkata with branches at Mumbai, Chennai and Delhi.
- The branches deal with the applications for patents originating within their respective territorial jurisdiction.
- The Patent Information System (PIS) at Nagpur has been functioning as patent information base for the users like R & D establishment, Government offices, private industries, business, inventors and others within India.

Intellectual Property Rights (IPR)

Application of Patent

An application for a patent for an invention may be made by anyone of the following persons;

- By any person claiming to be the true and first inventor of the invention
- By any person being the assignee of the person claiming to be the true and first inventor in respect of the right to make such an application
- By the legal representative of any deceased person who immediately before his death was entitled to such an application

Intellectual Property Rights (IPR)

Procedure for filing a Patent

- Every application for a patent shall be for one invention only and shall be made in the prescribed form and filed in the patent office.
- Every application shall state that the applicant is in possession of the invention and shall name the owner claiming to be the true and first inventor, and
- Where the person so claiming is not the applicant or one of the applicants, the application shall contain a declaration that the applicant believes the person so named to be the true and first inventor.
- Every such application be accompanied by a provisional or a complete specification;
 - Fully and particularly describe the invention and its operation or use and the method by which it is to be performed
 - Disclose the best method of performing the invention which is known to the applicant entitled to claim protection and
 - End with a claim or claims defining the scope of the invention for which protection is claimed

Intellectual Property Rights (IPR)

- **Grant of Patents**

Where a complete specification in pursuance of an application for a patent has been accepted, the patent shall, on request made by the applicant in the prescribed form, be granted to the applicant.

- **Amendment of grant of patent to deceased applicant**

- **Rights of Patentees**

- **Rights of Co-owners of patents**

- **Patents of Additions**

- **Advantages of Patents**

- To provide the patent owner with the legal right to stop others misusing it
- To ensure payoff from R & D, Business's competitive advantage are maximized
- To prevent from competitors simply copying or reverse engineering the invention
- To serve as a readily accessible public record of the innovative developments made and owned by the patent owner

Review Questions

1. The Indian Patent Law was latest amended in ____
 - a. 1970
 - b. 2001
 - c. 2000
 - d. 2005
2. The world Intellectual Property Organization was established in ____
 - a. 1883
 - b. 1975
 - c. 1967
 - d. 1986
3. Anybody can use intellectual property without the consent of the owner of the property. **True or False**

Answer

1. The Indian Patent Law was latest amended in _____

Answer: d. 2005

2. The world Intellectual Property Organization was established in _____

Answer: c. 1967

3. Anybody can use intellectual property without the consent of the owner of the property.

Answer: False

Thank You