



Professional Practices in ICT

ITC 4182

Chamila Karunatilake

Chamilakarunatilake@sjp.ac.lk

What is IP?



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

What is IP?

- Intellectual property (IP) is a category of property that includes intangible creations of the human intellect. - <https://en.wikipedia.org>
- •Intellectual property is a broad categorical description for the set of intangible assets owned and legally protected by a company or individual from outside use or implementation without consent. - <https://www.investopedia.com>

World Intellectual Property Organization (WIPO)

- The World Intellectual Property Organization (WIPO) is the global forum for intellectual property (IP) services, policy, information and cooperation.
- A self-funding agency of the United Nations, with 193 member states.
- Mission is to lead the development of a balanced and effective international IP system that enables innovation and creativity for the benefit of all.
- Mandate is, governing bodies and procedures set out in the WIPO Convention, which established WIPO in 1967.



World Intellectual Property Organization (WIPO)



WIPO members | Members | Non-members

<https://en.wikipedia.org>

World Intellectual Property Organization (WIPO)

WIPO

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Sri Lanka



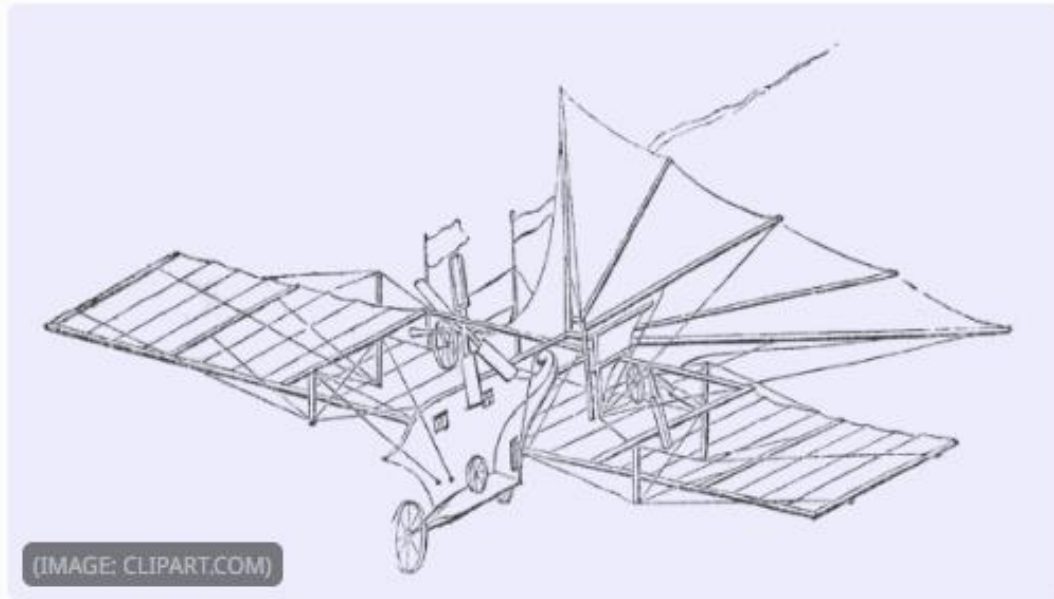
Contact Information

- [National IP offices](#)
- [Technology and Innovation Support Centers \(TISCs\)](#)

<https://www.wipo.int/portal/en/>

Types of Intellectual Property

- Patents
- Copyright
- Trademarks
- Industrial Design
- Geographical Indications
- Trade Secrets



Patents

A patent is an exclusive right granted for an invention. Generally speaking, a patent provides the patent owner with the right to decide how - or whether - the invention can be used by others. In exchange for this right, the patent owner makes technical information about the invention publicly available in the published patent document.



Copyright

Copyright is a legal term used to describe the rights that creators have over their literary and artistic works. Works covered by copyright range from books, music, paintings, sculpture and films, to computer programs, databases, advertisements, maps and technical drawings.



Trademarks

A trademark is a sign capable of distinguishing the goods or services of one enterprise from those of other enterprises. Trademarks date back to ancient times when artisans used to put their signature or "mark" on their products.



Industrial designs

An industrial design constitutes the ornamental or aesthetic aspect of an article. A design may consist of three-dimensional features, such as the shape or surface of an article, or of two-dimensional features, such as patterns, lines or color.



Geographical indications

Geographical indications and appellations of origin are signs used on goods that have a specific geographical origin and possess qualities, a reputation or characteristics that are essentially attributable to that place of origin. Most commonly, a geographical indication includes the name of the place of origin of the goods.

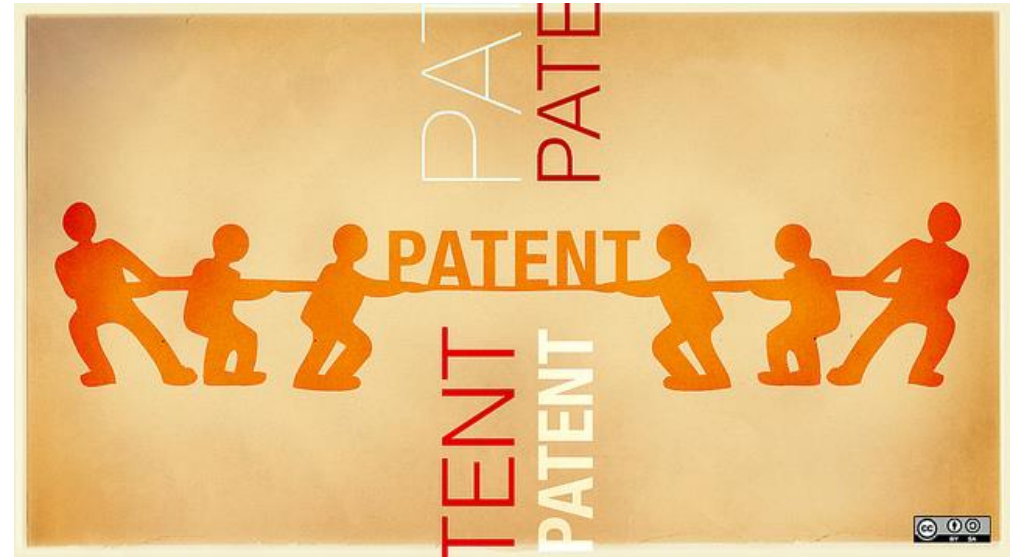


Trade secrets

Trade secrets are IP rights on confidential information which may be sold or licensed. The unauthorized acquisition, use or disclosure of such secret information in a manner contrary to honest commercial practices by others is regarded as an unfair practice and a violation of the trade secret protection.

Patents

- Patents are a form of intellectual property right granted to inventors for their inventions.
- They provide exclusive rights to the inventor for a limited period, typically 20 years from the filing date, to exclude others from making, using, selling, or importing the patented invention without permission.
- International law comes into play regarding patents primarily through international agreements and treaties.



Patents

- Patents protect inventions and ensure the inventors the benefits resulting from the inventions thereby providing incentives for inventiveness, encouraging further inventions and promoting investment.
- This will spur the economic and technological development.
- Patent applications already published disclose newly invented technologies and are available for anyone to refer to.
- They contain vital information for researchers, inventors and enterprises who want to keep up with new developments, carry out R&D activities and use new technologies.



Patents

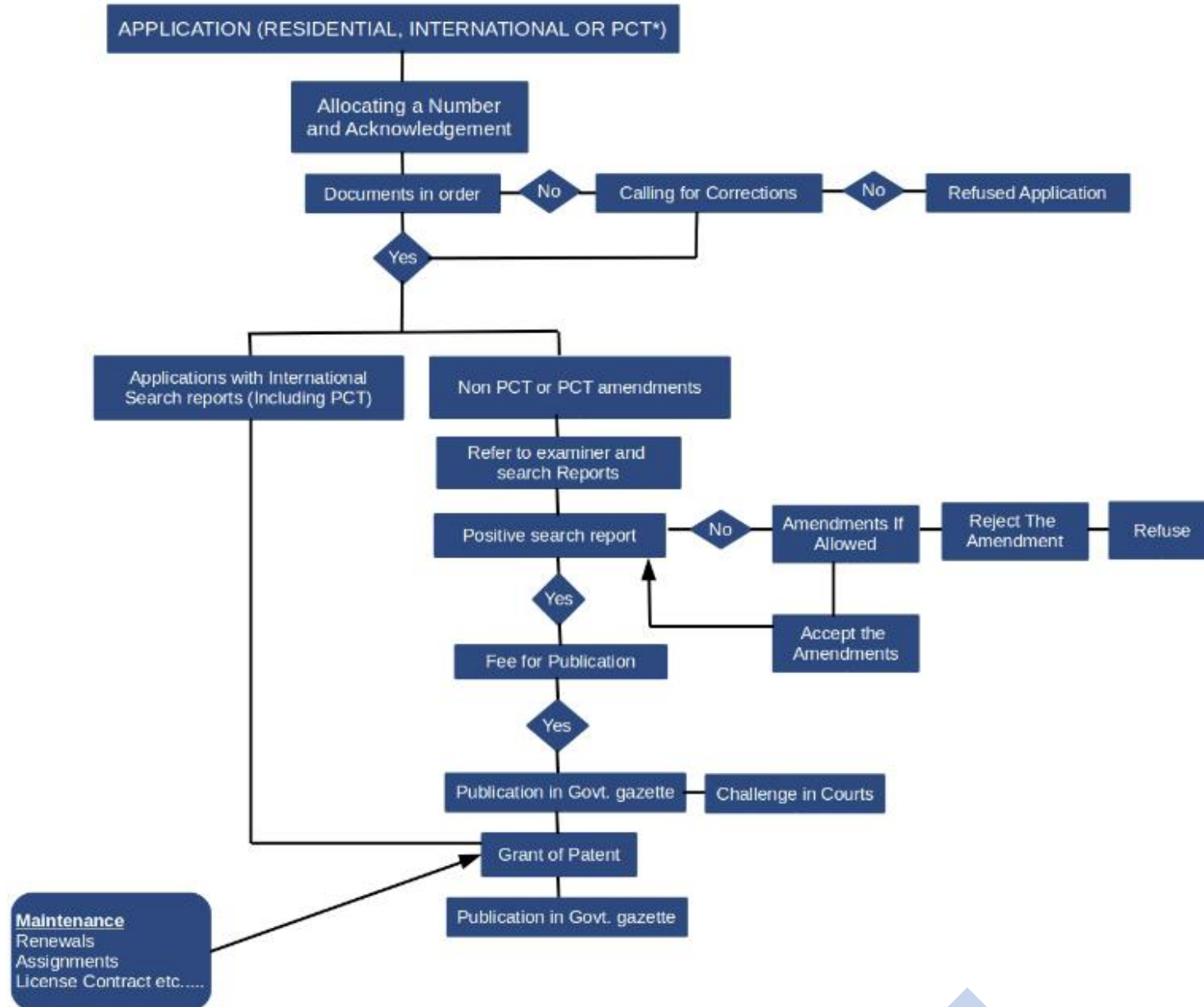
- Once a patent is granted, the inventor has exclusive rights to prevent others from making, using, selling, or importing the patented invention without their permission.
- This exclusivity allows inventors to commercialize their inventions and potentially gain a competitive advantage in the marketplace.
- The primary purpose of patents is to encourage innovation and creativity by granting inventors temporary monopolies over their inventions.
- This allows inventors to recoup their investment in research and development and provides an incentive for further innovation.



Patents

- An Invention is a practical solution to a problem in fields such as technology, medicine, chemistry, engineering, and more.
- Patents can be granted for a wide range of inventions, including products, processes, methods, compositions of matter, and improvements upon existing inventions.
- To be granted a patent, an invention must meet certain criteria. These criteria typically include being novel (new), non-obvious (not something that would be obvious to someone skilled in the relevant field), and useful (having practical utility).
- The invention must also be capable of being described in sufficient detail to enable others skilled in the field to replicate it.

Flowchart of the Registration Procedure



What is not patentable

- (i) discoveries, scientific theories and mathematical methods;
- (ii) plants, animals micro organisms other than transgenic micro organisms and an essentially biological process for the production of plants and animals other than non biological and micro-biological processes;
- (iii) schemes, rules or methods for doing business, performing purely mental acts or playing games
- (iv) methods for treatment of human or animal body by surgery or therapy and diagnostic methods practiced on human or animal body
- (v) inventions which are necessary to protect public order, morality including human animal or plant life, health, or to avoid serious prejudice to environment.

Copyright

- Copyright is a form of intellectual property protection that grants exclusive rights to creators of original works, allowing them to control how their works are used and distributed.
- The primary purpose of copyright is to encourage creativity and the production of original works by providing creators with legal protections for their creations.
- By granting exclusive rights, copyright incentivizes creators to invest time, effort, and resources into developing new works.



Copyright

- Copyright means the rights given by law to the creators for their literary and artistic works. The rights take two forms; (a) economic rights and (b) moral rights. The economic rights include the right to reproduce, sell, rent, distribute, communicate to the public, and translate etc. whereas the moral rights cover the right to claim the authorship and right to oppose distortion or mutilation of the work.
- Copyright covers original literary and artistic works: writings such as books, computer programs, articles, oral works such as speeches and lectures, stage plays, teleplays, musical works, films, drawings, paintings and photographs. The works such as databases and translations are also protected.
- Registration of copyright is not required to obtain protection. The Protection is accorded without any formality such as registration in Sri Lanka. Copyright is protected from the day that the work is published and made available to the public.

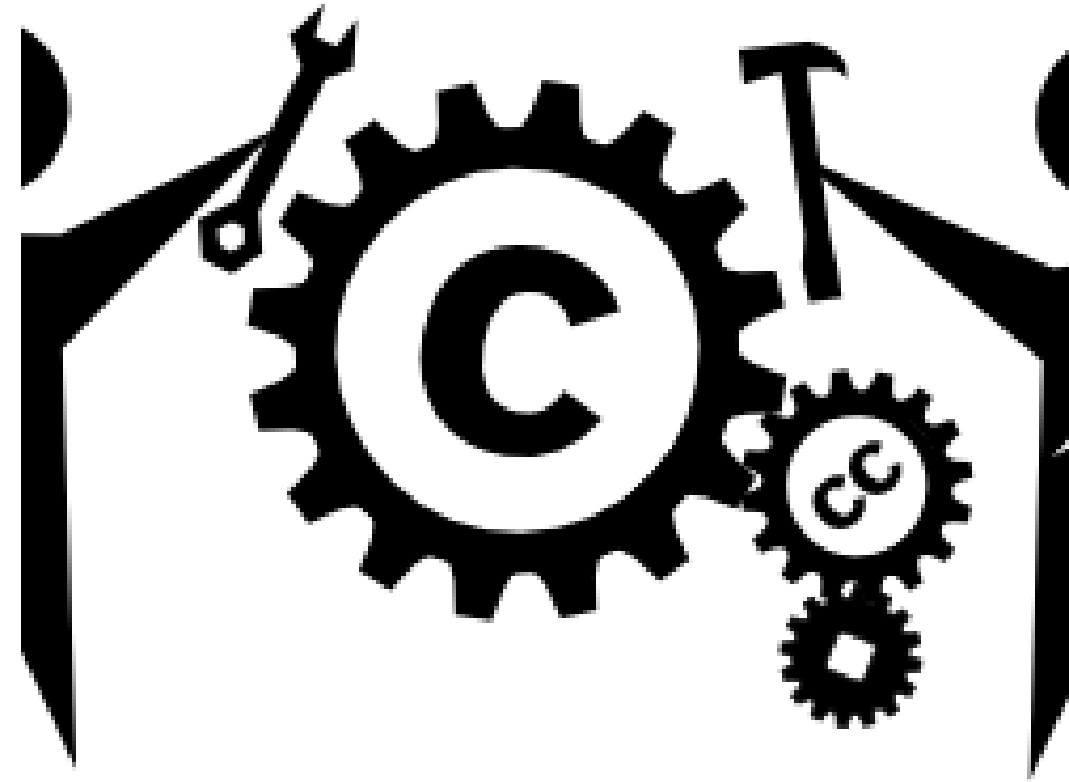
Copyright

- Copyright protects a wide range of creative works, including literary works (such as books, articles, and poems), musical compositions, artistic works (such as paintings, sculptures, and photographs), dramatic works (including plays and scripts), choreographic works, architectural designs, and other forms of creative expression.
- Copyright protects the expression of ideas rather than the ideas themselves.
- This means that copyright does not protect facts, ideas, or concepts, but rather the original way in which they are expressed.
- For example, while copyright protects the specific text of a novel, it does not prevent others from writing their own novel on the same topic.



Copyright

- Copyright grants creators several exclusive rights over their works, including the right to reproduce the work, distribute copies of the work, publicly perform the work, publicly display the work, and create derivative works based on the original. These rights allow creators to control how their works are used and to derive economic benefits from their creations.
- The duration of copyright protection varies depending on the country and the type of work.
- In most countries, copyright protection lasts for the life of the author plus a certain number of years after their death.
- Copyright in Sri Lanka is generally protected during the life of the author and 70 years after his death.



Trademark

- Trademarks are a form of intellectual property protection that safeguards brand identity and distinguishes goods or services of one seller from those of others.
- The primary purpose of trademarks is to protect the distinctive features that identify products or services and distinguish them from competitors' offerings. This protection fosters consumer trust and prevents confusion in the marketplace.
- Trademarks can include various elements, such as brand names, logos, slogans, symbols, and even colors or sounds, that uniquely identify a product or service. Essentially, anything that can be used to distinguish one seller's goods or services from another can potentially be protected as a trademark.



Trademark

- A mark- trademark or service mark- is a visible sign that is capable of distinguishing the goods or services of different enterprises.
- A trademark relates to goods whereas a service mark relates to services. In addition, there are two more kind of marks – Certification marks and Collective marks.
- Certification mark is granted to the owner for goods or services if he certifies as to the origin, material and manufacturing method of goods or performance of service, quality and accuracy with regard to its use.
- A Collective mark is a mark serving to distinguish the origin or any other common characteristic of goods or services of different enterprises which use the Mark under the control of the registered owner.

Functions of a mark

- distinguishes the goods or services of its owner from those of others
- indicates the source of the goods or services
- individualizes the goods or services of the owner
- enables the owner to reach the customers
- helps the consumers to make the choice in the market etc.

Why register?

- The registration of the mark gives its owner exclusive right to use, assign and license the mark.
- These rights can be easily enforced effectively through civil or criminal court procedure or both.
- Owner of the mark can restrain others from using it.
- Any person or body of persons corporate and unincorporated can register

Ranking 2024	Name	Country	Value	Annual Change
1	Apple	 U.S.	\$516.6B	+73.6%
2	Microsoft	 U.S.	\$340.4B	+77.7%
3	Google	 U.S.	\$333.4B	+18.5%
4	Amazon	 U.S.	\$308.9B	+3.2%
5	Samsung Group	 South Korea	\$99.4B	-0.3%
6	Walmart	 U.S.	\$96.8B	-14.9%
7	TikTok/Douyin	 China	\$84.2B	+28.2%
8	Facebook	 U.S.	\$75.7B	+28.4%
9	Deutsche Telekom	 Germany	\$73.3B	+16.5%
10	ICBC	 China	\$71.8B	+3.3%



THE WORLD'S TOP 10 STRONGEST BRANDS 2023

1 ↑



Google

93.2

AAA+

2 ↑



YouTube

92.7

AAA+

3 ↑



swisscom

91.7

AAA+

4 ↓



91.6

AAA+

5 ↑



Deloitte.

91.3

AAA+

6 ↑



90.8

AAA+

7 ↑



90.7

AAA+

8 ↓



90.7

AAA+

9 ↑



90.2



AAA+

10 ↑



89.9

AAA+

2023	2022	Logo	Name	Country	2023	2022	2023	2022
1 =	1		Dialog		\$140M	\$268M	AAA+	AAA
2 =	2		BOC		\$135M	\$267M	AAA	AAA-
3 =	3		Commercial Bank		\$117M	\$232M	AAA	AAA
4 =	4		People's Bank		\$105M	\$223M	AAA	AAA-
5 ^	8		Sampath Bank		\$69M	\$124M	AAA	AAA-
6 ^	9		HNB		\$67M	\$120M	AA+	AA+
7 v	5		NSB		\$62M	\$151M	AA	AA
8 ^	11		Nestlé		\$55M	\$107M	AA-	AA+
9 ^	10		Cargills Food City		\$51M	\$115M	AAA-	AAA
10 v	6		Keells		\$48M	\$138M	AAA-	AAA

<https://brandirectory.com/rankings/sri-lanka/>

Industrial Design

protects a product's appearance, such as its shape, color, and materials.

- In a legal sense, an industrial design constitutes the ornamental aspect of an article.
- An industrial design may consist of three dimensional features, such as the shape of an article, or two dimensional features, such as patterns, lines or color.
- In principle, the owner of a registered industrial design or of a design patent has the right to prevent third parties from making, selling or importing articles bearing or embodying a design which is a copy, or substantially a copy, of the protected design, when such acts are undertaken for commercial purposes.
- In most countries, an industrial design needs to be registered in order to be protected under industrial design law as a “registered design”. In some countries, industrial designs are protected under patent law as “design patents”.



Industrial Design

- In Sri Lanka, a registered design is protected for five years and renewable for two more terms of five years.
- The owner of the design can exercise exclusive rights such as making, using, importing and exporting articles comprising of such protected design.
- The protection assures a fair return to the creator and promotes investment.
- Designs registered in Sri Lanka are valid only in Sri Lanka. If the owner expands the business to other countries it is advisable to register the said design in those countries.

Mini Cooper



Coke Contour Bottle



Rocking Wheel Chair



Piaggio Vespa Scooter



iMac



Dyson cyclone vacuum



Geographical Indications (GI)

- A geographical indication (GI) 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 is a name or sign that is used on goods by a group of producers or manufactures and that indicates that the goods have special quality, character or reputation because they are originating from a specific place (country or a geographical area of a country). (eg. Ceylon Tea, Ceylon Cinnamon, Ceylon Sapphire, Nuwaraeliya Tea, Ceylon Pepper and Ceylon Cashew)
- As they carry the symbol of quality, character or reputation of the particular goods, it helps greatly to commercialize the goods.
- GI indicates and informs the consumers and traders that a product is originating from a certain country or a geographical location of a country and has some special quality, character or reputation, due to its geographical location.

Geographical Indications (GI)

- The law protects GIs by prohibiting the use of it for the goods that are not actually originating from the respective geographical areas. The court can issue injunctions to prevent such use.
- GIs of Sri Lanka can be protected in all the member countries of WTO under the national law of the particular country.

Trade Secrets

- Trade secrets are intellectual property (IP) rights on confidential information which may be sold or licensed.
- In general, to qualify as a trade secret, the information must be,
 - commercially valuable because it is secret,
 - be known only to a limited group of persons, and
 - be subject to reasonable steps taken by the rightful holder of the information to keep it secret, including the use of confidentiality agreements for business partners and employees.
- In general, any confidential business information which provides an enterprise a competitive edge and is unknown to others may be protected as a trade secret.
- Trade secrets encompass both technical information and commercial information.
- Can be achieved via Non-disclosure agreements, proper IT security measures, processes and procedures.

Trade Secrets

- Customer lists
- Recipes
- Financial projections
- Business methods
- Marketing plans
- Formulas
- Devices
- Manufacturing techniques
- Processes
- Sales data
- Market studies
- Pricing information
- Computer programs



<https://slideplayer.com/slide/8156033/>

