

NOTES ON BASIS OF TPCE IPR 1 59 pages

NOTES

Intellectual Property Rights (IPR) - Rajni Nair

Types of Intellectual Property:

1. Copyright:

- Legal term for creators' rights over literary and artistic works.
- Includes novels, poems, films, photographs, architecture, computer programs, etc.
- Protection extends only to expression, not ideas.
- Economic rights allow financial gain from works, while moral rights protect non-economic interests.

2. Trademarks:

- Signs distinguishing goods/services of one entity from others.
- Can be registered or unregistered.
- Protects brand names, logos, symbols, etc.
- Territorial protection, renewable.
- Examples: Louis Vuitton vs. restaurant name, Adidas vs. Forever21.

3. Patents:

- Exclusive rights for inventions, new technical solutions.
- Protection lasts about 20 years.
- Rights to prevent commercial exploitation.
- Examples: Google search algorithm, Coca-Cola formula.

4. Industrial Designs:

- Ornamental aspects of articles, three-dimensional or two-dimensional.
- Protects shapes, patterns, colors, etc.
- Registered or unregistered protection.
- Examples: product shapes, packaging designs.

5. Trade Secrets:

- Confidential business information with commercial value.
- Protected through secrecy and reasonable steps.
- Examples: Google's search algorithm, Coca-Cola formula.

6. Geographical Indications:

- Sign indicating product's origin, qualities, reputation.
- Protected for agricultural products, food, handicrafts, etc.
- Examples: Darjeeling tea, Basmati rice.

Copyright:

- Protects literary, artistic works.
- Includes novels, films, music, architecture, computer programs.
- Economic rights allow financial gain, moral rights protect non-economic interests.
- Protection extends to expression, not ideas.
- Duration: Lifetime of creator + 60 years (literary, artistic works).

Trademark:

- Protects signs distinguishing goods/services.
- Registered or unregistered protection.
- Examples: Brand names, logos, symbols.
- Territorial protection, renewable.
- Enforced in cases like Louis Vuitton vs. restaurant name, Adidas vs. Forever21.

Patent:

- Exclusive rights for inventions.
- Protection lasts about 20 years.
- Rights to prevent commercial exploitation.
- Examples: Google's search algorithm, Coca-Cola formula.

Industrial Designs:

- Protects ornamental aspects of articles.
- Registered or unregistered protection.
- Examples: Product shapes, packaging designs.

Trade Secrets:

- Protects confidential business information.
- Based on secrecy and reasonable steps.
- Examples: Google's algorithm, Coca-Cola formula.

Geographical Indications:

- Protects product's origin, qualities, reputation.
- Examples: Darjeeling tea, Basmati rice.

Notes on Copyright Cases:

1. Shephard Fairey vs. Associated Press:

- Fair use defense in creating Hope poster.
- Settlement reached, profit shared.
- Discourse on copyright value, credit.

2. Art Rogers vs. Jeff Koons:

- Appropriation art case, copyright infringement.
- Koons claimed fair use by parody.

- Court found similarities, Koons paid settlement.

Minimizing Copyright Infringement:

- Seek permission, use attribution.
- Utilize Creative Commons licenses for sharing knowledge.

Creative Commons (CC):

- Nonprofit enabling open sharing of knowledge and creativity.
- Provides licenses allowing varied use of works.
- CC BY, CC BY-SA, CC BY-NC, CC BY-NC-SA, CC BY-ND, CC BY-NC-ND licenses.
- Supports open licensing, open COVID pledge, and tools like CC Search.

Trademarks:

- Protects signs distinguishing goods/services.
- Registered or unregistered protection.
- Examples: Brand names, logos, symbols.
- Territorial protection, renewable.

Patents:

- Exclusive rights for inventions.
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Trade Secrets:

- Protects confidential business information.
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- Examples: Google's algorithm, Coca-Cola formula.

Geographical Indications:

- Protects product's origin, qualities, reputation.
- Examples: Darjeeling tea, Basmati rice.

Intellectual Property Rights (IPR) - Detailed Notes

Types of Intellectual Property:

1. Copyright: Refers to the rights creators have over their literary and artistic works. It covers various forms of creative expressions such as novels, films, music, paintings, architecture, computer programs, and more.
 - Copyright Protection: Extends to expression, not ideas. May or may not cover titles, slogans, or logos.
 - Economic Rights: Owner's right to financial reward from the use of their work by others.

- Moral Rights: Protect the author's non-economic interests, including claiming authorship and opposing changes that harm reputation.
 - Duration: Varies based on the type of work, typically lifetime of the author plus a fixed number of years.
2. Trademarks: Signs distinguishing goods or services of one enterprise from others. Protected through registration. Can include names, logos, symbols, and packaging.
- Rights: Exclusive use, prevention of others' commercial exploitation.
 - Duration: Indefinite, with renewal.
3. Patents: Exclusive right granted for inventions (products or processes). Inventions must be new and non-obvious.
- Rights: Exclusive use, preventing others from making, using, selling, importing the invention.
 - Duration: Typically 20 years from filing date.
4. Industrial Designs: Protects the ornamental aspect of articles, like shape, patterns, or color.
- Rights: Exclusive use, preventing others from using similar designs for commercial purposes.
 - Duration: Varies by country, but typically limited duration.
5. Trade Secrets: Confidential business information providing a competitive edge.
- Rights: Protection against unauthorized acquisition, use, or disclosure.
 - Duration: Indefinite, as long as secrecy is maintained.
6. Geographical Indications (GIs): Indicates a product's origin and specific qualities due to that origin.
- Rights: Preventing others from using the indication for products not meeting the standards.
 - Examples: Darjeeling tea, Basmati rice, Alphonso mango.

Examples of Legal Cases:

1. Hope Poster Case: Artist Shephard Fairey used a photograph for his Hope poster during Obama's campaign. Associated Press demanded compensation, Fairey claimed fair use. Settlement reached.
2. Art Rogers vs. Jeff Koons: Koons used a photograph to create statues. Rogers sued for copyright infringement. Court ruled in favor of Rogers, rejecting Koons' fair use defense.

Minimizing Copyright Infringement:

- Seek permission, attribute sources, use Creative Commons licenses.

Creative Commons Licenses:

- CC BY: Allows reuse, adaptation with attribution.
- CC BY-SA: Same as CC BY, adaptations must be shared under the same terms.
- CC BY-NC: Allows non-commercial use with attribution.
- CC BY-NC-SA: Allows non-commercial use, adaptations must be shared under the same terms.
- CC BY-ND: Allows copying and distribution in unadapted form with attribution.
- CC BY-NC-ND: Allows non-commercial copying and distribution in unadapted form with attribution.

Significance of Cases and Concepts:

- Cases like *Fairey's* and *Koons'* highlight fair use, derivative works, and the appropriation of art.
- Geographical indications protect products' origin-related qualities.
- Creative Commons licenses enable flexible sharing while respecting creators' rights.