

Intellectual Property Rights.

Tangible property: Property that can be touched. E.g. bicycles, computers, mobiles.

Intangible property: Property that cannot be touched. E.g. Softwares.

→ Property that is intangible is known as intellectual property.

Types of intellectual property Rights:

- | | |
|----------------------|-----------------|
| → copy rights | → trade marks |
| → patents | → design rights |
| → confidential info. | → moral rights |

Copyright:

→ protects:

- original literary, dramatic, music works
- sound recording, films, broadcast
- typographical arrangement of published editions.

★ → Things protected by copy right are called works

→ Owner's rights:

Copyright gives five rights to the owner of copyright.

1. Right to copy the "work"
2. Right to issue copies to the public
3. Right to perform, play, show "work" to the public.
4. Right to broadcast the work
5. Right to make an adaption of the "work"

How long do rights last?

EU = 70 years from author death

USA = 95 " " "

Canada = 50 " " "

database = 15 " " "

Who owns copyright?

→ author of the work. Except if the author is an employee and has created the work the employer own the copyright.

→ Copyright can only be transferred in writing

→ Infringement of Copyrights:

↳ primary : Anyone who practiced any one of the five rights without consent of the owner has committed primary infringement. Is considered as purely ~~civil~~ civil matter

↳ Secondary: Infringement that is committed knowingly & in course of business. Can be considered as criminal offence.

→ Registering Copyright.

In Britian & Europe full copyright protection comes into effect once the work is recorded somewhere. (fixed)

USA protection is limited unless copyright has been registered.

→ Copyright can be breached by copying whole or substantial (small) part of the work.

→ Non-literal copying is copying same design to produce similar system in different language.

Licensing:

- Allows the licensee to use the work for some purpose. But owner retains ownership.
- May be exclusive or non-exclusive.
 - (only one licensee)
 - (more than one licensee)
- May be for a fixed period or maybe in perpetuity (forever)
- Owner transfers some or all rights to licensee.

License examples: slide No: 18.

Retail software: perpetuity, non-exclusive

Professional package: fixed period, non-exclusive

Marketing agreements: exclusive

Open Source license / free software: Allows the source code to be used or modified or shared. Might not be necessarily free

How copyright owners enforce their rights.

- Search & Seizure (alhoond kay marcam gay)
- Injunctions: (court orders to restrain people)
- claim damages
- claim for profits.

Patents:

Patent is a temporary right, granted by the state, enabling an inventor to prevent others from exploiting his invention without permission.

- Unlike copyright, inventor must apply for the patent to be granted.
- more powerful than copyright since the owner (patentee) may prevent anyone else exploiting the invention even if they have discovered themselves.
- Patents are only granted if:
 - ↳ Invention is new
 - ↳ It involves an inventive step
 - ↳ Is capable of industrial application
 - ↳ The subject matter of the invention does fall within an excluded class (A scientific theory, mathematical method or literary work)

→ Parts of Patents

- ↳ IN ID code : (Internationally agreed numbers for the identification). So that the cover page can be identified in all languages
- ↳ Claims: Phrases that define the invention and outlines boundary of the invention.
- Patentee holds exclusive right to use or sell the invention
- Patentee must file detailed description of the invention to be published by the government.
- Some companies prefer to protect the inventions called trade secret to maintain company's competitive advantage

→ Types of Patents

- ↳ Utility patent: granted to one who invents machines, vital process, comp. of matter.
- ↳ Design patent: granted to one who creates a new design for an article of manufacture
- ↳ Plant Patents: Granted to anyone who discovers new variety of plants (genetic modification)

Trademarks & Trade names

→ Trademark is name / phrase / symbol that distinguishes an organization (logo)

→ To register a trademark, it must be distinctive, not deceptive or contrary to law and morality.

→ Trade mark can be word, phrases, symbols

→ Selecting A Mark:

↳ Generic term: common ~~name~~ name of the article or service to which they are applied. E.g. Abc communications
• Not protectable as stand alone trade marks

↳ Suggestive Marks: Suggest rather than describe the goods or services.

Hence customer has to use his/her imagination to understand the connection

↳ Arbitrary Marks: Created from existing words but have no connection to the goods / services.
e.g. apple

↳ Fanciful marks: created from the words that are ~~coined~~ coined or made up and have no relation meaning in relation to the good / services. e.g. Kodak.

Difference b/w trademark (TM) & Service mark (SM)

→ Trademark is the brand name of the goods. whereas, service mark just as a name identifies the name, logo, device or combination of these to differentiate the service provided by one business to that of others.

→ Trademark is only used to identify products or goods. Whereas a service mark is used to exclusively identify a ~~service~~ service. example

olx bech dey

Tm SM