



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

The Patents Act, 1970

- Introduction
- Application of Patent
- Procedure for filing Patent
- Advantages of Patents

Intellectual Property Rights (IPR)

The Copyright Act, 1957

The Indian Copyright Act, 1914 was established mainly based United Kingdom, the Copyright Act, 1911. After independence, The Government of India enacted the Copyright Act of 1957 and amended subsequently as per requirements.

The major changes have been made after entering the World Trade Organisation (WTO) and signing the purpose of conceptual understanding of 'Copyright'.

Copyright is a kind of protection provided to the authors of “original works of authorship”, including literary, dramatic, musical, artistic, and certain other intellectual works, both published and unpublished.

Intellectual Property Rights (IPR)

The Copyright Act, 1957

The term of copyright is a published literary, dramatic, musical and artistic works within the lifetime of the author until fifty years from the beginning of the calendar year next following the year in which the author dies. In case of a work of joint authorship, be construed as a reference to the author who dies last. The copyright has been granted for whole life of the author plus for 50 or 70 years.

The purpose of copyright law is to allow registrants to gain economic rewards for their efforts and encourage future creativity and the development of new material which benefit us all. Basically copyright material is the result of creative skill and/or significant labour and/or investment and without protection, it may be very easily exploited without paying the creator. Most uses of copyright material therefore require permission from the copyright owner, but minor uses may not result in copyright infringements.

Intellectual Property Rights (IPR)

The Copyright Act, 1957

Any person who knowingly infringes the copyright in a work, or any other right conferred by this Act, Shall be punishable with imprisonment for a term which shall not be less than 6 months but which may extend to 3 years and with fine which shall not be less than Rs.50,000 but which may extend to Rs.2,00,000, provided that the court may, for adequate and special reasons to be mentioned in the judgement. Likewise this penalty provisions will vary to case by case.

Intellectual Property Rights (IPR)

Difference between Copyright and Patent

Concept	Copyright	Patent
Subject matter	It covers “works of authorship,” which essentially means literary, dramatic, and musical works, pictorial, graphic, and sculptural works, audio-visual works, sound recordings, pantomimes and choreography.	It covers an invention, which essentially means a new and non-obvious useful and functional feature of a product or process.
Requirement for protection	It must be original and fixed in a tangible medium of expression; no formalities are required	It must be novel (i.e., new), non-obvious, and useful and a patent must be issued by the Indian Patent and Trademark Office

Intellectual Property Rights (IPR)

Difference between Copyright and Patent

Concept	Copyright	Patent
Infringement	For a copyright to be infringed, the work itself must have actually been copied from (either wholly or to create a derivative work), distributed, performed, or displayed	A patent confers a statutory monopoly that prevents anyone other than the patent holder from making, using, or selling the patented invention.
Protection	Copyright protection begins as soon as a work is created	Patent protection does not begin until the patent is issued
Regulatory Act	The Copyright Act of 1957	The Patents Act of 1970

Intellectual Property Rights (IPR)

The Trade Marks Act, 1999

- A trademark is a word, symbol, or phrase, used to identify a particular manufacturer or seller's products and distinguish them from the products of another.
- Under some circumstances, trademark protection can extend beyond words, symbols, and phrases to include other aspects of a product, such as its colour or its packaging.
- Trademarks make it easier for consumers to quickly identify the source of a given goods.
- Mark is not made compulsory requirement of the Act. However, the registration of a trade mark, if valid, gives its proprietor the exclusive legal right to use it in relation to the goods or services in respect of which the trade mark is registered. Registration of a trade mark is prima facie evidence of the validity of the trade mark.

Review Questions

1. The first Indian Copyright Act was established in the year of ____
 - a. 1914
 - b. 1911
 - c. 1957
 - d. 1955
2. The purpose of the copyright Act, is /are
 - a. To gain economic rewards
 - b. To encourage future creativity
 - c. To development of new material
 - d. All of the above
3. Does any person who knowingly infringes the copyright in a work, or any other right conferred by this Act, Shall be punishable? **Yes or No**

Answer

1. The first Indian Copyright Act was established in the year of _____

Answer: a.1914

2. The purpose of the copyright Act, is /are

Answer: d. All of the above

3. Does any person who knowingly infringes the copyright in a work, or any other right conferred by this Act, Shall be punishable?

Answer: Yes

Thank You