

What is IPR?

Intellectual property (IP) refers to creations of the mind – everything from works of art to inventions, computer programs to trademarks and other commercial signs.

IP covers a vast range of activities, and plays an important role in both cultural and economic life. This importance is recognized by various laws which protect intellectual property rights. IP law is complicated: there are different laws relating to different types of IP, and different national laws in different countries and regions of the world as well as international law.

Why does IP matter?

The progress and well-being of humanity depend on our capacity to come up with new ideas and creations. Technological progress requires the development and application of new inventions, while a vibrant culture will constantly seek new ways to express itself. Intellectual property rights are also vital. Inventors, artists, scientists and businesses put a lot of time, money, energy and thought into developing their innovations and creations. To encourage them to do that, they need the chance to make a fair return on their investment. That means giving them rights to protect their intellectual property

The intellectual property system needs to balance the rights and interests of different groups: of creators and consumers; of businesses and their competitors; of high- and low-income countries. An efficient and fair IP system benefits everyone – including ordinary users and consumers.

PATENT

Patent is a set of exclusive rights granted by government to an inventor for a limited period (generally 20 years) in respect of novel and useful idea.

It is a part of intellectual property which is a legal way to protect all creations of the human mind.

It is an exclusive right granted by the state for an invention that is new, involves an inventive step and is capable of industrial application.



A patent grant also give an exclusive rights over an invention and help to get an edge over the other inventors trying to achieve the same.

It is granted by national patent office of a country or a regional part of patent office for a group of countries.

Requirements of Patent

Novelty

Inventive Steps

Industrial Applications

Importance of Patent

- Prevention against leakage of invention through workmen of inventor.
- Prevent secret exploitation of invention by competitor.
- On obtaining patent, the patentee can lawfully enforce against infringes.



What role do patents play in everyday life?

- ❖ Patented inventions pervaded every aspect of human life from ballpoint pens to microprocessors.
- ❖ All patent owners are obliged in return for patent protection, to publicly disclosed information on their invention in order to enrich the total body of technical knowledge in the world.
- ❖ Such an ever-increasing body of public knowledge promotes further creativity and innovation in others.

Stepwise Procedure for Patent Registration

The Indian Government has always strives to protect inventors' intellectual property. They have made the process very simple. In fact, patent filing can be done online by login in to www.ipindia.nic.in.

Patent can always license to someone for a fee and they can manufacture the product.



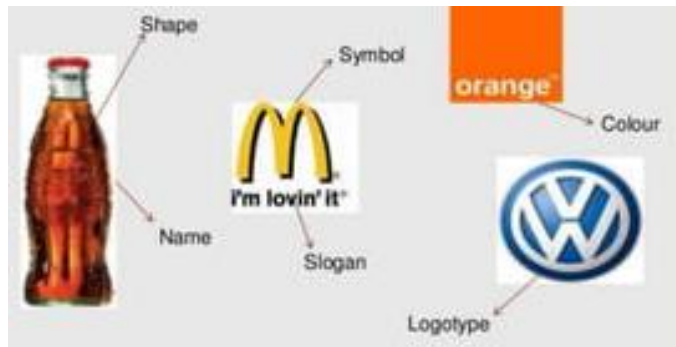
TRADEMARKS

A trademark is a word/ logo/ design or a color combination which acts as a source identifier for a brand or a company. So, for example, this watch that you are wearing, its brand name is a trademark, this restaurant's name could also be a trademark.



Different types of trademarks

- ✧ A name (including personal or surname of the applicant or predecessor in business or the signature of the person)
- ✧ Alphanumeric or Letters or numerals or any combination thereof.
- ✧ Image, symbol, monograms, letters, etc.
- ✧ Sound marks in audio format
- ✧



Functions of Trademarks

- ✧ It identifies the service or products and its source
- ✧ It guarantees its quality
- ✧ Advertisement of service of product



Examples of Trademarks

Coca cola and Pepsi are two trademarks from same industry (beverages) which distinctly identifies source or origin of the goods as well as an indication of quality



Trademark Registration

Trademark and Service mark are used before registration.

Registration of a trade mark is not a compulsory requirement of the law. The Controller-General of Patents, Designs and Trade Marks Act, appointed by the central government is the Registrar of Trade Marks. A Register of Trade Marks shall be kept in offices, Regd. Trade Marks details shall be entered into the register.

Once Trade Mark is accepted, allotted should advertise it in prescribed manner.

The registration of a trade mark, if valid, gives its proprietor the exclusive right to the use of the trade mark in relation to the goods or services in respect of which the trade mark is registered and to obtain relief in respect of infringement of the trade mark.

A trademark registration is for 10 years from the date of registration and can be renewed every 10 years consecutively. Failure to renew is removal of the trade mark from register.

Trademark Infringement, Counterfeiting and Dilution

Infringement - A mark that is likely to cause confusion with a trademark already existing in the marketplace

Counterfeiting - The deliberate copying of a mark

Dilution - The value of the mark is substantially reduced through competition or through the likelihood of confusion from another mark

Offence include falsifying and falsely applying trademarks, trade description are punishable by imprisonment and fine.



COPYRIGHTS

Copyright is a monopoly right restraining others from exercising that right which has been conferred on the owner of copyright.

The object of copyright is to encourage authors, composers and artists to create original works by rewarding them the exclusive right for a specific period to reproduce the works for publishing and selling them to the public. The moral basis of copyright law rests in the eighth commandment “Thou shalt not steal”.



Copyright is not a single right. It is a bundle of rights in the same work. For e.g. in the case of a literary work, copyright consists of reproduction in print media, the right of dramatic and cinematographic versions, the right of translation, adaptation, abridgement and the right of public performance.

Copyright consists not merely of the right of reproduction. It also consists of right to works derived from the original work, rights like the right of public performance, the recording right and the broadcasting right. Such related rights are called “neighbouring rights”.

Copyright is a bundle of rights consisting of 1) economic rights and 2) moral rights.

Economic Rights

- ✧ In the case of a literary, dramatic or musical work, not being a computer program, the right consists of ,-
- ✧ In the case of computer program,-
- ✧ In the case of an artistic work,-
- ✧ In the case of cinematographic film,-
- ✧ In the case of a sound recording,-



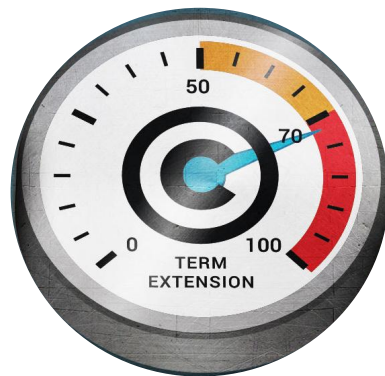
Moral Rights

- ✧ the right to decide whether to publish or not to publish the work;
- ✧ the right to claim authorship of a published or exhibited work;
- ✧ the right to prevent alteration and other actions that may damage the author's
- ✧ honour or reputation – the right of integrity;
- ✧ to restrain or claim damages.



Term (Period) of Copyrights

- ✧ In the case of any literary, dramatic, musical or a artistic work (other than a photograph), life time of the author + 60 years.
- ✧ In the case of photograph, cine films, sound recording and Govt. Work, 60 years from the beginning of the calendar year next following the year in which the work is first published.
- ✧ In the case of broadcasters/performers, reproduction right shall subsist until 25 years from the calendar year next following the year in which the broadcast/performance is made.



INDUSTRIAL DESIGN

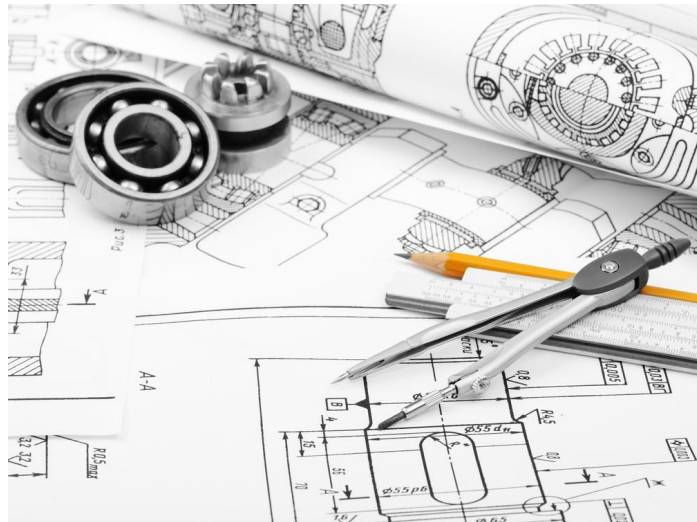
The laws governing designs are the Designs Act of 2000 and the Designs Rules of 2001. In India designs are defined as follows:

‘A design refers to the features of shape, configuration, pattern, ornamentation or composition of lines or colors applied to any article, in two or three dimensional (or both forms’. (Design Office, Kolkata: Guidelines for Registration)

Designs are valid for a maximum of ten years, renewable for a further five years.

The ‘right of priority’ for previous filings of designs

overseas requires filing in India within six months of an overseas filing.



Criteria for Design Registration

Features of the design should appeal and easily judged by eye.

New or original

Not prior published in any country and publicly known.

It is significantly distinguishable from known designs or combination of known designs

Not a technical or useful function of a product

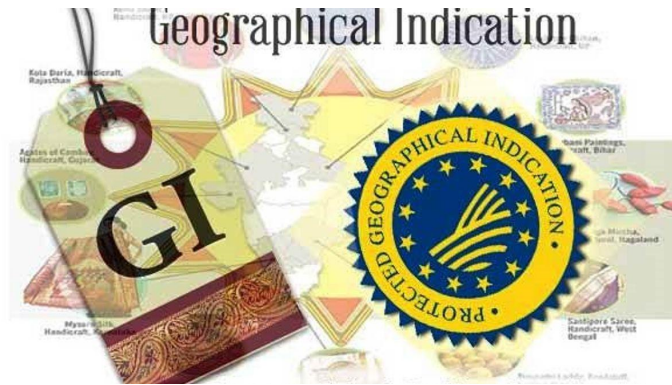
Geographical Indications

Geographical indication is an indication originating from a definite geographical territory and used to identify agricultural, natural or manufactured goods. The manufactured goods should be produced or processed or prepared in that territory. It should have a special quality or reputation or other characteristics. (e.g.

Gadwal / Pochampalli/
Kanchipuram silk sarees,
Nirmal paintings,

Banginapalli /Alphonso Mango, Darjeeling Tea, Kolhapuri Chappal, Solapur Chaddar, Tirupati Laddu, Nagpur Orange, Bikaneri bhujia).

GIs when registered confers legal protection in India through the Geographical Indications of Goods (Registration & Protection) Act of 1999, prevents unauthorised use of registered GI, promotes the economic prosperity of the producers of goods produced in a geographical territory which in turn boost exports.



Who can use the registered geographical indications?

Any association or person or producers or any organization or authority established by or under any law for the time being in force representing the interest of the producers of the concerned goods, who are desirous of registering geographical indications in relation to such goods can apply for GIs registration.

Who can apply for GIs Registration ?

An authorised user has the exclusive right to the use of geographical indication in relation to goods in respect of which it is registered.

Who is 'authorised user'?

'Authorised user' is any person claiming to be the producer of the goods in which a geographical indication has been registered.

Functions of Geographical Indications

It is a valuable property for a particular region. It is very important for any type of producers of goods of a particular region. Geographical Indications basically perform three functions.

1. Firstly -they identify the goods as originating in a particular territory, or a region or locality in that territory;
2. Secondly- they suggest the consumers that the goods come from an area where given quality, reputation or other characteristic of the goods is essentially attributable to their geographical origin; and
3. Thirdly -they promote goods of particular area, territory or region

References

[IP Nani | Department for Promotion of Industry and Internal Trade | MoCI | Gol \(dpiit.gov.in\)](#)

[Patents | Intellectual Property India | Government of India \(ipindia.gov.in\)](#)

[Copyright: Definition, Types, and How It Works \(investopedia.com\)](#)

[Trademark: Definition, What It Protects, Symbols & Examples \(investopedia.com\)](#)

[What is Industrial Design? | Industrial Design | Spark Innovations](#)

[What is a Geographical Indication and how it is different from Trademark? \(jagranjosh.com\)](#)