

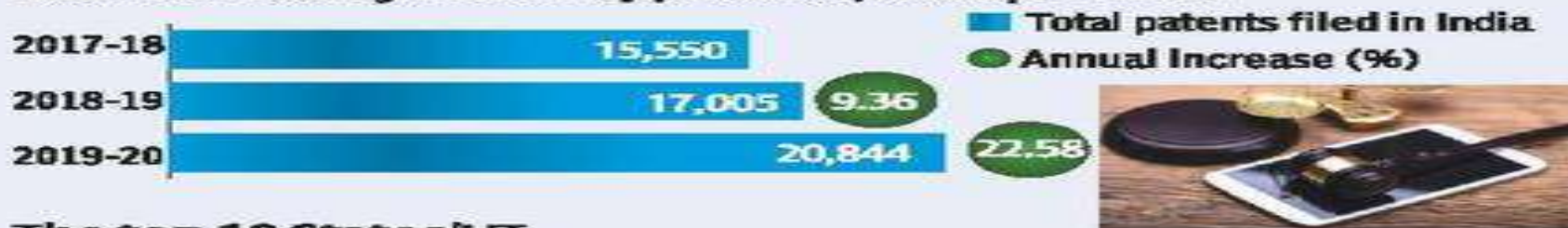


- <https://qz.com/771727/chinas-factories-in-shenzhen-can-copy-products-at-breakneck-speed-and-its-time-for-the-rest-of-the-world-to-get-over-it/>
- <https://www.youtube.com/watch?v=3bim1tFE6Tg>

2019

	Country	Number of patents
1	China	473
2	United States	65
3	South Korea	41
4	Australia	14
5	India	6
6	Canada	5
7	United Kingdom	2
8	Germany	2
300-3186		649

Patents filed by Indian applicants, State/UT-wise

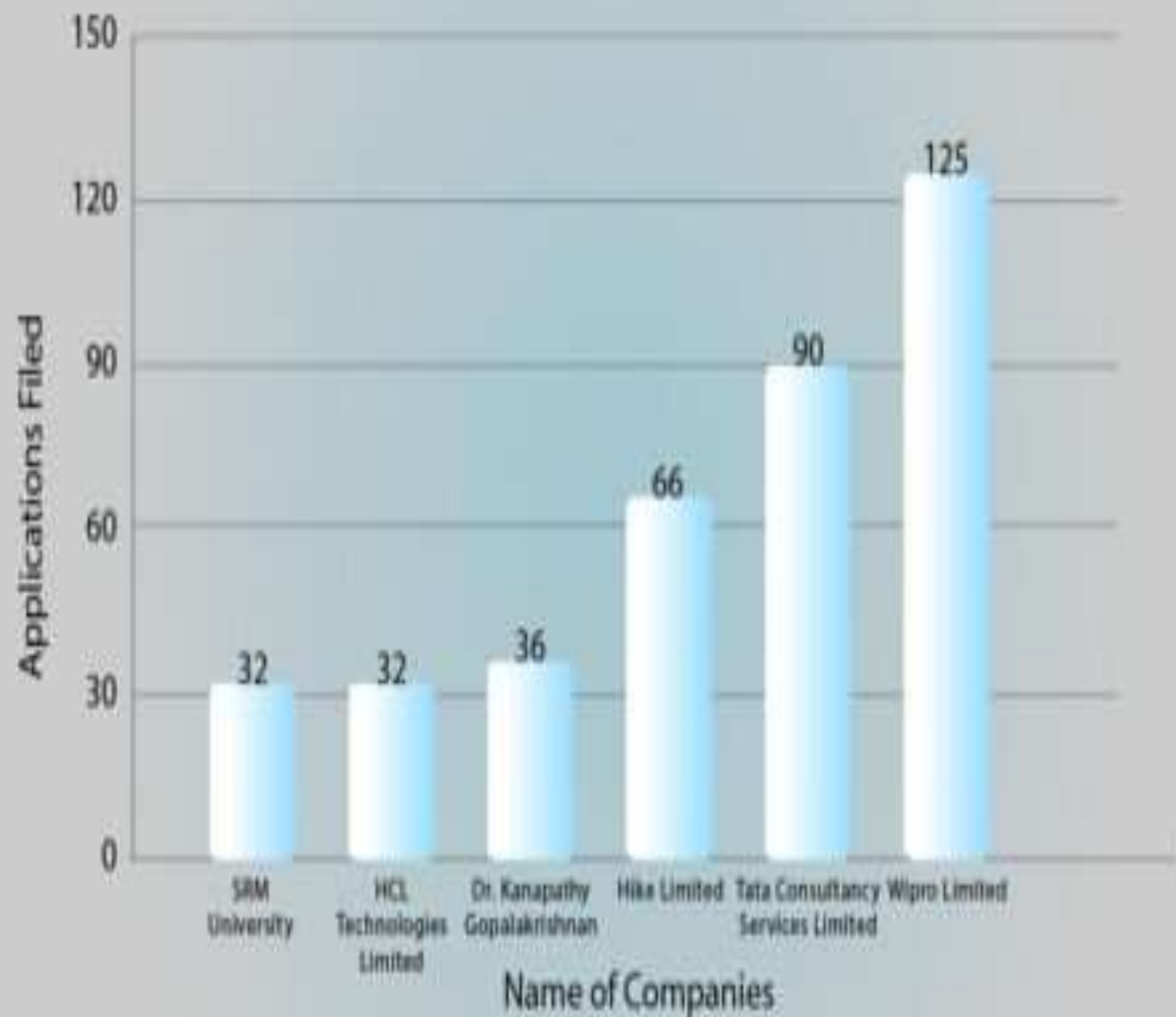


The top 10 States/UT

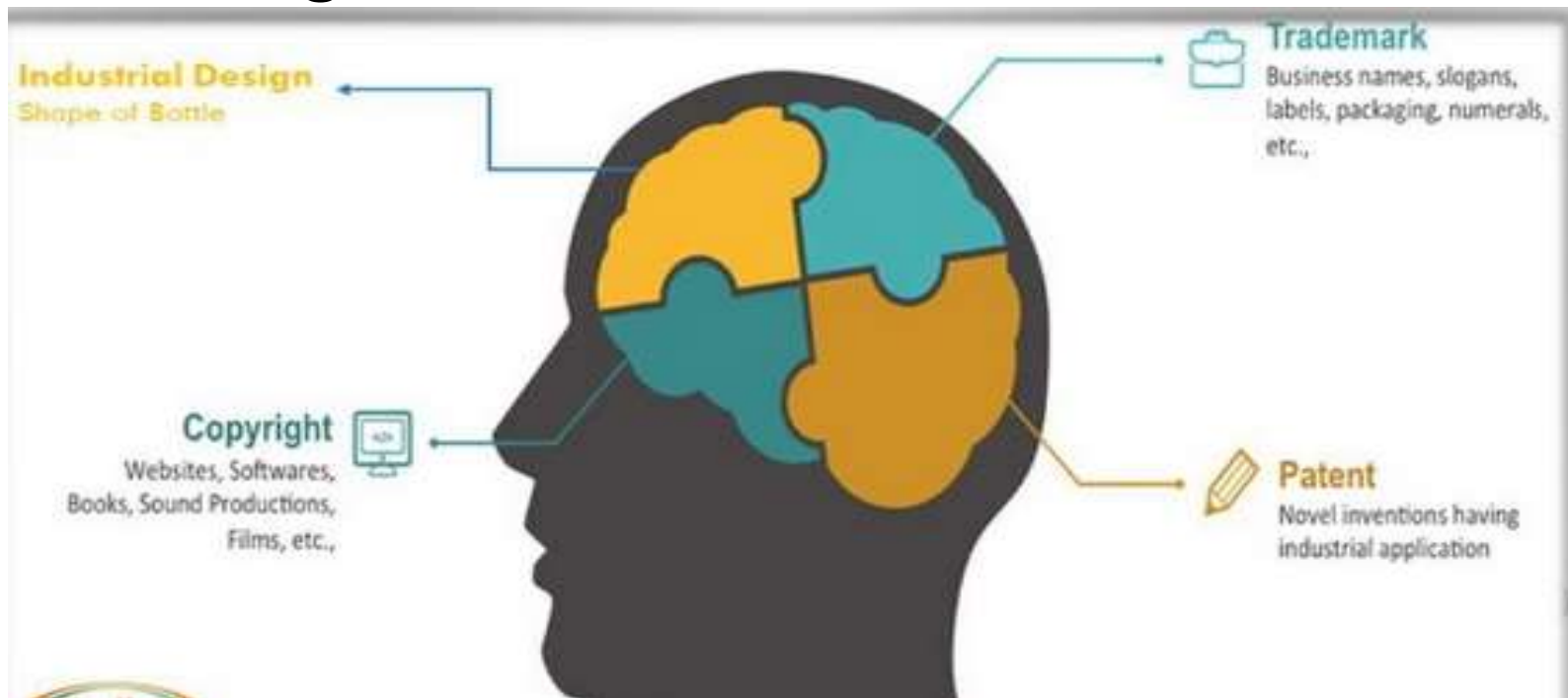


The 10 States/UT at the bottom





- Intellectual Property Creation - Key Elements
- Protection and infringement - Patents and Trade Marks
- Patent licenses and purchases - legal actions and Litigations

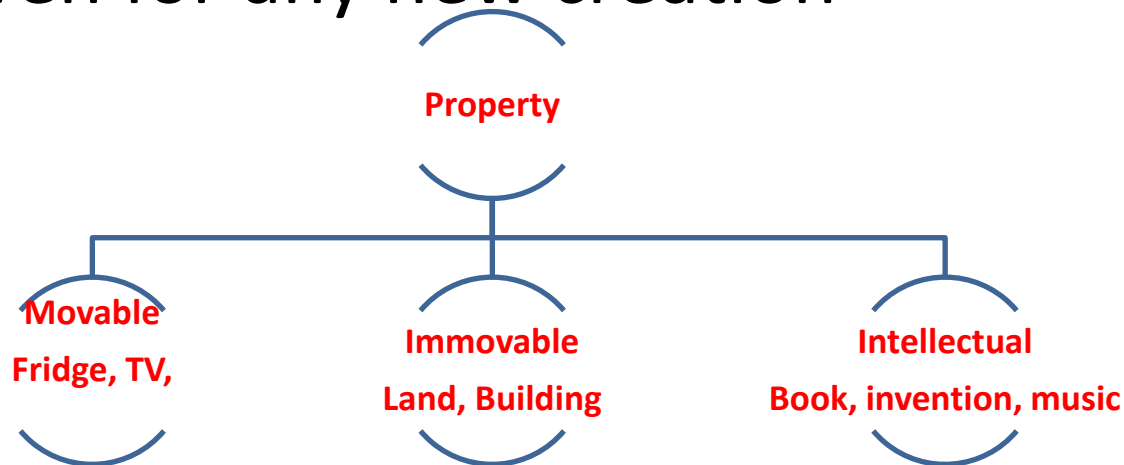


Intellectual Property

- It refers to creation of the mind like
 - Inventions
 - Literary and artistic works
 - Symbols, names and images used in business
 - ✓ It enables people to earn recognition or financial benefits from what they invent or create
 - ✓ IP system aims to foster an environment in which creativity and innovation can flourish
 - ✓ Examples:- patents, copyright ,trademarks. and industrial design

Intellectual Property Rights(IPR)

- It is a right which give monopoly of any intellectual creation of mind
- A combination of science and technology both
- It is given for any new creation



Patent System in India

Ministry of Commerce & Industry
Deptt. Of Industrial Policy & Promotion

CGPDTM

Patent Office

Kolkata

Delhi

Mumbai

Chennai

**Trade Marks
Registry**

Mumbai

Kolkata

Delhi

Chennai

Ahmedabad

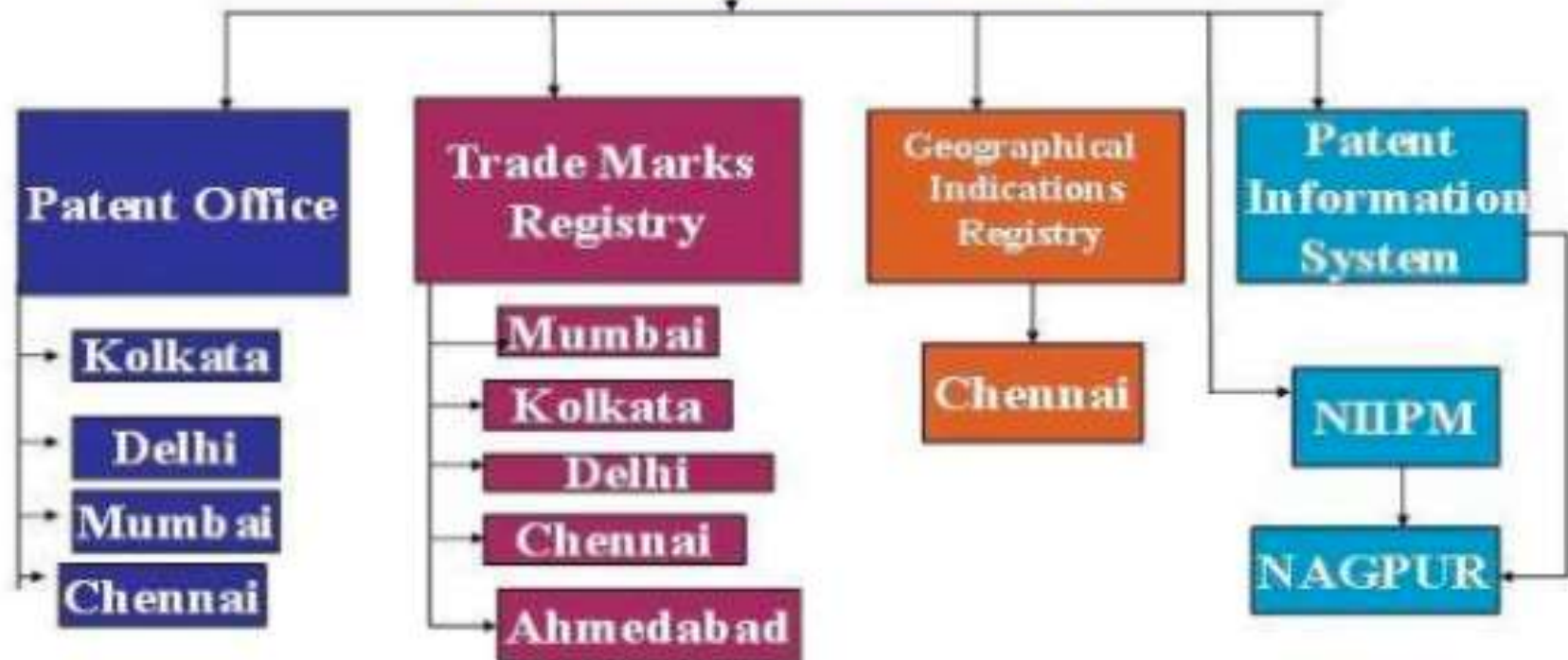
**Geographical
Indications
Registry**

Chennai

**Patent
Information
System**

NIIPM

NAGPUR



Types of IPRs

Intellectual Property



Industrial Property

Copyrights and related rights

Industrial
Designs

Patents

Trademarks
Service marks

Trade Secrets

Geographical
Indications

Layout Designs of
Semi Conductor ICs

Plant varieties &
Farmer's rights



Coca-Cola



5/29/2014

Madhusudan Rao D.V.



Industrial Design



- An IPR that protects the design or shape, colour pattern, no. of lines, 2d or 3d design of object.
- It is applied to a wide variety of products of industry or handicrafts like watches, jewellery, medical implements, etc.
- It deals with features, shapes, patterns, etc. applied to an article.

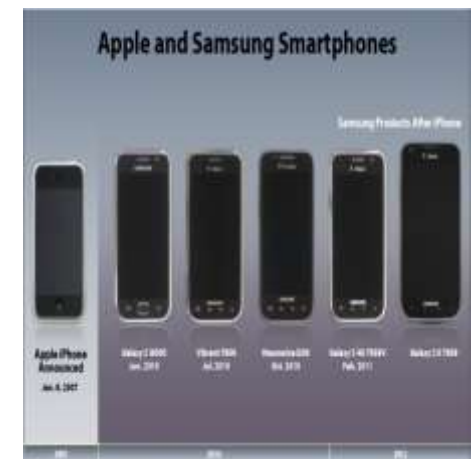




Patent / Design/Copyright



- Patents deal with how the article works-functional aspect
- Design deal with how the article looks- aesthetic aspect/appealing to eye.
- Designs Act calls the right "copyright in the design though copyright deals with the artistic work in 2 dimension, designs act deals with such work in 3-dimension

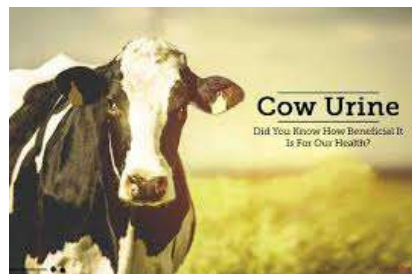




Patents



- An exclusive right granted for an invention. It provides the patent owner with the right to decide how or whether the invention can be used by others.
- It is a monopoly right granted to a person who invented a new product or process of making an article.
- An inventor has to file for patent first and then make his invention to public and has to be applied in each country by the inventor to claim his rights in the country.



- Criteria to get patent that invention
 - has to be Novel-not previously made available to public
 - has to be Inventive steps
 - Must have Industrial application
- Types
 - **Utility Patent**:-The way the invention is used and works
 - **Plant Patent**:-Whosoever discovered any distinct and new variety of plant including cultivated, hybrid, newly found seedling, etc. other than a tuber propagated plant or a plant found in an uncultivated state.
 - **Design Patents**:- Protects the way invention looks

What Can be Patented?

- Machines
- Articles of manufacture
- Processes or business methods
- Compositions of matter

What Cannot be Patented?

- Laws of nature (e.g. $E=mc^2$)
- Natural phenomena or discoveries (a new element)
- Mathematical algorithms ($a^2 + b^2 = c^2$)
- Human beings
- Abstract ideas
- Nuclear weapons

Patent Infringement

- Use by a person other than the patentee or his assignee or licensee would be an infringement of the patent



Trade Marks/Service Marks



- It can be a word, name, brand symbol, label, etc., used by a company to create a unique identity for the product.
- It is a sign used on or in connection with the a marketing of goods or services.



It is for an **unregistered trademark**, a mark used to promote or brand goods

-  It is for an **unregistered service** mark used to promote or brand services

-  It is used for **registered trademark**





- Brand:-

- Brand Name:- which can be vocalized or sung
- Brand marks:- Which can be recognized by symbol, design
- Device :- Pictorial representations, animal, birds, landscape, etc.
- Letters:- A mark is the identify created out of letterforms
- Numerical:- Only numbers are used



Trade Secrets



- ✓ Any intellectual work of product used for a business purpose that can be classified as belonging to that business provided it is **not based on information in public domain.**
- ✓ It is a formula, practice, process, design, instrument or pattern which is not generally known by which a business can obtain an economic advantage over competitors or customers
- ✓ Those who know the secret formula have to sign **non-disclosure agreements**
- ✓ It can only be protected through employment contracts or maintaining tight security
- ✓ **Recipes, ingredients, etc.**





Geographical Indicator



- 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
- Geographical indication of goods act of 1999 prevents unauthorised use of registered GI promotes the economic prosperity of the producers of goods produced in a geographical territory which in turn boost exports



Kashmir Pashmina,
Handicraft, J&K



Kullu Shawl,
Handicraft, HP



Kota Doria, Handicraft,
Rajasthan



Agates of Cambay,
Handicraft, Gujarat



Mysore Silk,
Handicraft, Karnataka



Bidriware,
Handicraft, Karnataka



Aranmula Kannadi,
Handicraft, Kerala



Lucknow Chikan,
Handicraft, UP



Madhubani Paintings,
Handicraft, Bihar



Naga Mircha,
Agricultural, Nagaland



Santipore Saree,
Handicraft, West Bengal



Tirupathi Laddu, Foodstuff,
Andhra Pradesh



EXAMPLES OF GIs

INDIA

- Basmati rice
- Mysore silk
- Mysore sandalwood oil
- Mysore sandal soap
- Mysore jasmine
- Coorg orange
- Madhubani paintings
- Darjeeling tea
- Dharwad pedha
- Alphonso mango
- Tirupathi laddu
- Kolhapuri chappal
- Nanjangud banana



Sweet prospects: A pair of Tirupati laddus. The GI status is granted to identify a product as having a specific provenance, and with a certain quality or reputation associated with that origin.



5



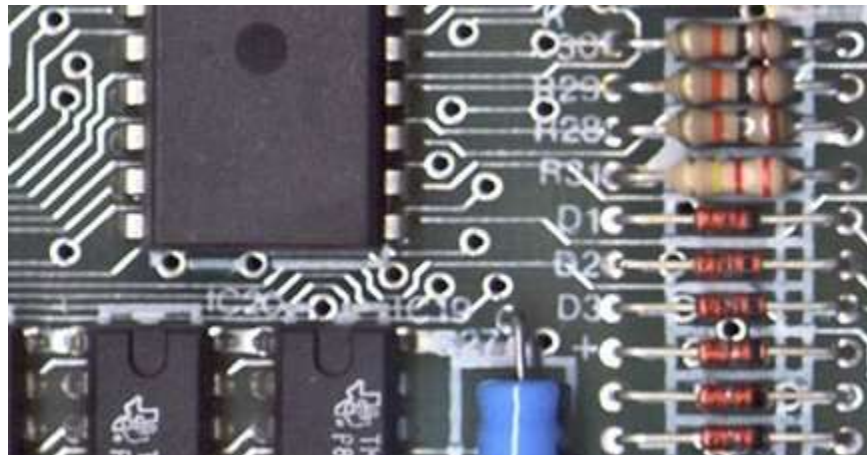
WORLD

- Canadian whisky
- Swiss watches
- Florida oranges
- Champagne
- Tequilla.

5

Layout designs of semi conductors

- It provides protection for semiconductor Integrated Circuits (IC) layouts of transistor's and other circuitry elements.
- A person when creates another layout design on the basis of scientific evaluation of registered layout design shall not be causing any infringement
- Reproducing, importing, selling, distributing the IC layout design for commercial purposes only constitutes infringement.



Plant Variants & Farmers Right

- In order to protection a breeder must file an individual application with each authority entrusted with the granting of breeders right.
- International Union for the protection of **New Varieties of Plants(UPOV Convention)1961** provides and promotes an effective system of plant variety protection
- With the aim of encouraging the development of new varieties of plants for the benefits of society.
- In India Protection of Plant Variety and Farmers Rights Act enacted in India in 2001 and came in force in 2005

Farmers Right

- To produce, save, use, exchange and sell his farm produce or seeds of a variety protected under this act.
- Farmers cannot sell branded seeds of a registered variety
- Chhohartu is the first crop variety in the state to be registered under the protection of Plant variety and Farmers Rights Act in 2013

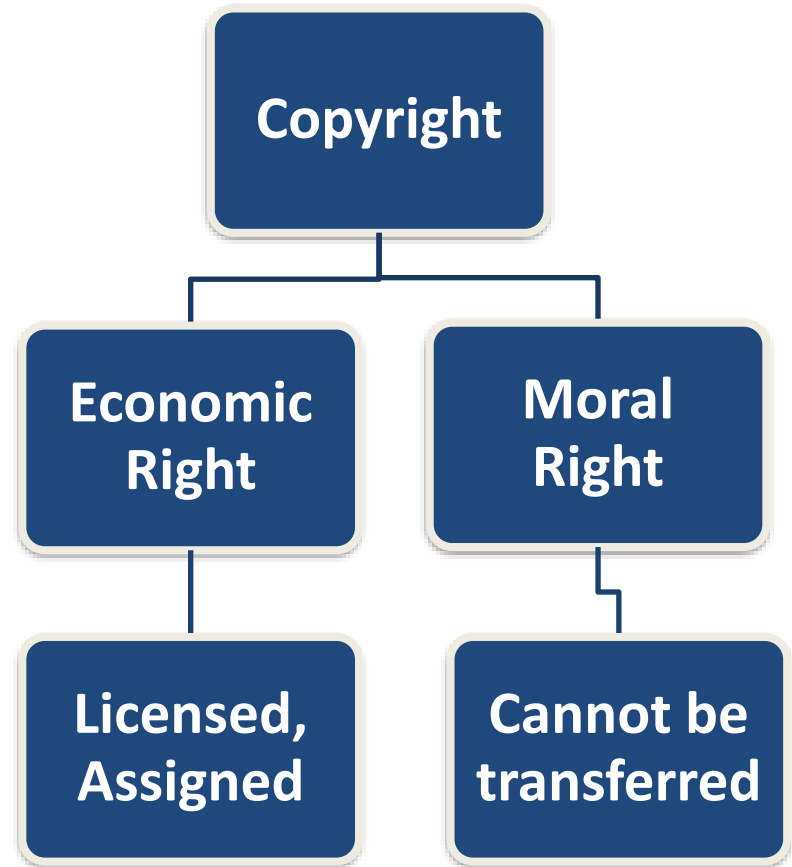
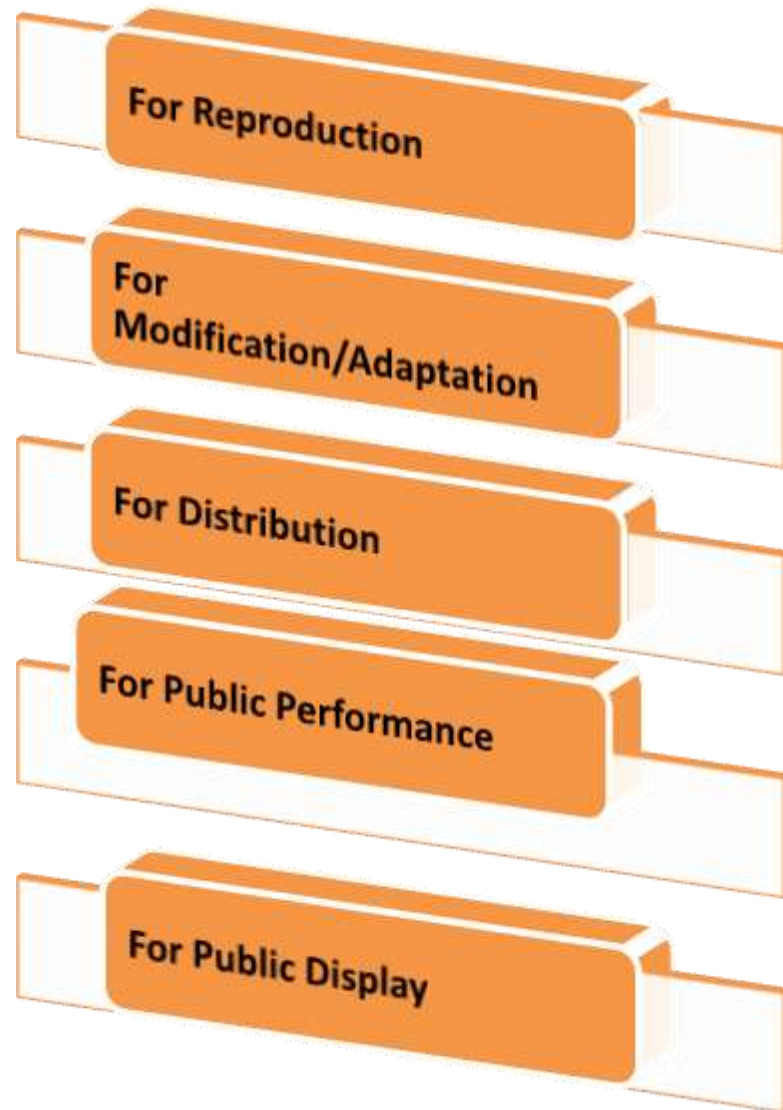


Copyright



- It gives the creator of an original work exclusive rights to it **usually for a limited time.**
- It may apply to a wide range of creative intellectual or work
- Copyright **does not cover ideas and information themselves only the forms or manner in which they are expressed**
- It is negative legal right to reproduce an original work of authorship fixed in any tangible medium of expression to prepare derivative works based on original work
- Eligibility:- Work must be **original, fixed or presented in a tangible form like writing, film or photography and must be created by qualified person.**
- Duration:- If work **for hire, 95 years from publication or 120 years from creation whichever is first**
- If not work of hire, **life of author +70 years**

Rights of Copyright Owners



Apple Vs Samsung Design Patent War

- ✓ Apple sued Samsung for copying its product idea, copied look, product design, packaging in Galaxy S, Galaxy S II, Nexus S, etc.
- ✓ April 2011-Apple claimed that Samsung infringed four industrial design patents, covering the look and feel of the devices and three utility patents which cover how the gadgets work.
- ✓ June 2011- Samsung countersued saying that Apple infringes on several of its patents having to do with wireless communication technology and camera phones.

Details of IPR and India

- <https://www.youtube.com/watch?v=0SS0B9lY30s>
- <https://www.youtube.com/watch?v=nBOeGrhUhm8>