

- **Framework of International IPR**
- **International Treaties and Organizations**
- **Framework of IPR in India**
- **IP Protection and Enforcement.**

Importance of Protecting IPR at Global Scale

- Protecting intellectual property on a global scale is of paramount importance due to:
- **Attracts Foreign Direct Investment (FDI)**
 - Nations with strong IP regimes often attract more FDI.
 - Companies are more likely to invest in regions where their intellectual assets are secure.
- **Global Collaboration and Technology Transfer**
 - International collaboration is facilitated when countries trust that their IP is protected.
 - This encourages knowledge-sharing, technology transfer, and collaborative research efforts that can lead to advancements benefiting societies on a global scale.

Importance of Protecting IPR at Global Scale

- **Preserves Cultural Heritage**

- IP protection extends beyond technological innovations to encompass cultural and traditional creations. Example: safeguarding folklore, traditional knowledge, and indigenous innovations.

- **Job Creation and Talent Retention**

- Strong IP protection fosters an environment where industries reliant on innovation can thrive.
- leads to job creation and helps retain skilled talent within a country, contributing to a dynamic and competitive workforce.

- **Consumer Protection**

- IP rights contribute to consumer protection by ensuring the quality and authenticity of products and services. Trademarks, for example, allow consumers to make informed choices and build trust in the brands they choose.

Importance of Protecting IPR at Global Scale

- **Global Trade Relations**

- Adherence to international standards of IP protection is often a prerequisite for participating in global trade agreements.
- Complying with these standards facilitates smoother international trade relations and negotiations.

- **Adaptation to Technological Advances**

- In the rapidly evolving landscape of technology, protecting intellectual property globally becomes crucial for adapting to new innovations.
- Allows for the creation of legal frameworks that address emerging challenges, such as those posed by digital technologies and the internet.

Why International Treaties on IP protection?

- While IP protection (still) results from rights granted by virtue of national laws, International IP law has a history of over 120 years...
- Discrepancy between national protection regimes and
- Cross-border, international use of protected material

Why International Treaties on IP protection?

Options to Address Global Use

- **Bundle of distinct national laws** (un-harmonised and potentially discriminatory)
- Bi-/Multilateral Agreements on **mutual recognition, non-discrimination** in the treatment of foreign right holders
- International Agreements on **common (minimum) standards** to be implemented in national laws
- **International/Regional Systems of IP protection**

Why International Treaties on IP protection?

Obstacles to Increased Harmonisation

- Traditionally, IP protection has been used as a **industrial policy device** to promote (domestic) innovation, production and technological progress
- As IP protection increases, so does its **impact on public interests** outside the core of IP regulation (public health, food security, environment & climate change, access to information and human rights)
 - diverging national interests prevent consensus

A Brief History of Int. IP Law

- **Paris Convention for the Protection of Industrial Property (1883)**
- **Berne Convention for the Protection of Literary and Artistic Works, 1886**
- **Further International Agreements**
 - Patent Cooperation Treaty (**PCT**), 1970
 - International Convention for the Protection of New Varieties of Plants (**UPOV**), 1961
 - Madrid Agreement Concerning the Int. Registration of Marks (1891)
 - Trademark Law Treaty (**TLT**), 1994
 - Universal Copyright Convention (UCC), 1952 - WIPO Copyright Treaty (**WCT**), 1996
 - Rome' Convention (1961) – WIPO Performers and Phonograms Treaty (**WPPT**), 1996

A Brief History of International IP Treaty

Name of Treaty/Convention	Year	Place	Purpose	Importance
Patent Cooperation Treaty (PCT)	1970	-	Streamlines the process of filing patents in multiple countries	Simplifies the process of gaining patent protection internationally
International Convention for the Protection of New Varieties of Plants	1961	Paris, France	Protects the rights of breeders of new plant varieties	Encourages the development of new varieties of plants for the benefit of society
Madrid Agreement Concerning the Int. Registration of Marks	1891	Madrid, Spain	Facilitates the registration of trademarks internationally	Helps businesses protect their brands across different countries
Rome Convention	1961	Rome, Italy	Protects the rights of performers and producers of phonograms	Ensures that artists and producers are compensated for the use of their work

A Brief History of International IP Treaty

Name of Treaty/Convention	Year	Place	Purpose	Importance
Trademark Law Treaty (TLT)	1994	Geneva, Switzerland	Standardizes and streamlines national and regional trademark registration procedures	Makes trademark registration more efficient and accessible
Universal Copyright Convention (UCC)	1952	Geneva, Switzerland	Protects the rights of authors and creators internationally	Promotes the respect and protection of copyright across borders
WIPO Copyright Treaty (WCT)	1996	Geneva, Switzerland	Updates copyright protection in the digital environment	Adapts copyright laws to the challenges of the digital age
WIPO Performers and Phonograms Treaty (WPPT)	1996	Geneva, Switzerland	Provides a framework for the rights of performers and producers of phonograms	Strengthens the legal rights of artists and producers in the digital age

Some Important Treaties and Organization Concerned with Global IPR Protection

World Intellectual Property Organization (WIPO)

- **WIPO (World Intellectual Property Organization).**
 - It is a specialized agency of the United Nations responsible for promoting and protecting intellectual property (IP) worldwide.
 - Established in 1967
 - Headquartered in Geneva, Switzerland.
 - Mission is to encourage innovation and creativity by providing a global forum for the development of IP policies and services.

Key Functions & Activities of WIPO

- **International Cooperation:** WIPO facilitates international cooperation among its member states to establish common standards and practices for the protection and enforcement of intellectual property rights.
- **Development of IP Policies:** provides a platform for member countries to discuss and develop policies related to IP property, taking into account the diverse needs and interests of different nations.

Key Functions & Activities of WIPO

- **Legal Frameworks and Treaties**

- administers various international treaties and agreements that harmonize and streamline intellectual property laws globally.

Examples include the Paris Convention for the Protection of Industrial Property and the Berne Convention for the Protection of Literary and Artistic Works.

- **Administration of IP Services**

- Offers a range of services to facilitate the registration and protection of IPR, including patents, trademarks, industrial designs, and copyrights.

Key Functions & Activities of WIPO

- **Dispute Resolution**

- Provides mechanisms for the resolution of IP disputes, including arbitration and mediation services.

- **Capacity Building and Training**

- Supports capacity-building initiatives and provides training programs to enhance the knowledge and skills of individuals and institutions involved in IP.

Key Functions & Activities of WIPO

- **Global IP Databases**

- Manages global databases that provide information on patents, trademarks, and other intellectual property registrations, facilitating access to relevant information for businesses and researchers.

- **Coordination with Other Organizations**

- Collaborates with other international organizations, governmental bodies, and non-governmental organizations to address cross-cutting issues related to IP, such as public health, technology transfer, and access to knowledge

Berne Convention

- **Definition:** An international agreement governing copyright protection.
- **Purpose:** Ensures that creators have their works protected in all signatory countries.
- **Established:** 1886 in Berne, Switzerland.
- **Administered by:** World Intellectual Property Organization (WIPO).
- **Key Features of the Berne Convention**
 - **Automatic Protection:** Copyright protection does not require formal registration.
 - **National Treatment:** Works are protected in all member countries as they are in the creator's home country.
 - **Moral Rights:** Protects the personal and reputational rights of authors.

Berne Convention

- **Importance of the Berne Convention**

- **Harmonization:** Establishes a minimum standard of protection worldwide.
- **Influence:** Serves as a foundation for national copyright laws.
- **Cultural Impact:** Encourages the creation and dissemination of works internationally.

- **Challenges and Criticisms**

- **Digital Age:** Adapting the convention to the internet and digital works.
- **Global Enforcement:** Difficulties in enforcing copyright across borders.

Paris Convention

- **Brief Description:** Established foundation for international intellectual property protection.
- **Year of Adoption:** 1883
- **Significance:** One of the first intellectual property treaties.
- **Main Objectives of the Paris Convention**
 - Protecting IP across borders
 - Ensuring creators can secure IP rights in other member countries

Paris Convention

- **Key Features of the Paris Convention**

- National Treatment Principle
- Right of Priority
- Independence of Patents
- Common Rules for Trademarks, Trade Names

- **National Treatment Principle**

- Member countries must offer the same protection to nationals of other member countries as they do to their own.
- Example: A French inventor receives the same protection in Japan as a Japanese inventor.

Paris Convention

- **Right of Priority**

- **Explanation:** Filing deadline extension for IP registration in other member countries after initial filing.
- **Benefit:** Provides inventors time to decide on which countries to seek protection.

- **Independence of Patents**

- A patent's validity in one member state does not depend on its status in another.

- **Common Rules**

- Overview of common rules for trademarks and trade names.
- Importance of protecting against unfair competition.

Trade-Related Aspects of Intellectual Property Rights (TRIPS)

- **Introduction**

- **Explanation of TRIPS:** The Agreement on Trade-Related Aspects of Intellectual Property Rights
- **Aim:** To set minimum standards for the protection of various forms of intellectual property (IP) around the world

- **Objectives**

- To harmonize IP laws globally
- To reduce trade distortions
- To provide a framework for enforcement of IP rights

Trade-Related Aspects of Intellectual Property Rights (TRIPS)

- **Core Provisions**

- Establishes minimum standards for IP rights that all World Trade Organization (WTO) members must adhere to
- Requires member countries to provide IP protection in a non-discriminatory manner
- Mandates that domestic laws must offer remedies for IP rights enforcement

- **Implications for Patents**

- Maximum term of protection: 20 years from filing
- Patents must be available for any inventions, provided they are new, involve an inventive step, and are capable of industrial application

Trade-Related Aspects of Intellectual Property Rights (TRIPS)

- **Trademark Provisions**

- Must allow for the registration of trademarks, which are distinctive and used to distinguish goods or services of one business from another
- The agreement sets out the rights of trademark owners and requires processes for registration and renewal

- **Copyright & Related Rights**

- Protects the rights of authors, performers, and producers of phonograms
- Mandates protection for computer programs and databases

Trade-Related Aspects of Intellectual Property Rights (TRIPS)

- **Industrial Designs**

- Provides that industrial designs must be protected for at least 10 years

- **Geographical Indications**

- Requires the protection of geographical indications, including appellations of origin

Trade-Related Aspects of Intellectual Property Rights (TRIPS)

- **Enforcement of IP Rights**
 - Outlines civil and administrative procedures for enforcing IP rights
 - Establishes provisions for dealing with IP rights infringement
- **Transitional Arrangements**
 - Provides additional time for developing countries to comply with TRIPS obligations
- **Dispute Settlement**
 - Details the dispute resolution process between WTO members regarding the interpretation and enforcement of the TRIPS Agreement

IP Enforcement

- **IP Enforcement Mechanisms**

- **Legal Action**

- Lawsuits for infringement.
 - Cease and desist orders.

- **Border Measures**

- Customs authorities can seize counterfeit goods.

- **Online Enforcement**

- Monitoring and taking down infringing content on websites.

IP Enforcement

- **Challenges in IP Enforcement**
- **Global Scale of Infringement**
 - Difficulty in tracking and enforcing IP rights internationally.
- **Online Piracy**
 - Rapid spread of counterfeit digital goods.
- **Cost of Enforcement**
 - Legal and administrative costs can be high, especially for small businesses.

IP Enforcement

- **Best Practices for IP Protection**
- **Proactive Measures:**
 - Register IP rights early and in all relevant jurisdictions.
- **Monitoring and Vigilance:**
 - Regularly monitor the market and online platforms for infringements.
- **Educating Consumers:**
 - Raise awareness about the importance of buying genuine products.
- **Collaboration with Authorities:**
 - Work with law enforcement and customs officials to combat counterfeiting.

Framework of IPR in India

Key IP Acts	Provisions
The Patents Act, 1970:	<ul style="list-style-type: none">• Protects inventions.• Provides 20 years of protection.
The Copyright Act, 1957:	<ul style="list-style-type: none">• Protects literary, dramatic, musical, and artistic works.• Rights last for the lifetime of the creator plus 60 years.
The Trademarks Act, 1999:	<ul style="list-style-type: none">• Protects brand names, logos, and slogans.• Trademarks are valid for 10 years, renewable indefinitely.
The Designs Act, 2000:	<ul style="list-style-type: none">• Protects new or original designs.• Provides protection for 10 years, extendable by 5 years.
The Geographical Indications of Goods (Registration & Protection) Act, 1999:	<ul style="list-style-type: none">• Protects products originating from specific geographical areas.

Framework of IPR in India

Key IPR Legislations in India

Act	Ministry/Department
The Copyright Act, 1957	Higher Education
The Patents Act, 1970	Industrial Policy & Promotion
The Designs Act, 2000	Industrial Policy & Promotion
The Trade Marks Act, 1999	Industrial Policy & Promotion
The Geographical Indications of Goods (Registration and Protection) Act, 1999	Industrial Policy & Promotion
The Semiconductor Integrated Circuits Layout-Design Act, 2000	Information Technology
The Protection of Plant Varieties and Farmers' Rights Act, 2001	Agriculture and Cooperation

Framework of IPR in India

- Governing Bodies and Enforcement
- **Office of the Controller General of Patents, Designs, and Trade Marks (CGPDTM)**
 - Administers patent, design, and trademark registrations.
- **Intellectual Property Appellate Board (IPAB):**
 - Handles appeals on IP decisions.
- **Enforcement Mechanisms:**
 - Civil and criminal remedies.
 - Border control measures.

Framework of IPR in India

- **Challenges in Indian IPR**
 - **Counterfeiting and Piracy:**
 - Widespread issues affecting various industries.
 - **Administrative Delays:**
 - Long pendency times for patent and trademark registration.

Framework of IPR in India

- **Recent Developments and Initiatives**

- **National IPR Policy 2016:**

- Aims to foster creativity and innovation.
 - Focuses on awareness, generation, legal and commercialization aspects of IPR.

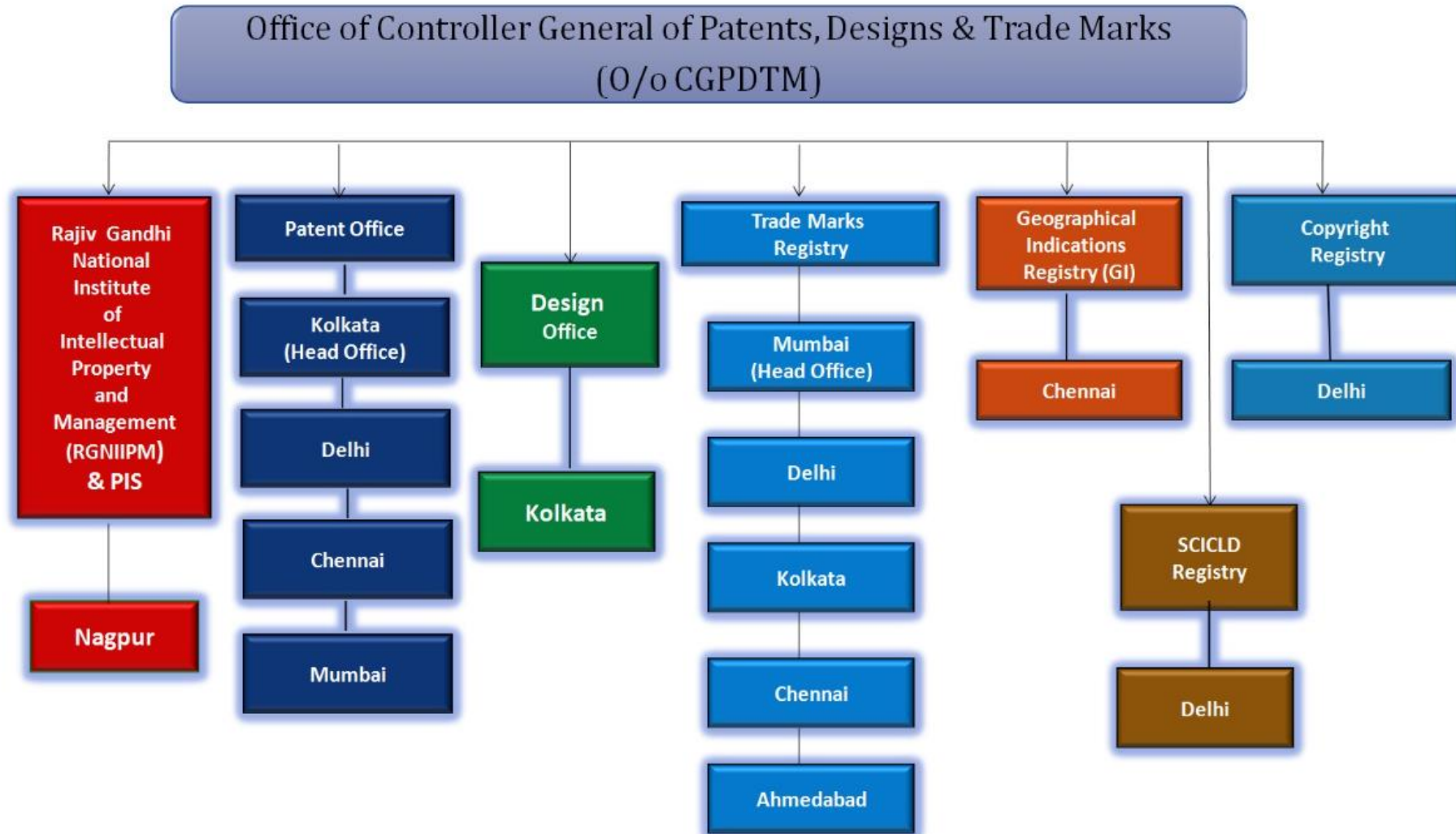
- **IPR Promotion and Management (CIPAM):**

- Established to promote IPR awareness and enforcement.

Framework of IPR in India

- **International Treaties and Agreements**
 - **TRIPS Agreement:**
 - India is a member of the WTO and complies with TRIPS requirements.
 - **WIPO Conventions:**
 - Active participation in international IP conventions.

Legislative Framework of IP Administration



End of Lecture_03