

Intellectual Property Rights (IPR)



Outline

- Concept of IPR
- Kinds of IPR
- Importance of protection

Kinds of property

- Movable Property

- Car, pen, furniture, dress.....

- Immovable property

- Land, building....

- Intellectual property

- Literary works, inventions.....

INTELLECTUAL PROPERTY RIGHTS

“RIGHTS”

A moral or legal entitlement to have or do something or prevent others from doing something

INTELLECTUAL PROPERTY RIGHTS

“PROPERTY”

A thing or things belonging to someone

INTELLECTUAL PROPERTY RIGHTS

“INTELLECTUAL”

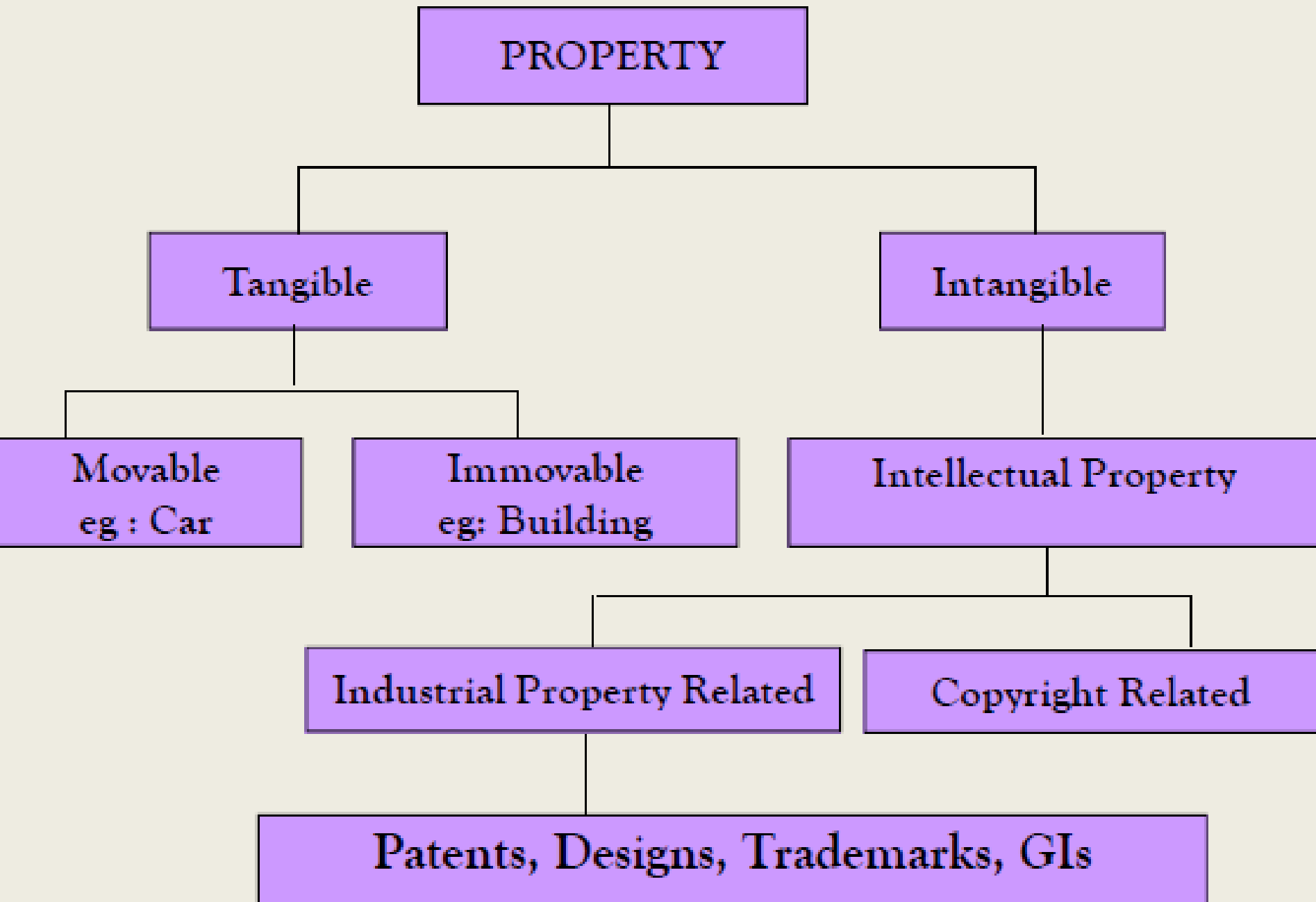
Relating to intellect

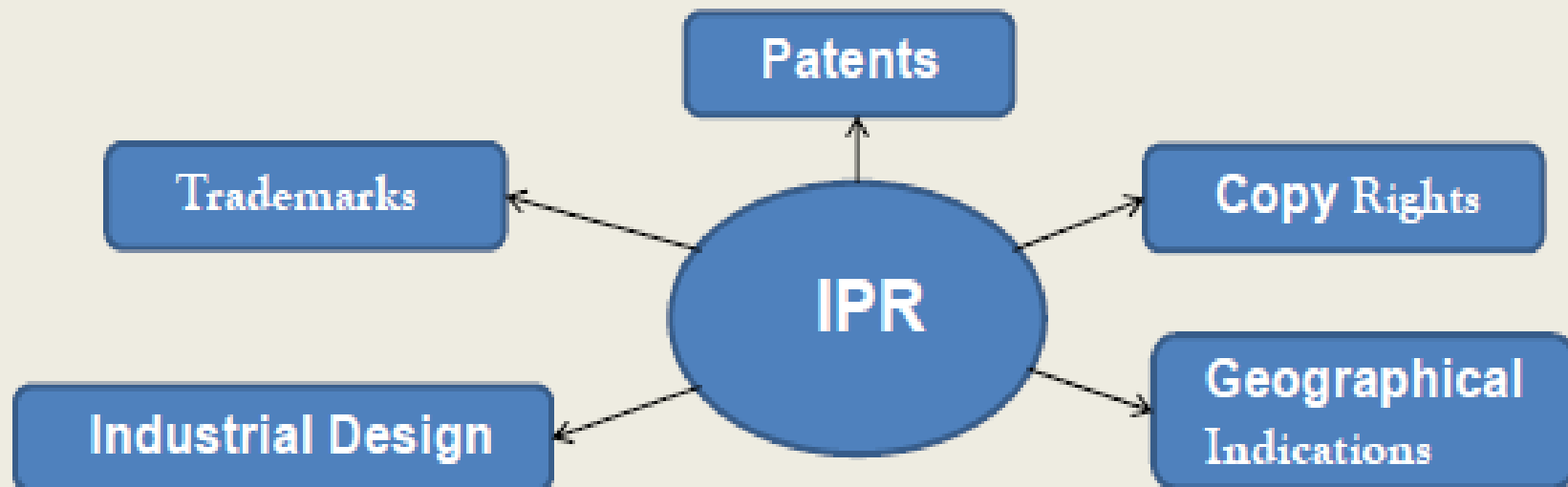
INTELLECTUAL PROPERTY RIGHTS

The legal rights which results from intellectual activity in the industrial, scientific, literary and artistic fields.

IP Include Rights Relating To:

- Literary, artistic and scientific works
- Performances of performing artists, phonograms and broadcasts
- Inventions in all fields of human endeavor
- Scientific discoveries
- Industrial designs
- Trademarks, service marks and commercial names and designations
- Protection against unfair competition





- **Exclusive rights given to person over the creation of their minds for certain periods of time**
- **Legal right**
- **Intangible potential asset**
- **Monopoly**
- **Negative rights i.e., it prevents others to use his/her creation for a definite time**

Patents:

- **Inventions (Products, Processes, Materials, Compositions)**
- **Technical Solution to a Technical problem**

Industrial Designs:

- **External features appealing to the eye**
- **New Shape, Pattern or Configuration**

Trade Marks:

- **A visual symbol such as a Word, Name, Logo, Label, Monogram, Slogan etc.**
- **Applied on Article of Manufacture or Service**
- **Indicates the origin of goods and services**

Copyrights:

- Artistic, literary, musical and dramatic creations
- Proprietary right
- Comes into existence as soon as the work is created

Geographical Indications (GIs):

- Identifies agricultural, natural or manufactured goods originating from a definite territory in India
- Possessing special quality or reputation based upon unique characteristics of the geographical location

■ ■ ■

- Idea + Expression = COPYRIGHT
- Idea + Innovation + Invention = PATENT
- Idea + Quality + Identity = TRADEMARK
- Idea + Appearance = DESIGN

International Treaties

- Paris Convention for the Protection of Industrial Property 1883
- Berne Convention for the Protection of Literary and Artistic Works 1886
- International Union for New Varieties of Plants (UPOV) 1961, 1972, 1978 and 1991
- Convention on Biodiversity, 1992
- Agreement on Trade Related Aspects of Intellectual Property Rights 1994
- Internet Treaties 1996

Analyzing Rights

- **Strong –**

- Patents
- Designs

- **Moderate-**

- Trade marks
- Integrated circuits
- Plant varieties

- **Weak**

- Confidential information

Acquiring Rights

❖ Automatic rights

- Copyright

❖ Granted rights

- Patents
- Design
- Trademarks
- Integrated circuits
- Plant varieties
- Geographical Indications

IP Laws Of India

- The Copyright Act, 1957
- The Patents Act, 1970
- The Designs Act, 2000
- The Trade Marks Act, 1999
- The Geographical Indications of Goods (Registration and Protection) Act, 1999
- The Semiconductor Integrated Circuits Layout-Design Act, 2000
- The Protection of Plant Varieties and Farmers' Rights Act, 2001

VALIDITY OF IPR

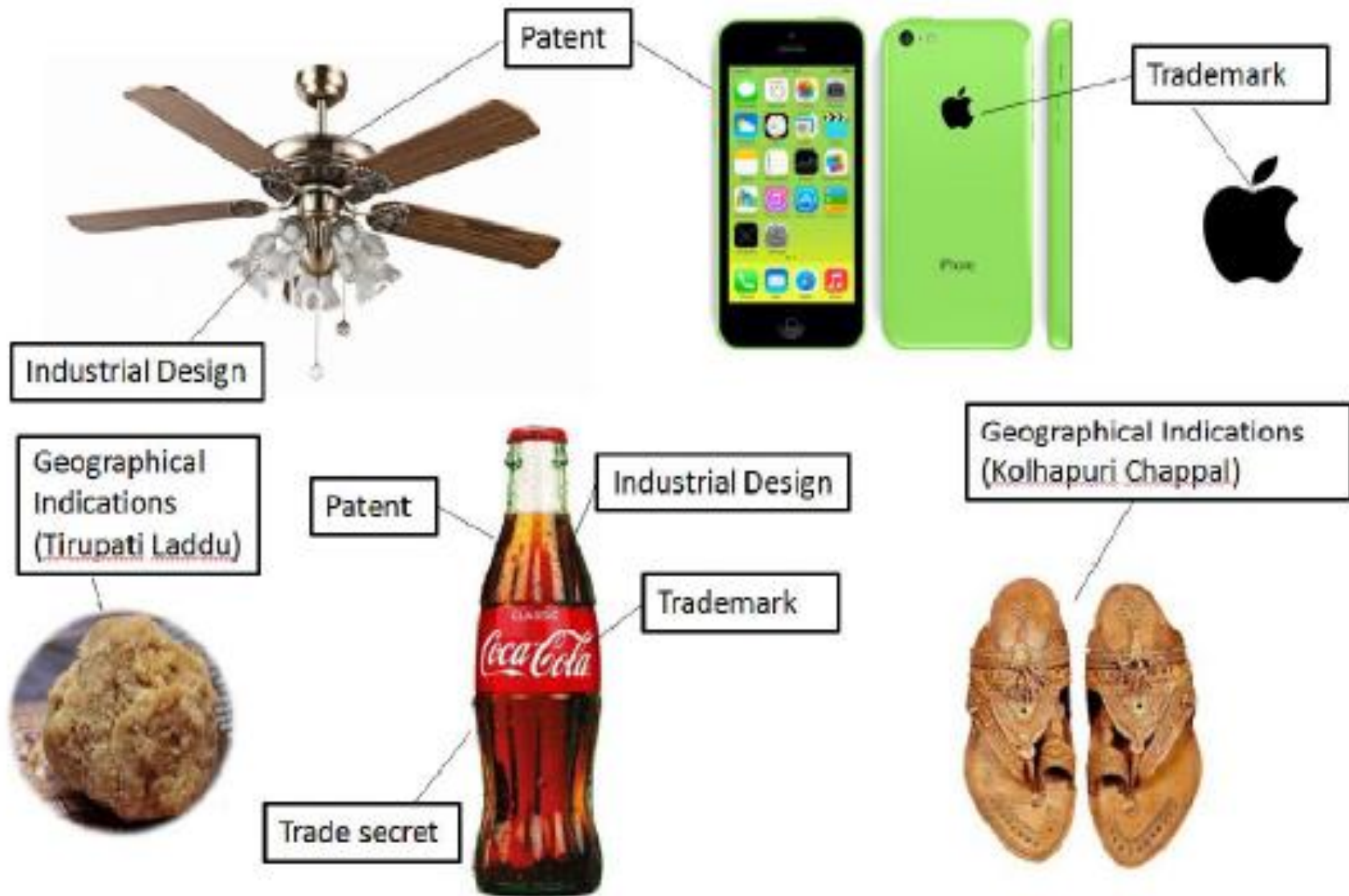
SI No.	IPR	Maximum Protection	Renewal	Act/Rule
1	Patent	20 Yrs	*Every year (mandatory)	The Patents Act, 1970 Amended in 2005
2	Trade Mark	Life long	After 10yrs	The Trade Marks Act, 1999 Amended in 2010
3	Design	15 Yrs	After 10 years for next 5 years	The Designs Act, 2000 & Designs (Amendment) Rules, 2014
4	Copyright	60 years	Not require	The Copyright Act, 1957 Amended in 2012
5	Geographical Indication (GI)	Life long	After 10 Yrs	The Geographical Indications of Goods (Registration and Protection) Act, 1999

*Patents will cease and be transferred to public domain if Patents are not renewed within 6 month of expiry of concerned year by paying renewal fee.

RELATION BETWEEN IPR

- The logo Coca-Cola is an example for **TRADE MARK**.
 - Shape of the bottle – an **INDUSTRIAL DESIGN**.
 - **PATENT** may have been obtained in respect of bottling equipment.
 - **COPYRIGHT** – in respect of the text, database or artistic work appearing on its website.
- i.e., A single product can be protected by more than one IPR.





Patents

■ What is a patent?

- Patent is a monopoly right granted by the State to exclude others from exploiting or using a particular invention. This exclusive monopoly granted by a Patent is provided in return for the inventor disclosing the details of the invention to the public.
- **Term of a Patent ?**
 - 20 Years

Conditions of Patentability

- **Novelty:**
 - Prior Art
- **Inventive Step:**
 - obvious to a person with ordinary skill in the art
- **Industrial Application:**

Great Patents

- 1. Cotton Gin (#72X – 1794)
- 2. Electric Motor (#132 – 1837)
- 3. Ice Machine (#8080 – 1851)
- 4. Improvement in Telegraph (#174465 – 1876)
- 5. Phonograph (#200521 – 1878)
- 6. Light Bulb (#223898 – 1880)
- 7. Electric Adding Machine (#430804 – 1890)
- 8. Airplane (#821393 – 1906)
- 9. Sliced Bread (#1867377 – 1932)

Patent is an exclusive monopoly right:

- **Granted by Government of India**
- **For an Invention**
- **To the Inventor or his Assignee**
- **As a Territorial Right**
- **In lieu of Disclosure of invention to the Government**
- **Term of Patent: 20 years from date of filing**

Industrial Designs

- Features of shape, configuration, pattern or ornaments.
- Three-dimensional features, such as the shape or configuration of an article, or of
- Two-dimensional features, such as patterns or ornaments.
- Term
 - 10 years initially.
 - +5 years renewable .

INDUSTRIAL DESIGN

- Exclusive right against unauthorized copying
- Protection normally lasts for an initial ten years, after which it can usually be renewed for, in most cases, up to 15 years.



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TRADEMARKS

- Generally “Brand” or “Logo”
- A visual symbol which may be word signature, name, device, label, numerals or combination of colors used by one undertaking on goods or services or other articles of commerce to distinguish it from other similar goods or services originating from a different undertaking
- Any Name which is not unusual for trade to adopt as mark
- Device or Symbol or Monogram
- Shape of goods or their packing
- Combination of colors or even a single color in combination with word or device

The logo for Yahoo!, featuring the word "YAHOO!" in a red, stylized, sans-serif font.The logo for Adidas, consisting of three black diagonal stripes above the word "adidas" in a lowercase, sans-serif font.The logo for American Express, featuring the words "AMERICAN EXPRESS" in white, sans-serif capital letters inside a blue square.The logo for the BBC, consisting of the letters "B", "B", and "C" in white, sans-serif capital letters inside three black squares.The Walmart logo, consisting of the word "Walmart" in blue, sans-serif capital letters followed by a yellow six-pointed star.The CNN logo, consisting of the letters "CNN" in a red, stylized, sans-serif font.The Coca-Cola logo, featuring the words "Coca-Cola" in a red, cursive script.The FedEx Corporation logo, consisting of the word "FedEx" in purple and grey, sans-serif capital letters, with "Corporation" in smaller grey letters below.The Google logo, consisting of the word "Google" in its multi-colored, sans-serif font.The Nokia logo, consisting of the word "NOKIA" in blue, sans-serif capital letters, with "Connecting People" in smaller blue letters below.The Honda logo, consisting of the word "HONDA" in red, sans-serif capital letters, with "The Power of Dreams" in smaller black letters below.The IBM logo, consisting of the letters "IBM" in a blue, stylized, sans-serif font.The Toyota logo, consisting of three overlapping ellipses in red, with the word "TOYOTA" in red, sans-serif capital letters to the right.The Mercedes-Benz logo, consisting of a silver three-pointed star inside a circle, with the words "Mercedes-Benz" in black, sans-serif capital letters below.The Mobil logo, consisting of the word "Mobil" in blue, sans-serif capital letters.The Puma logo, consisting of the word "PUMA" in black, sans-serif capital letters, with a black silhouette of a puma jumping above.

COPYRIGHT

- Copyright is a legal term describing rights given to creators for their literary and artistic works
- The works covered by Copyright include :
 - literary works such as novels, poems, plays, reference works, newspapers and articles
 - computer programs and databases
 - films, musical compositions, dance & theatrical productions
 - artistic works such as paintings, drawings, photographs and sculptures
 - architecture, advertisements, maps, technical drawings and manuals.
- Copyright comes into existence as soon as the work is created and protects skill & labour employed by the creator in production of his work.

GEOGRAPHICAL INDICATIONS

- **GIs identify agricultural, natural or manufactured goods associated with a territory/region/locality. GI gives protection to the group of people or associations involved in the production of the product using traditional skills and knowledge**
- **The manufactured goods should be produced or processed or prepared in that territory. This gives a special quality to the product due to geographical/climatic environment, reputation, specific manufacturing/farming skills, traditions and other characteristics attributable to origin.**
- **It consists of the name of the place of origin & originates from a definite geographical territory.**
- **Darjeeling Tea, Kancheepuram Saree, Kolhapuri Chappals, Tirupati Laddu, Nagpur Orange etc.**

Examples of Indian Geographical Indications:

- **Basmati Rice**
- **Darjeeling Tea**
- **Kanchipuram Silk Saree**
- **Alphonso Mango**
- **Nagpur Orange**
- **Kolhapuri Chappal**
- **Bikaneri Bhujia**
- **Agra Petha**



Rights

- Moral rights
 - Right of authorship
 - Right of integrity
 - Inalienable rights
- Economic rights
 - To reproduce the work in any material form
 - To issue copies of the work
 - To perform the work in public,
 - To make any translation or adaptation of the work
 - To sell or give on hire.

Benefits of IP

- Good fences make good neighbors:
- Filing First is the rule
- Encourages
 - innovation
 - product development
 - technical change
- Monetary gains to inventors.
- Greater inflows of technology
- Reduces imports

THANK YOU
