

- 1) First law - 1474 in Venice
- 2) Patent Act 1970 - amended 1999 and 2002 - came in force on May 20, 2003.
- 3) Design Act 2000 -
- 4) Trade Mark Act 1999 - came in force 15 September 2003
- 5) Copyright Act 1957 - amended in 1983, 84, 92, 94, 99 and Copyright Rules - 1958
- 6) Protection of Undisclosed Information - Contract Act - 1872
- 7) Geographical Indication of Good Act - 1999
- 8) Protection of Plant Varieties and Farmer's Rights Act - 2001
- 9) National Biological Diversity Act 2002
- 10) TRIPS - 1995 [Trade related aspects of Intellectual Property Rights]

Agencies

United States - United States Patent and trademark Office (USPTO)

United Kingdom - IPO - Intellectual Property Office

European union - The European patent office - EPO

The European Union intellectual ^{Property} Office - EUIPO

Australia - Intellectual Property Australia (IPA)

Japan - Japan Patent office (JPO)

China - State Intellectual Property Office (SIPO)

PCT = Patent Cooperation Treaty.

~~Paris Convention~~
~~Berne Convention~~ - 1983
1985

WIPO - World Intellectual Property Organization.

- * Paris Convention - 1883
- * Stockholm Act - revision - 1979
- * Berne convention - 1886 - revised - Paris Act - 1971
- * GATT - General Agreement on Tariffs and Trade - 1947
- * World Trade Organization - 1995

IPR (Mid Sem)

PT Tea GI Plant ki utility ~~model~~ copy banana
↳ IPR in India

* Intellectual Right :- idea → useful product and application

* Intellectual Property right :-

↓
Inventor
↓
right
↓
to derive economic benefits.

IPR
↓
legal right
↓
protect
↓
creation + invention

* Objective of Granting IPR :-

- helps to protect ownership + originality
- recognition to ~~inventor~~ concerned authority
- financial benefits
- financial incentive to incur investment cost
- motivate Creativity ⇒ economic growth
- Financial Status → Individual + country ↑
- competition → researcher → quality of research.

* History of IPR :-

→ First law - monopoly rights - artisans

* Legislations covering IPRs in India :-

↳ Patent ~~Act~~

Design ~~Act~~

Trade Mark

Copyright

Protection of Undisclosed Information

Geographical Indication

Protection of Plant Varieties and Farmer's Right Act

National Biological Diversity

Trade Secret

- doesn't disclose the property
- may relate to formula, process or material

Advantages:-

- i) unlimited duration
- ii) Patent Cost ~~of~~ of filing, contesting and enforcing — saved
- iii) risk of improving upon product/process ↓
- iv) not necessary to satisfy the requirement for protection under patents.

Disadvantages:

- i) Itself costly
- ii) No protection from independent innovation
- iii) no change to improve upon original invention
- iv) can't be applied to many inventions
eg - equipment design, plant varieties, books etc.

Trade Mark

capable of being

- mark represented graphically
- capable of distinguishing good or services of one to other
- may include shape of goods, packaging, color combination

~~brand~~ brand, heading, ~~text~~, signature, label

- one can identify the products by their logo.
eg - budweiser, whirlpool, LG

Industrial Design

- important in modern economy
- consumers — enormous choice of products

↓
same functionality

↓
choose

↓
one with most attractive design within the price range.

- Industrial Design — applied — industrial products & handmade ^{products}

Industrial design ~~law~~ law

protect ornamental aspects of product

Technical feature — patent

3D features — shape

2D features — Pattern, line or color.

Industrial design right

→ Allow right holder to control Commercial production, importation, & sale of product with the protected design.

produce — import — sale of product with P.D

→ limited period (vary from country to country)
↳ at least 10 yrs — renew.

Patents

① Patents are rights related to new discoveries.

→ protect new product, process & apparatus

→ granted by govt to exclude others from imitating, manufacturing, using or selling the invention during specific period.

② Patent are granted for

- invention
- innovation / improvement
- process / product
- concept

Patent Requirement :-

1.) Novelty — must be new & not known to public

2.) Inventiveness — not obvious to a person skilled

tough in the art and should represent innovation

3.) Industrial Application and Usefulness — relatively easy

subject matter of patent → Must have an industrial application → Present or future

Sold or offered
Subject of Patent

4.) Patentability :-

Subject matter → must be patentable under existing and its current interpretation law

eg:- pharmaceutical
1970 food and Agro chemicals } X → Allow ✓
except some

5.) Disclosure :-

inventor is required to describe his invention in sufficient detail so a person of normal skill is able to reproduce it.

#. Property which can't be patented

- scientific principle or abstract idea
- discovery of new property or new use for known substance.
- Agriculture or horticulture method
- Atomic energy & related inventions

Limitation of a Patent :-

Limitation of time
(valid for specific period)

Limitation of space
(valid only in the country of its award)

Copyright

- protection for specified period from reproduction
- not prevent other from using either idea or information contained in copyright material.
- Biotechnology Copyright protection — available for DNA Sequences
- ^{Right} provided to the owner of literary or artistic work.
- ~~Control~~ it is an exclusive right to control the publication, distribution and adaptation of creative work.

- work can be republished or reproduced by others after the duration of certain period.
- lifetime + 60 yrs.

what can be protected?

literary + drama + music, artistic work, photograph
cinematograph film + sound recording + computer generated work

Plant variety Protection :-

Breeders $\xrightarrow{\text{IP}}$ plant varieties and animal breeds
↓ argued — derived from naturally occurring lines
represent a considerable reorganization of existing gene combination & skilful selection work

USA — [Plant Patent Act 1930 — covers variety of asexually propagated crops.
— Plant Variety protection Act 1970
— The utility patent act 1985]

Geographical Indication

- It is a sign used on products that have a specific geographical origin and possess qualities or a reputation that are due to that origin.
- It covers agricultural goods, natural products, manufactured products, goods of handicraft and even food products.
↳ but not apply to Intellectual properties

India - Geographical Indication of Good Act 1999

↓
Came into force 15 Sept, 2003

First product - Darjeeling tea, Banarasi saree

Duration of GI :- period - 10 yrs, may be renewed.

Sir pdfs 1.

Journey of innovation

Generation → Protection → Enforcement → Monetization

IMPACT of IP.

TRIPS

- World trade organization 1995
- National treatment
- Right to import
- Implements IP laws
- Enforcement on IP ~~right~~ infringement.

(ques) Impact of IP
Patentization
TRIPS
IP laws in India

Invention vs. Patent ✓
Process of Drafting: ✓
Before drafting ✓

Patent is a territorial right.
Management of international
patents
foreign patents X
Patent filing timeline ✓
Parts of patent document ✓
What is done Before filing
International Patent filing
System
PCT System

* The ~~now~~ 1970 trips - 1999 → 2000

Types of IPR

Need / Importance of IPR.

Patent Act → changes.

~~9/8~~
Patent file.

Provisional
Data incomplete
Prior Art search
Competition ↑ → leakage
One or more
embodiments not present

Complete

✓

✓

identified

Max → identified

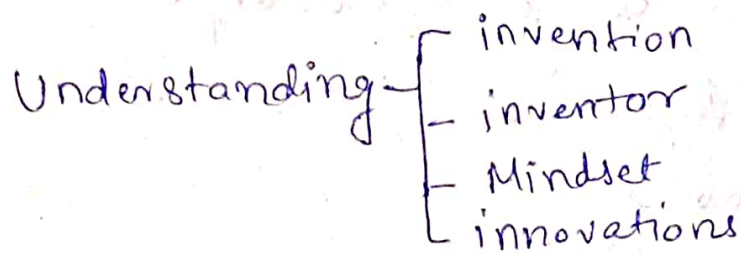
International Patent filing system

- 1) Provisional/Complete specification filing
- 2) Complete specification | PCT filing | convention filing
- 3) International Search Report & written opinion
- 4) International Publication
- 5) Demand for International Preliminary Exam
- 6) Preliminary Exam & Patentability Report.
- 7) National phase filings.

Good Vs Bad Vs Ugly

- 1) Merit of Invention
- 2) Strategy before Drafting
- 3) Attorney [lawyer]
- 4) Understanding of laws & Examiner's Mindset.

process of Drafting



Anatomy of a patent document

Title
Abstract
Problem/Background
Description
claims
References & citations
Patent application date

Patentization Steps:-

- i) ~~Invention~~ Disclosure
- ii) Patent search.
- iii) Patent Application
- iv) Patent exam
- v) Patent Grant

Before Drafting

- i) ~~Search~~ Patentability search
- ii) Identify type of invention
- iii) Problem being solved / describe the invention
- iv) Draft the claims
- v) Prepare drawings

PCT

TRIPS:- The agreement sets out the minimum standards of protection to be provided by each Member.

main element of protection ✓
subject matter

⇒ ¹⁹TRIPS is the agreement on Trade Related aspects of IPR.
Set minimum standards for all form of IPR

* Regulatory Compliance and Liability Issue

- 1) Compliance With Regulations
- 2) Infringement Liability
- 3) Diligent monitoring

* Invention

Patent

