

## 1.Role of IP in the Economic and Cultural Development of the Society

### 1. Incentivizing Innovation and Creativity:

- **Patents:** Encourage inventors to invest in research and development.
- **Copyrights:** Incentivize creators to produce new and culturally significant content.

### 2. Promoting Economic Growth:

- **Patents and Trade Secrets:** Contribute to economic growth and technological advancement.
- **Trademarks:** Protect brand identities, fostering trust and fair competition.

### 3. Cultural Preservation and Diversity:

- **Copyrights:** Preserve and promote diverse cultural expressions in literature, music, and art.

### 4. Encouraging Entrepreneurship:

- **IP Protection:** Enables entrepreneurs to protect ideas, attract investment, and compete.

### 5. Technology Transfer and Collaboration:

- **Licensing:** Facilitates technology transfer and collaboration between entities.

### 6. Job Creation:

- **Innovation Ecosystem:** Leads to the creation of new industries and job opportunities.

### 7. Consumer Protection:

- **Trademarks:** Ensure consumers can trust the source of goods and services.

### 8. Global Trade and Competition:

- **International Protection:** Encourages international trade and competition through standardized IP frameworks.

## 2. Intellectual Property as a Global Indicator of Innovation:

### 1. Patents:

- **Indicator:** Patent filings reflect innovation levels.
- **Exclusive Rights:** Grant inventors exclusive rights to inventions.
- **Technology Development:** High patent activity signifies technological progress.

### 2. Copyrights:

- **Creative Output:** Protect literary, artistic, and musical creations.
- **Cultural Significance:** Copyright registrations indicate cultural richness.
- **Entertainment Industry:** Crucial for a thriving entertainment sector.

### 3. Trademarks:

- **Brand Identity:** Protect symbols, names, and slogans.
- **Consumer Trust:** Strengthens consumer trust and loyalty.
- **Economic Significance:** Reflects brand importance in a global market.

### 4. Trade Secrets:

- **Confidential Information:** Protect undisclosed business information.
- **Innovation Strategies:** Encourages R&D investment and economic competitiveness.

### 5. Industrial Designs:

- **Aesthetic Innovation:** Protects the visual design of objects.

- **Consumer Appeal:** Indicates focus on aesthetics and design.

#### 6. Geographical Indications:

- **Regional Products:** Protects products with specific geographical origins.
- **Quality Assurance:** Ensures adherence to quality standards.

### Rights Protected Under IP:

- i. Patents
- ii. Copyrights
- iii. Trademarks
- iv. Industrial designs
- v. Protection of Integrated Circuits layout design
- vi. Geographical indications of goods
- vii. Biological diversity
- viii. Plant varieties and farmers rights

## 3.NOTE ON NON-PATENTABLE MATTER

1. Undiscoverable Non-patentable matter includes:
2. Natural Phenomena: Discoveries of natural occurrences are not patentable.
3. Abstract Ideas: Pure abstract concepts, mathematical formulas, and mental processes are excluded.
4. Laws of Nature: Fundamental scientific principles are not eligible for patents.
5. Literary, Artistic, and Aesthetic Creations: Copyright is more suitable for protecting these works.
6. Inventions Against Public Policy or Morality: Contrary inventions may be deemed non-patentable.
7. Human Beings and Biological Processes: Patents are generally not granted for inventions related to humans or biological processes.

## 4.CLASSIFICATION OF TRADE MARKER

Goods (Classes 1-34) and Services (Classes 35-45) categorized based on type.

Trademark Symbols:

TM (<sup>TM</sup>): Unregistered, common law rights.

R (<sup>®</sup>): Registered, legal benefits.

SM (<sup>SM</sup>): Service marks, akin to TM for services.

Symbols offer notice of ownership; <sup>®</sup> misuse may lead to penalties. Legal advice advised for jurisdictional nuances

## 5.EXPLAIN THE ELIGIBILITY CRITERIA AND ADVANTAGES OF TRADE MARK

Distinctive and not deceptive.

Not confusingly similar to existing marks.

Lawful use and non-functional.

Advantages of Trademarks:

Exclusive rights and competitive advantage.

Enhances brand recognition and consumer trust.

Valuable asset for licensing or sale.

Legal protection against infringement.

Global protection through international registration.

Acts as a deterrent to competitors.

Builds consumer confidence and simplifies marketing.

Infinite renewal, providing long-term protection.

Enforceable rights with legal remedies available

## 6.DESCRIBE THE FILLING OF PATENT APPLICATION

1. Assess patent eligibility and conduct a thorough search.
2. Prepare a detailed description and choose the patent type.
3. Complete application forms and file online or by mail.
4. Pay filing fees based on patent type and jurisdiction.
5. Patent office examines the application for patentability.
6. Respond to any office actions or objections.
7. Published if allowable; some jurisdictions publish before granting.
8. Upon satisfaction, the patent office grants the patent.
9. Pay maintenance fees to keep the patent in force.
10. Seek assistance from a patent attorney for optimal protection

## 7.CONDITION FOR OBTAINING PATENT PROTECTION

There is a set criterion, as provided in Section 2(1)(j) of the Patents Act, 1970, which must be

fulfilled for a product or a process to qualify for the grant of a patent. The criterion encompasses:

- Novelty - Not part of 'State of the Art'. The innovation claimed in the patent application is new and not known to anybody in the world. In other words, the innovation is

- a) not in -17- the knowledge of the public,

- b) not published anywhere through any means of publication

c) not be claimed in any other specification by any other applicant.

- Inventive step - Not obvious to the person (s) skilled in the art. The innovation is

- a) a technical advancement over the existing knowledge,

- b) possesses economic significance

- c) not obvious to a person skilled in the concerned subject.

- Capable of industrial application - For the benefit of society. The invention is capable of being made or used in any industry.

## 8.WRITE A NOTE ON WIPO

\*Establishment:\* Founded in 1967, part of the UN since 1974.

- \*Location:\* Headquarters in Geneva, Switzerland.

- \*Mandate:\* Promotes and protects global intellectual property (IP).

- \*Functions:\*

- Facilitates international cooperation on IP policies.

- Administers key international IP treaties.

- Provides global IP services (PCT, Madrid System, Hague System).

- Supports capacity building in IP for countries.

- Conducts research and publishes reports on IP.

- Offers dispute resolution services.

- \*Innovation and Development:\* Balances interests of creators, innovators, and the public to foster global innovation and economic development.

## 9.IP LAWS AND ACTS

1. \*Trademarks Act (2017):\*

- Streamlined trademark registration and increased penalties.

2. \*Patents Act (2005):\*

- Aligned with TRIPS, introducing product patent protection.

3. \*Copyright Act (2012):\*

- Updated for the digital era, addressing technological measures and performer rights.

4. \*Designs Act (2008):\*

- Simplified design registration with electronic filing and expedited examinations.

5. \*Geographical Indications Act (1999):\*

- Amendments strengthened protection for unique regional products.

For the latest details, consult current legal texts or legal professionals.