



Intellectual Property and Intellectual Property Management

MN 3060

Session 01: Introduction to IP

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What is Intellectual Property (IP) ?

Property?

Owner is free to use it as she/he wishes, provided the use is **NOT AGAINST** the law, and to exclude others from using the property without proper consent

What is Intellectual Property?

Intellectual property (IP) refers to **creations of the mind**, such as inventions; literary and artistic works; designs; and symbols, names and images used in commerce.

AI-generated works can be protected?

Unclear and the position is inconsistent across different jurisdictions

Case:



The US Copyright Office rejected Kris Kashtanova's application to the extent it covered the images of the comic book (as opposed to the text and the arrangement) cause of the images are AI generated



What is Intellectual Property right?

Legal rights resulting from intellectual activity in the industrial, scientific, literary and artistic fields.

(WIPO Definition)

Based on University IP Policy;

4.1 The IP Policy establishes the following;

- the protocols relevant to all Intellectual Property related rights accruing on **inventions, works, industrial designs, Integrated Circuit Layout, trademark, service marks.**
- securing all legal rights, accruing on such **inventions, works, industrial designs, Integrated Circuit Layout, trademark, marks** as provided for under the Intellectual Property Act No.36 of 2003.
- making such **inventions, works, industrial designs, integrated circuit layout, trademark, service marks** available for scientific and commercial use.

These will be realized as
Patents / Trade Secrets



INTELLECTUAL PROPERTY POLICY

UNIVERSITY OF MORATUWA

Katubedda, Moratuwa, Sri Lanka

Importance of Intellectual Property right

- Empower IP owners and businesses to protect their innovative products and ideas.
- Exclusive rights to their inventions, preventing others from replicating or profiting from their creations without permission.
- Exclusive Rights: Making, Using, Selling, Licensing, by Owner, Prevent for others including Importing
- For a defined period of time
- Promote creativity & innovation
- Potent force in the new knowledge-based economy
- Attracts high-value foreign direct investments (FDI)
- Creates employments and tax revenues
- Increases high value exports

Importance of IPR in engineering and innovation.

Protection of Invention

- Engineers often develop new IP (products and services) with solutions that can have significant impact (economic and social)
- Knowledge about IP ensures that you can protect your creation, and prevent unauthorized usage

Legal Compliance

- Awareness of the IP laws to protect the rights of creation with compliance
- Avoid unintentional infringement on the rights of others, which leads to legal disputes, financial liabilities and damage to professional reputation

Encouraging Innovation and investment

- When you know your inventions are safe, you are more likely to share and commercialize your invention
- Attract investment from companies, investors and stakeholders who value and protect IP

Importance of IPR in engineering and innovation.

Collaboration and Licensing

- If you know IP, you can engage in licensing agreements, where owner grant permission to licensee to use invention, in return of royalties and upfront payment
- (UoM IP Policy: Commercialization of IP owned by UOM shall be shared between UOM and the Inventor/Author/Designer at the rate of Inventor(s) share: 60% and UOM's share: **40%**)
- Collaborate with industry parties to effectively manage IP, you can contribute to innovative initiatives and implementation of your technology or collaborative IP

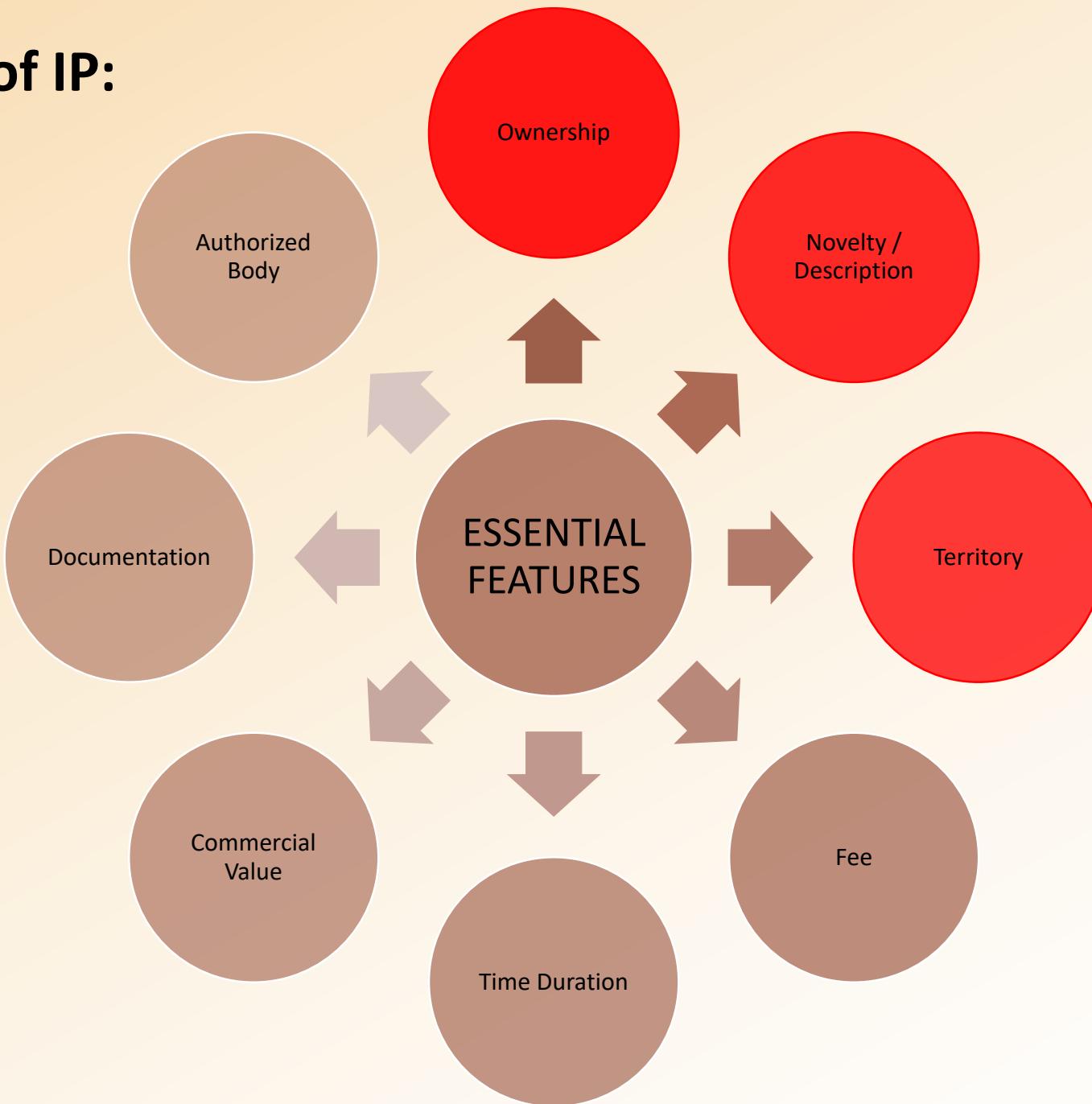
Business and Entrepreneurship

- Knowledge of IP essential when developing business strategies, idea on value propositions and market positions
- Identify Competitive advantages, build strong patent portfolios, and negotiate licensing agreements
- (UoM Commercialization Policy: Frist right to Refusal for Inventors if he/she/team willing to commercialization their invention, with nominal royalties)

Ethical Consideration

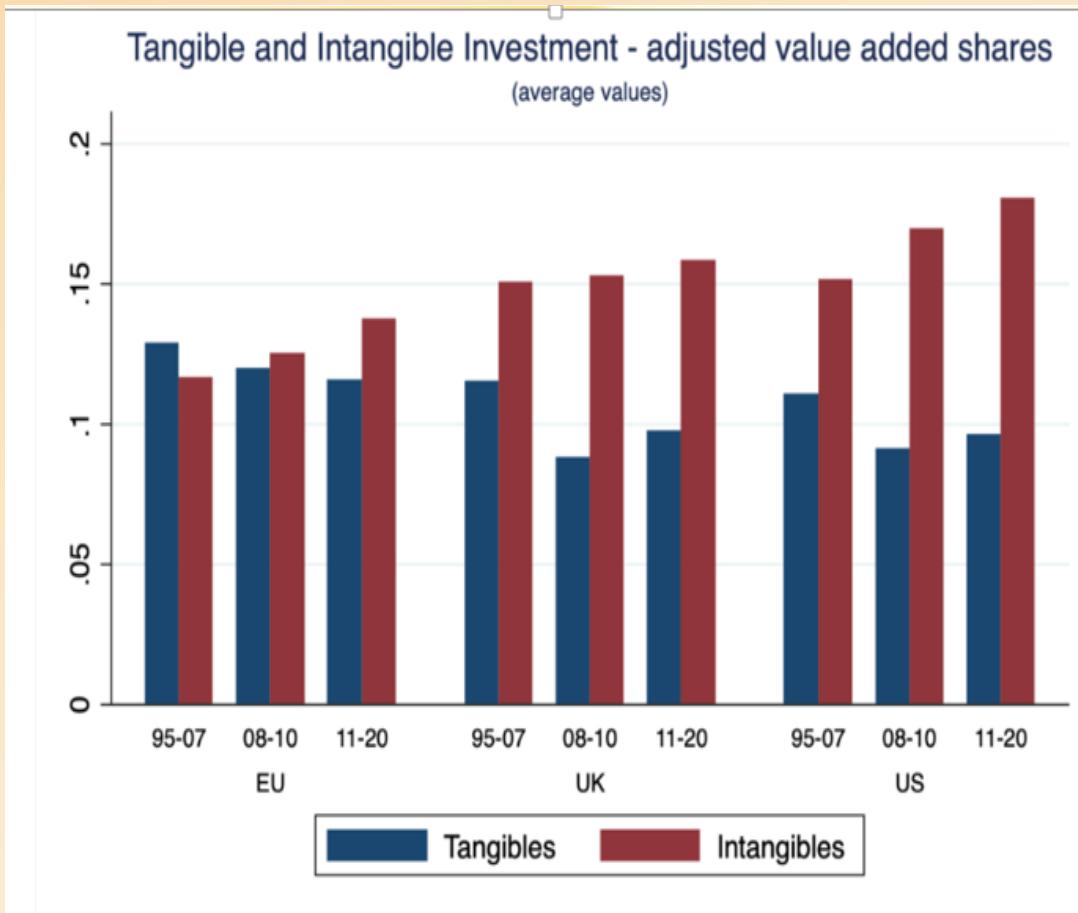
- Respecting rights of others
- Recognizing and respecting others IPRs, avoiding plagiarism

Essential Features of IP:

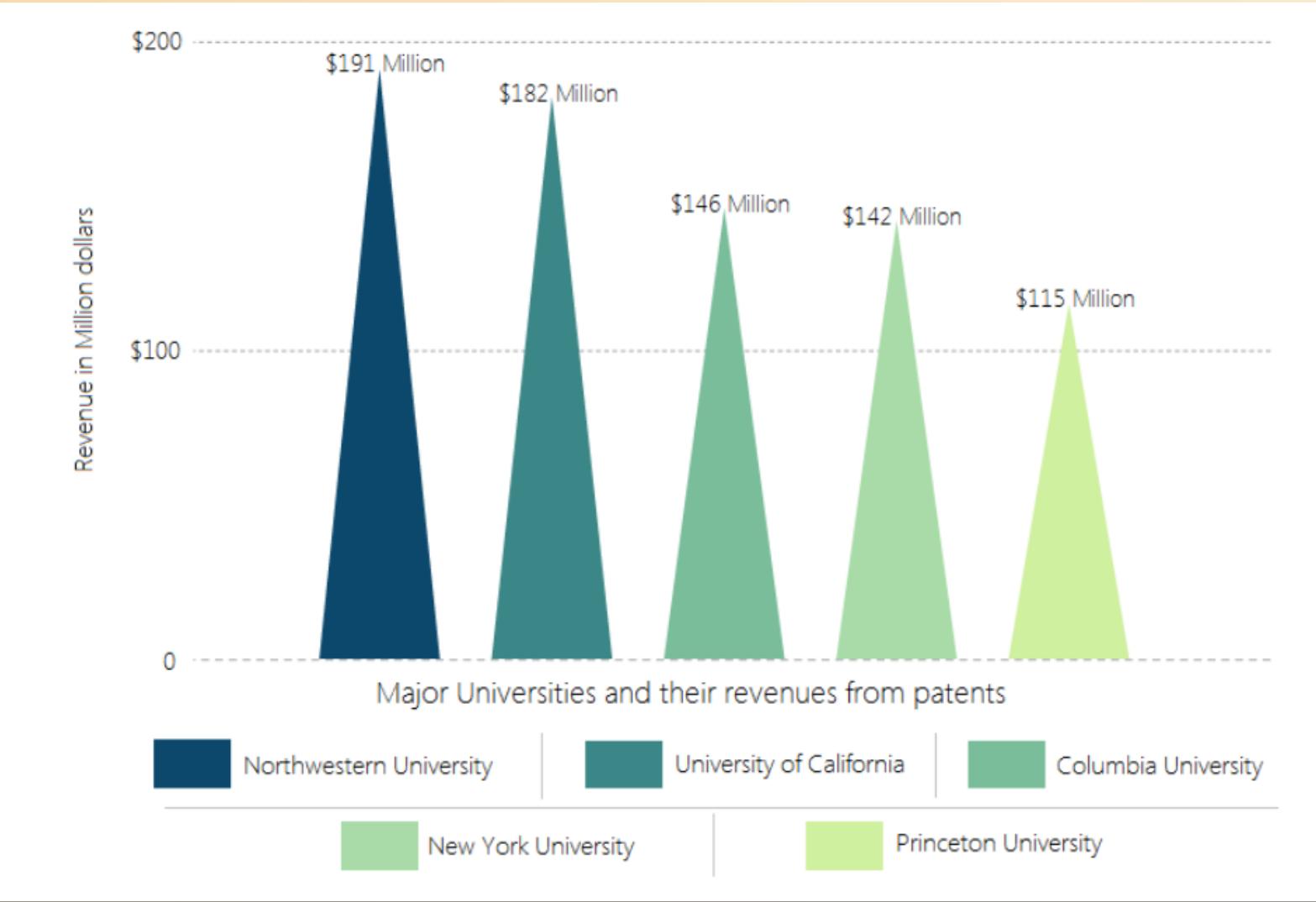


Why is Intellectual Property important in emerging technology?

IP is an intangible asset



Universities Generated Revenue from IP (Licensing, Sales)



University of California, with 4882 patents, earns ~\$ \$182 million from patent licensing (Year 2016)

Where are we as University of Moratuwa (Year 2023)?

- 41 Nos of filled patents (Local)
- 13 Nos of granted Patents (Local)
- < half a million Revenue in rupees

University IP Policy:
<https://uom.lk/sites/default/files/ipac/files/IP-Policy.pdf>

Social and Economic Development

Protection Folklore

Folk' meaning the general public of a community or society and 'Lore' meaning art, belief or custom inherited by knowledge or experience over the time period of several years or centuries. It includes those knowledge or traditions, which are passed on orally from one generation to another and survives perpetually
Unwritten and unrecorded

Ghana also has some of the world's most restrictive laws on the use of its folklore. The country's 2005 [Copyright Act](#) defines folklore as "the literary, artistic and scientific expressions belonging to the cultural heritage of Ghana which are created, preserved and developed by ethnic communities of Ghana or by an unidentified Ghanaian author".



folklore into their work. It accounted for 1.98 percent of Ghana's Gross Domestic Product.

Ghana is known around the world as the birthplace of the popular Kente Cloth. It also serves as a revenue generator. Local artists make money by incorporating

IP and Cultural heritage

- Eiffel Tower: a search on the [EUIPO database](#) reveals that the city of Paris has successfully registered trade marks related to the famous tower. Furthermore, while copyright no longer protects the tower itself due to the expiry of the relevant term, the lighting on it, which is visible at night and makes a walk along the Seine unforgettable
- IP can also be a tool to support local communities. Outside of Europe, a well-known example is Maasai, an ethnic group that has traditionally led a semi-nomadic life across southern Kenya and northern Tanzania. The [Maasai Intellectual Property Initiative Trust](#) seeks to reclaim ownership of and license the use of the Maasai name, image and reputation, including through trade mark licensing. The overarching goal of this initiative is to redistribute licensing revenues among a community where 80% of the people live below poverty levels.



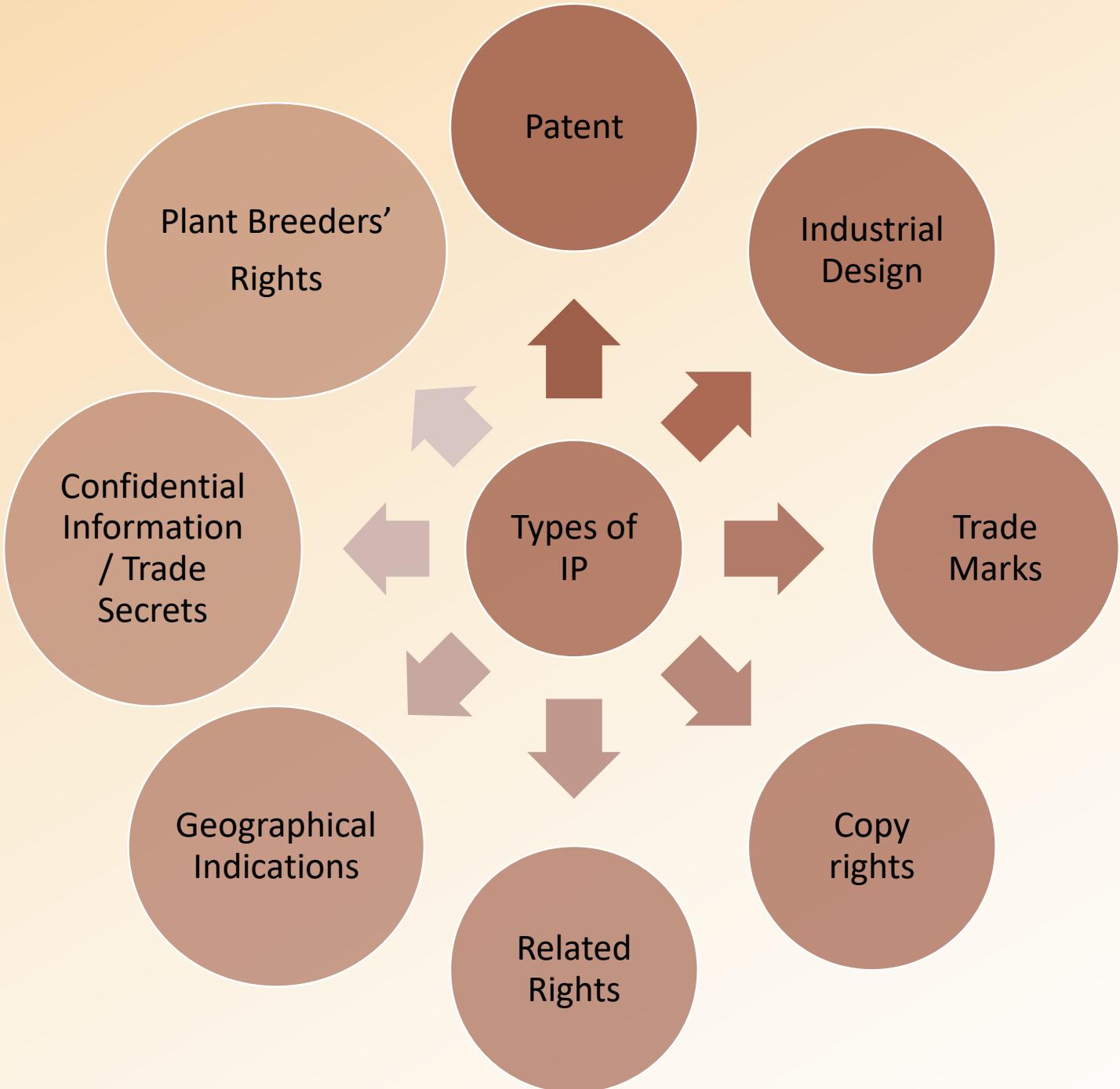
Features of IP Right?

- Territorial rights
- Time limitation
- Creator of the IP can acquire rights as a results of their work
- Exclusive rights for creators and prevent using by others; Enforce in court
- Right can be assigned or licensed to others

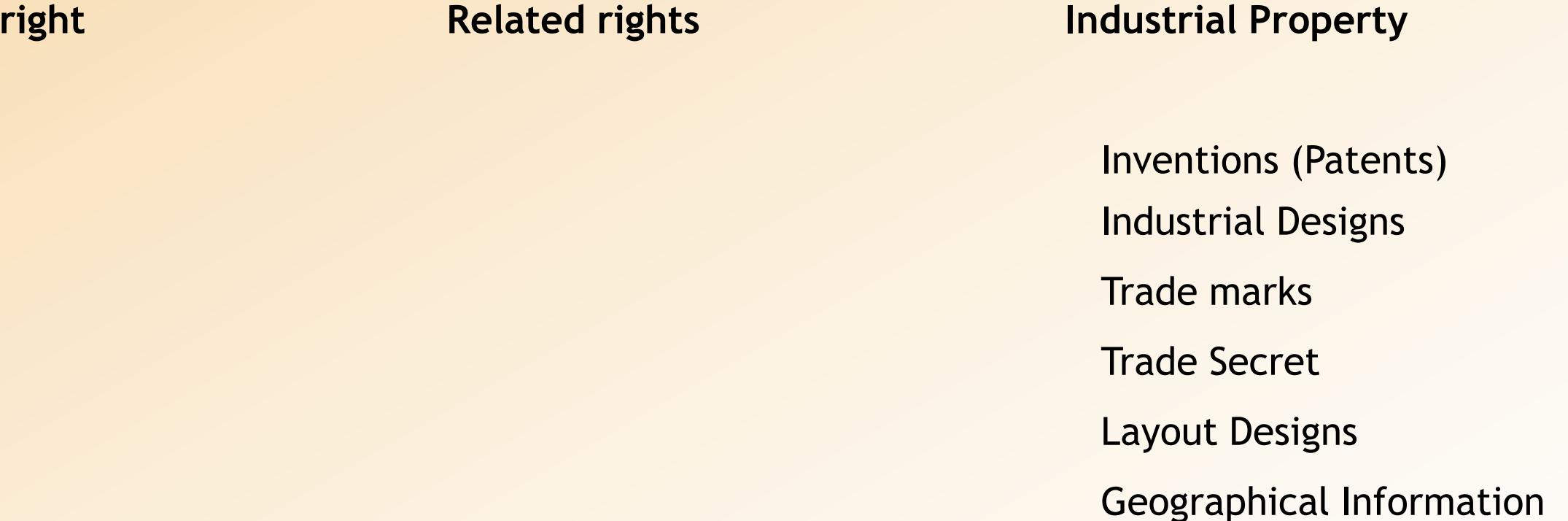
Most Importantly;

Protection of IPR allows the innovator, brand owner, patent holder, and copyright holder to benefit from his/her work, labor, and investment, which does not mean monopoly of the intellect. Such rights are set out in the [International Declaration of Human Rights](#), which provides for the [right to benefit from the protection of the moral and physical interests](#) resulting from the right holder's work; literal or artistic product.

Types of IP



Types of IP Rights?



Patent

- A Document which grants legal rights for the owner of the invention (either product or a process that provides a new way of doing something, or offers a new technical solution to a problem)
- Granted exclusive (Negative right) monopoly rights in the market
- Exclusive (Monopoly) right: Making, Using, Selling, Licensing, by Owner, Prevent for others including Importing
- Defined Period of time (Sri Lanka - 20 years of time without lapses)
- Territorial Rights
- Both/Either products and/or Process can patent
- Disclose fully, Return Monopoly rights defined period per applied tertiary (Country/Region)
- Right to take legal action that stops others from manufacturing, using and/or selling your invention i



SRI LANKA
PATENT

To All to Whom These Presents Shall Come.

Whereas, there has been presented to the Director General of Intellectual Property an application for the grant of a patent for an invention as described, shown and claimed in the documents annexed and attached hereto, and made part hereof,

Whereas, the application is in compliance with all the requirements of the Intellectual Property Act No. 36 of 2003 and Regulations made thereunder,

A patent is hereby granted to the person whose name, address and other relevant information are given hereunder and the patentee shall have for a period of twenty years from the filing date of the application for the patent, subject to the provisions of the Intellectual Property Act No. 36 of 2003, the exclusive rights to exploit the patented invention, to assign or transmit the patent and to conclude licence contracts involving the patent.

The patentee who intends to keep the patent in force is required to renew the patent before the expiration of two years from the date of the grant of the patent and each succeeding year during the term of the patent.

In witness whereof I have hereunto caused the seal of the National Intellectual Property Office of Sri Lanka to be affixed in the city of Colombo on this

Tenth day of May of the year
Two Thousand and Twenty Three



Director General of Intellectual Property

National Intellectual Property Office of Sri Lanka

Patentable Invention

if it is;

- **New** (not known in the existing knowledge - not disclosed to anyone before the patent application)
- **Industrially applicable** (functional and operative - it can be made or used in an industry)
- **Involves an inventive step** (the development or improvement is **not obvious** to a person of average skill in that particular field - - it's different enough to what already exists)

Date of Filing : 19/08/2020

Name (s) and Address (es) of the owner of patent:

*University of Moratuwa
University of Moratuwa, Bandaranayake Mawatha, Moratuwa, Sri Lanka.*

Name (s) and Address (es) of the Inventor (s) :

*Keerthinathan Pirunthan
(whose legal address is 15/2, Pillayar Kovil Road, Kallady, Batticaloa);*

*Kalani Tharaka Samaratunga
(whose legal address is 177/3, Menerigama, Handapangoda);*

*Waduthanthri Chamika Lahiruni De Silva
(whose legal address is 733, "Mallika", Ilukpitiya, Batapola);*

*Sudath Rohan Munasinghe
(whose legal address is 94/1, Bandaragama Road, Batuwandara, Madapatha).*

Title of the Invention: *Crop Dusting Drone with controlled spraying based on the plant health*

Priority Data, if any: --

International Patent Classification (IPC): G 06Q 50/02, B 64D 1/18

Date of the National Search Report: 25/10/2022

Date of publication in the government Gazette (in Sri Lanka) : 13/01/2023

International Search Report:

No: --

Date: --

Issued by: --

Patent Document

A patent document as a source of information contains;

- Bibliographic Information
- Technical Information
- Legal Information

- All patents contain the same key elements
- Knowing these elements and their definition will enable to extract useful information faster and more effectively

(12) **United States Patent**
Keskin et al.

(10) **Patent No.:** US 11,541,337 B2
(45) **Date of Patent:** Jan. 3, 2023

(54) **WATER FILTRATION DEVICE FOR AIRCRAFT GALLEY PLUMBING SYSTEM**

(71) Applicant: **B/E Aerospace, Inc.**, Winston-Salem, NC (US)

(72) Inventors: **Volkan Keskin**, London (GB); **Peter J. L. Burd**, Carmarthenshire (GB)

(73) Assignee: **B/E Aerospace, Inc.**, Winston-Salem, NC (US)

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.

(21) Appl. No.: **17/459,875**

(22) Filed: **Aug. 27, 2021**

(65) **Prior Publication Data**

US 2021/0387118 A1 Dec. 16, 2021

Related U.S. Application Data

(62) Division of application No. 16/415,539, filed on May 17, 2019, now Pat. No. 11,103,816.

(51) **Int. Cl.**
B01D 35/30 (2006.01)
B01D 35/153 (2006.01)

(Continued)

(52) **U.S. Cl.**
CPC **B01D 35/30** (2013.01); **B01D 35/1475** (2013.01); **B01D 35/153** (2013.01);
(Continued)

(58) **Field of Classification Search**
CPC .. B01D 35/30; B01D 35/1475; B01D 35/153;
B01D 63/14; B01D 2101/02;

(Continued)

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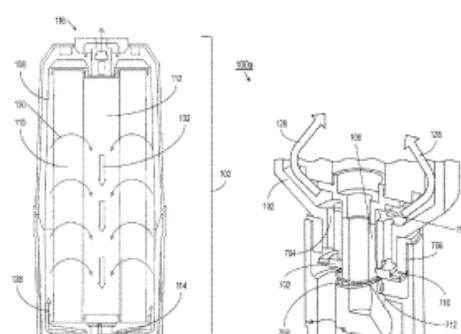
Primary Examiner — Madeline Gonzalez

(74) *Attorney, Agent, or Firm* — Suiter Swantz pc llo

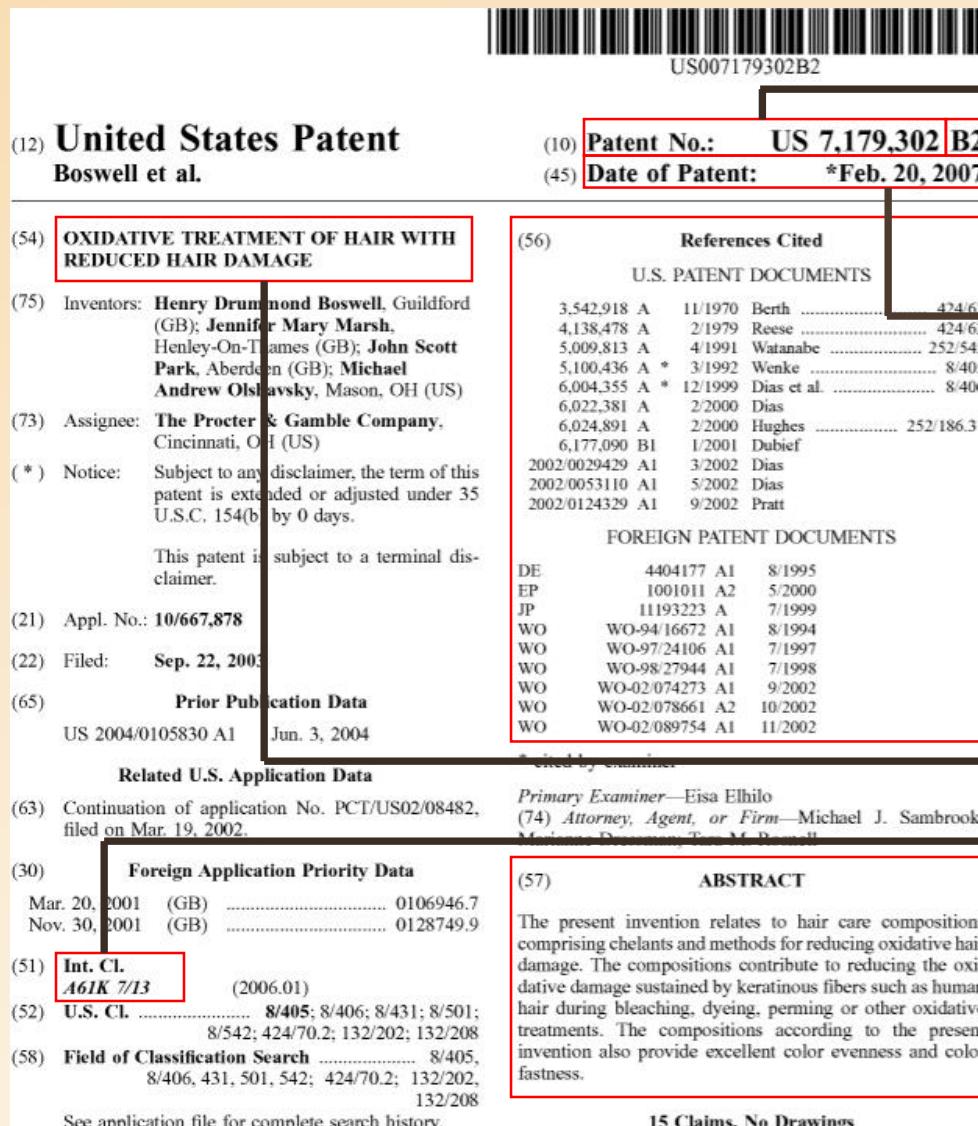
(57) **ABSTRACT**

A potable water filter for an aircraft galley plumbing system is disclosed. In embodiments, the filter includes a body attachable to a mount via a central threaded attachment stud. The stud is surrounded by a filter mount chamber and encloses a central flow channel allowing outflow from the filter body to an outlet port. Potable water enters the mount through an inlet port; an annular "puck" inlet valve extends around the attachment stud, sealing off the filter mount chamber when the filter body is absent and, when the filter body is screwed onto the attachment stud, providing for water flow throughout the filter mount chamber. The filter body houses a solid block of sintered carbon with a hollow core. Water enters the filter chamber via bypass slots in the base of the filter body and flows around and through the carbon filter before flowing down to the outlet port.

15 Claims, 13 Drawing Sheets



Patent example: US Patent Office



→ US patent number; assigned when patent is granted.

→ B2 (or C2) indicates amended granted patent.

→ A patent is granted for 20 years subject to maintenance fee.

→ Bibliography

→ Title

→ Classification according to the International Patent classification. This invention relates to class A - Human Necessities.

→ Abstract of the invention

Other possibilities:

- A1: Patent published with search report
- A2: Patent published without search report
- A3: Delayed search report
- A4: Search report carried out by EPO to add to report already done by WIPO
- B1 or C1: Granted patent

Trade Secrets: Confidential Know-How

Trade secrets are confidential information that has commercial value by virtue of being kept secret and reasonable steps have been taken to keep it secret.

Formula for Coca-Cola



The Big Mac Special Sauce



KFC Chicken Recipe



WD-40 Formula



Example of Secret Recipe

Kentucky fried chicken

- The secret recipe of “11 herbs and spices” lies in a bank vault.
- Few people know it, and they are contractually obligated to secrecy.
- The ingredients are mixed by two different companies in two different locations and then combined elsewhere in a third, separate location.
- To mix the final formula, a computer processing system is used to blend the mixtures together and ensure that no one outside KFC has the complete recipe



Making the Choice; Trade Secret OR Patent

- **Trade secret better**

- Short commercial life (Consumables)
- In-house development
- Cost
- Modifications may not be patentable

- **Patent better**

- Easily reverse engineered
- Outsourcing
- Cost
- Modifications patentable

Copyright



Registration needed ?

NO; Copyright exists from the moment the work is created.

But options available for Register Copyright

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.

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Hope Dealers: The Calling, The Struggles, The Breakthroughs, and the Community of Believers

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What does Copyright Apply to?

- Literary and artistic works
- Writings (books, journals, sermons, lectures, letters)
- Music, dramatic work, choreographic works (only if *videotaped or otherwise notated*, music composition)
- works of fine art (paintings, sculptures, etc), photographic works
- Technology base (computer programs , electronic data bases)



Audio



Literature



Architecture



Video & film



Choreography



Music



Drama

Pictures, graphics,
& sculpturesComputer
code

Most relevant International Agreements

Berne Convention

TRIPS Agreement

Exclude

- Ideas
- Common known Information
- Standard calendar
- Height and weight charts
- Names, Titles, Short Phrases, or Expressions

Features

- Protect expression of thoughts (NOT IDEAS)
- Mode or form of expression including
 - private letter
 - hair cut
 - floral decoration
- original works of authorship
- fixed in a ‘tangible’ form

A few examples of copyright in engineering fields:

- Engineering drawings
- Photographs
- Flow diagrams
- Concept sketches
- Computer programs
- User manual
- Planning application

1. Copyright

Definition: Copyright is a form of protection given to the creators of "original works of authorship." This includes literary, artistic, musical, and other creative works. It grants the creator exclusive rights over how their work is used.

Scope: Copyright applies to a wide range of works, such as books, music, paintings, films, software, websites, and architectural designs.

Exclusive Rights: The creator has the exclusive right to:

Reproduce the work.

Distribute copies to the public.

Perform or display the work publicly.

Create derivative works based on the original (e.g., adaptations, translations).

Duration: Typically, copyright lasts for the lifetime of the creator plus an additional number of years after their death (often 50 to 70 years, depending on the country).

Infringement: Unauthorized use of copyrighted material can lead to legal consequences, including fines or lawsuits.

Rights Under copy right?

- Economic rights
- Moral rights

4. Moral Rights

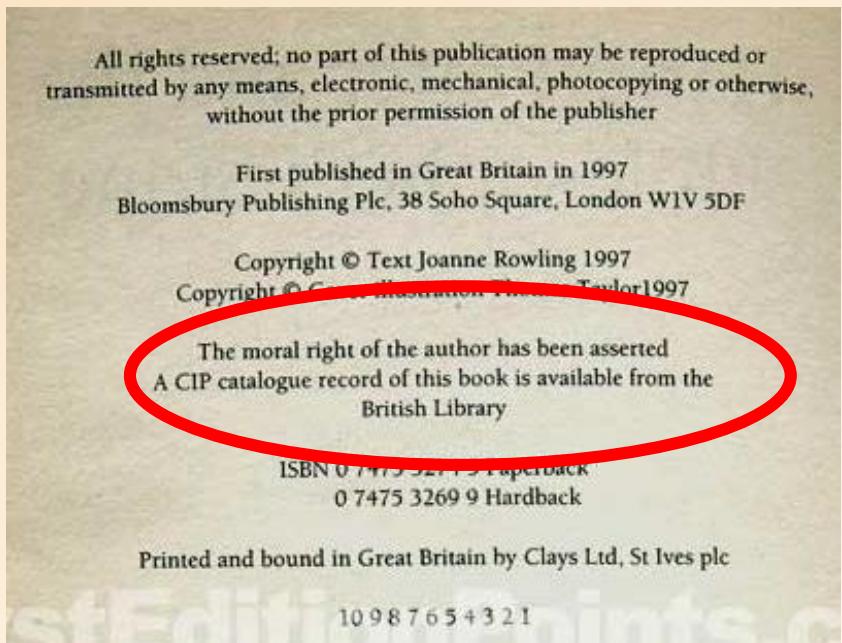
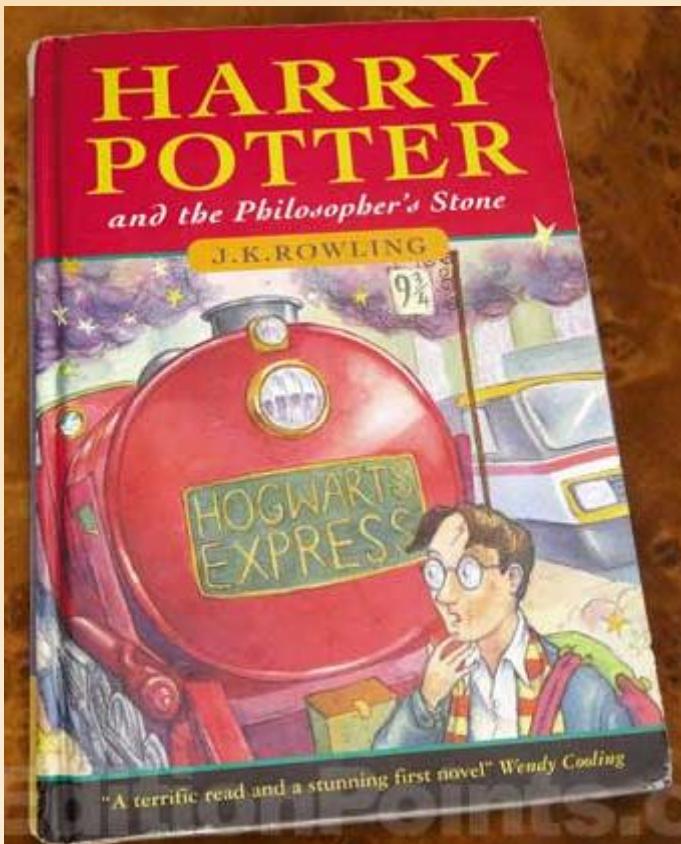
In addition to economic rights, many jurisdictions recognize moral rights, which protect the personal and reputational value of a work to its creator. These rights include:

Right of Attribution: The right to be credited as the author.

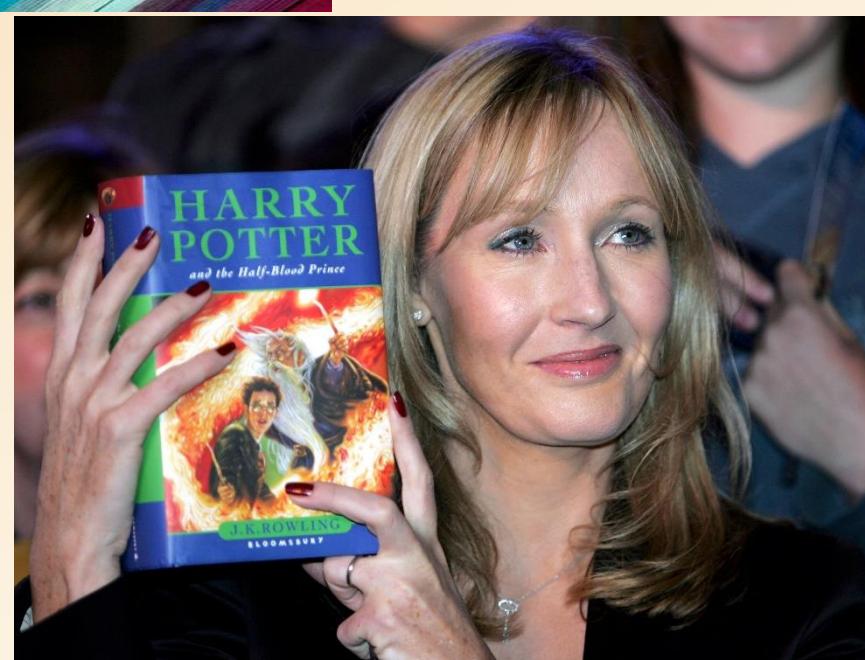
Right of Integrity: The right to object to derogatory changes or uses of the work that could harm the creator's reputation.

Moral rights are usually non-transferable, meaning the creator retains them even if they sell their economic rights.

The author is the owner of economic rights, but there are few exceptions such as a work created by an employee which generally belongs to his employer. The economic rights can be assigned or licensed. The moral rights always belong to the author irrespective of the economic rights.



The first edition hardcover of Harry Potter and the Philosopher's Stone has pictorial laminated boards, and was issued without dust jacket. The cover price of £10.99 is printed on the back. The hardcover and paperback were issued simultaneously.

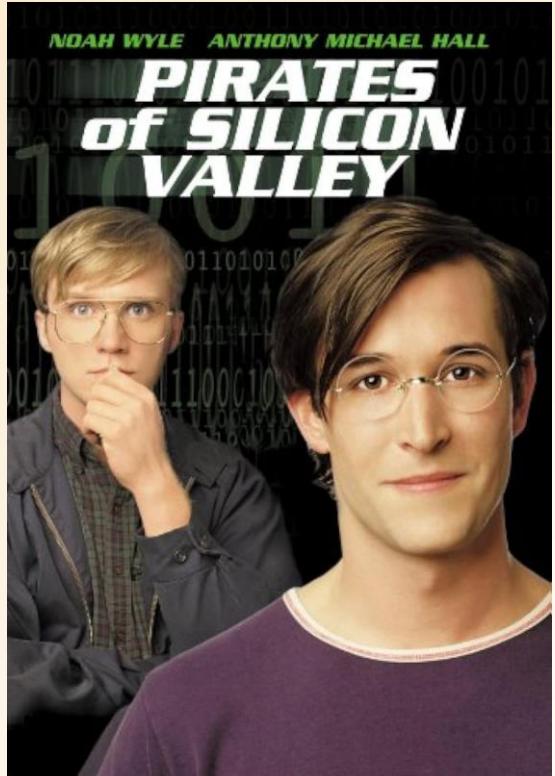


CNBC estimates that Rowling has earned well over \$1 billion from Harry Potter book sales
(Royalties from Copyright)

"Playas Gon' Play" writers want Taylor Swift to knock it off

Taylor Swift's "[Shake It Off](#)" - about a copyright lawsuit?

Songwriters Sean Hall and Nathan Butler sued Swift in 2017, alleging the song and its lines about "players gonna play" and "haters gonna hate" stole lyrics from their 2001 song "[Playas Gon' Play](#)," written for the R&B group 3LW. Swift said the lyrics in her song were common sayings and that she was unfamiliar with the 3LW song. Outside of the lyrical snippet, there was no musical similarity between the two songs. The [case was dismissed in 2022](#) one month before trial.



Apple v. Microsoft

Before they were mainstays of everyday life, Apple and Microsoft were young companies trying to make their mark on the early personal computer market. In 1988 [Apple sued Microsoft](#), saying the Bill Gates-led company stole Apple's graphical design for Windows 2.0. (claiming that they had violated visual display copyrights that Apple held on their Macintosh System Software)It was eventually explained as a misunderstanding. Microsoft technically had permission from Apple, and a court ruled in favor of Microsoft. Apple tried unsuccessfully to appeal several times.

Case Copyright: The Associated Press Vs. Fairey



Photograph: Mannie Garcia – 2006 (via [The New York Times](#)); Poster: Shepard Fairey – 2008
(via [Wikipedia](#))

In January 2009, the photograph on which Fairey allegedly based the design was revealed by the Associated Press as one shot by AP freelancer Mannie Garcia — with the AP demanding compensation for its use in Fairey's work. Fairey responded with the defense of fair use, claiming his work didn't reduce the value of the original photograph.

Outcome

The artist and the AP press came to a private settlement in January 2011, part of which included a split in the profits for the work.

How Software Companies use Copyright?

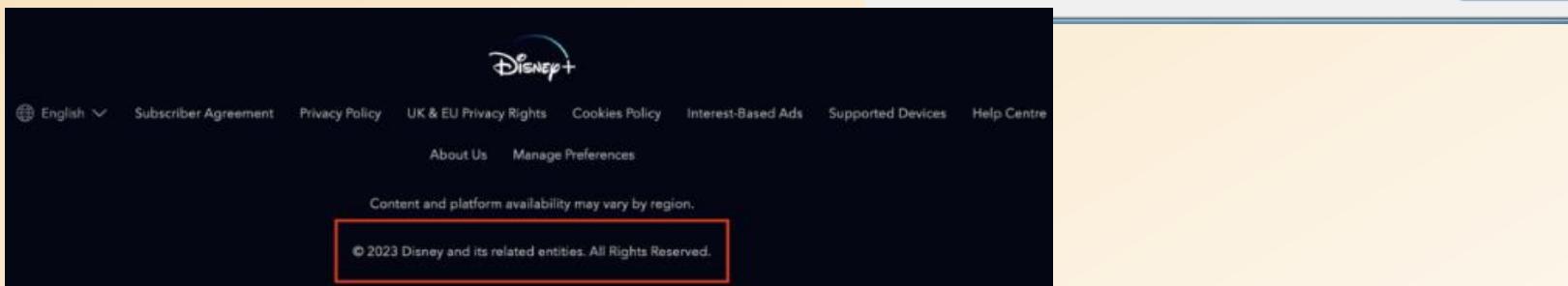


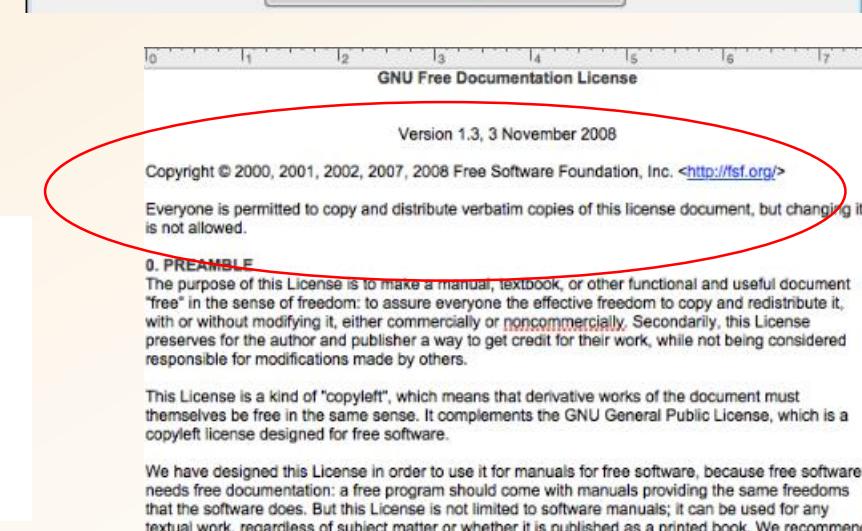
Table of Contents +

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Related Rights

- Closely related with copy right
- Derived from a work protected by copy right
- Cover rights of

Performers – Life for the work – Singers, actors, dancers

Producers – sound recording producers, choreographers

Broadcasting Organizations - Music events, Sport programs

2. Related Rights

Definition: Related rights (sometimes called "neighboring rights") protect the legal interests of those who contribute to making works available to the public, even if they are not the original creators. This often applies to performers, producers, and broadcasters.

Examples:

Performers' Rights: Protect the rights of actors, musicians, or dancers who perform works. They have the right to control the use of their performances (e.g., recordings or broadcasts).

Producers' Rights: Protect the producers of sound recordings (like record labels) from unauthorized copying and distribution.

Broadcasting Rights: Protect broadcasting organizations from unauthorized rebroadcasting, copying, or public communication of their broadcasts.

Purpose: These rights are designed to acknowledge the role and effort of those who facilitate the dissemination of creative works, ensuring they receive recognition and compensation.

3. Differences Between Copyright and Related Rights

Copyright is primarily about the protection of the creator's original expression of an idea, while related rights focus on protecting the efforts of those who make that expression accessible to the public.

Copyright covers the actual work (like a song or book), whereas related rights might cover a performer's rendition of that song or a producer's recording of it.



Global Broadcast



Appellant: ESPN Star sports

Respondents: GLOBAL BROADCAST NEWS LTD. & OTHERS

Case facts:

About Plaintiff:

- A) ESPN had exclusive rights to broadcast India vs Australia Test matches, One Day International (ODI) matches and the solitary T20 cricket match to be played in Australia from December 26, 2007 onwards till March 8, 2008
- B) no other person, entity and/or Cable Operators could broadcast/telecast in India, the Cricket Matches without a license from the Appellant or its sole and exclusive distributor ESPN Software India Private Ltd.
- C) ESPN granted licenses to over 5000 cable operators in India to transmit their channels on their cable networks.

About Respondents:

- A) There were 5 respondents broadcasters including major channel networks like CNN-IBN, IBN7, Aaj Tak, Headlines Today etc..
- B) The respondents had indulged in using/appropriating without authority, substantial portions of the footage of the appellant's channel namely Star Cricket which had telecast the test matches exclusively from December 26, 2007 to January 28, 2008 for creating programmes which they were commercially exploiting.

These respondent news channels only had the permission to use the footage ONLY for regularly scheduled news bulletins provided such usage would not be for more than two minutes per day.



Bad Bunny is being sued for \$40 million by, Carliz De La Cruz Hernández, for using a voice recording of her in two of his songs, according to Puerto Rican publication NotiCel, and the Associated Press.

A recording of De La Cruz saying, "Bad Bunny," in a breathy voice has been used by the artist in both his 2016 single "Pa Ti" and his 2022 song "Dos Mil 16." The two songs are nearing 1 billion combined streams on YouTube and Spotify.

Court, states that De La Cruz's "distinguishable voice" has been used without her permission on the songs, as well as for promotions, at concerts, and on television, radio, social media, and musical platforms.

In June 2015, Swift wrote an open letter to [Apple Inc.](#) on Tumblr, addressing the three-month free trial that Apple Music had chosen to offer their users while not paying the artists whose catalogs are streamed by users during the trial period. Swift said she finds it "shocking" that they had opted not to pay "writers, producers, or artists" for the three months. She explained:

"This is not about me. This is about the new artist or band that has just released their first single and will not be paid for its success. This is about the young songwriter who just got his or her first cut and thought that the royalties from that would get them out of debt. This is about the producer who works tirelessly to innovate and create, just like the innovators and creators at Apple are pioneering in their field...but will not get paid for a quarter of a year's worth of plays on his or her songs. ... Three months is a long time to go unpaid, and it is unfair to ask anyone to work for nothing. We don't ask you for free [iPhones](#). Please don't ask us to provide you with our music for no compensation."

When Apple Music officially launched, it paid royalties to artists during the three-month trial.



Source: Wikipedia

After analyzing Spotify data, a recent estimate says the three re-released albums are potentially bringing in more than \$8.5 million per month in streaming royalties alone.

Streaming services pay artists on a "pay per stream" basis, meaning Swift will earn \$0.008 in royalties per streamed song, according to [KingCasinoBonus.uk](https://www.kingcasinobonus.uk). The three albums have a combined streaming total of 6,872,886,786.

"Fearless (Taylor's Version)," Swift's first re-released album, receives an estimated \$758,430 in royalties each month, according to the study. Since the 2008 remake was re-released in April 2021, it's received 2,559,699,855 streams, adding up to an estimated \$20,477,599 in royalties.

Next, she re-released "Red (Taylor's Version)" in November 2021. The 2012 remake receives an estimated \$1,405,618 in royalties each month with more than 3,514,044,437 streams. This makes up to an estimated \$28,112,355 total in royalties.

Example: Earnings from the Related Rights



Taylor Swift performs onstage during the "Taylor Swift | The Eras Tour" at Foro Sol on Aug. 24, 2023, in Mexico City.
Hector Vivas/TAS23/Getty Images

**IN THE SUPREME COURT OF THE DEMOCRATIC SOCIALIST
REPUBLIC OF SRI LANKA**

S.C. Appeal No: S.C. (CHC) 04/2001

Commercial High Court Case No: 12/96(3)

J.D.FERNANDO

No.31/1, Bodhiraja Mawatha,
Nedimala.

Plaintiff

Vs

Wasath Chandrasiri Gamlath,
No.46, Honnanthara,
Piliyandala.

Related Rights

R. K. S. Suresh Chandra J,

This is an appeal from the judgment of The Commercial High Court, Colombo in respect of an appeal filed by the Plaintiff.

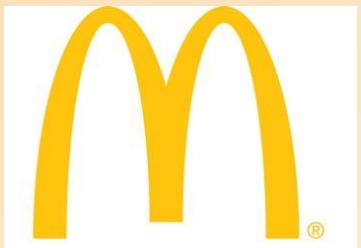
The Plaintiff in her Plaintiff filed in the District Court of Colombo which was later transferred to the Commercial High Court, Colombo averred that her husband was the late Mr. C.T Fernando that the said Mr. C.T. Fernando, had done a musical composition for the song "Pinsuduwanne" and was its singer as well. The Defendant had included the said song in a teledrama titled "Mal Kekulak" without the Plaintiffs permission and had telecast it for a commercial purpose. The Plaintiff

2

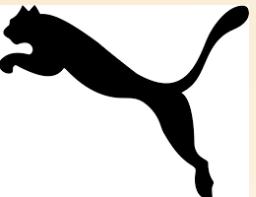
claimed the intellectual property rights to the "tune" of the said song as the widow of late Mr. C.T. Fernando in terms of section 19(1) of the Code of Intellectual Property Act No. 52 of 1979 and averred that the Defendant had breached the Plaintiffs rights under the Code of Intellectual Property. She prayed for a declaration to the effect that the tune of the said song was composed by her late husband Mr. C.T.Fernando, for an order that the Defendant had breached the Plaintiffs' rights under the said code, and had also distorted the tune of the said song and thereby breached section 11(b) of the Code of Intellectual Property Act, for damages in the sum of Rs. 25,000/= for violating the Plaintiffs rights under the said Code, for an order in the sum of Rs. 25,000/= against the Defendant for unjustly enriching himself by violating the Plaintiffs rights A

Trade Mark

A symbol, word, logo, sound, color, design, Slogans, pictures, drawings, or other device that is used to identify a business or a product in a commerce



i'm lovin' it®



MUST Distinctive



A sign that individualizes the goods of a given enterprise and distinguishes them from the goods of its competitors



Registered
trademark



Unregistered
trademark



Unregistered
service trademark

A sign capable of distinguishing the goods or services of one enterprise from those of other enterprises. (WIPO)

Product marks & Service marks



Collective marks

Signs used to distinguish certain valued characteristics common to the products/services of the members of an association/cooperative (WIPO)

Belong to a group or association of enterprise

Distinguishes the goods or services of members of the association

Enterprise use both company logo and collective logo

Eg: Lions Club
Rotary Club

Certification marks



Woolmark
(wool purity)



CE mark (EU
safety standards)



Fairtrade
(ethical
practices)



Red Tractor
(farming
standards)

Mark indicating that the goods or services in connection with which it is used for are certified by the mark in respect of the origin mode of manufacturing of goods, quality or other characters

Registered

- Protection is done by registered under trademark register of each territory
- More secure for less reputed, newly formed companies

Unregistered

- Accepted in some countries
- Highly depend the reliability based on sufficient distinction and reputation in the market place

If it's a new Trademark, possible for call on the protection by the provision of unfair competition

Service mark

- Promote services

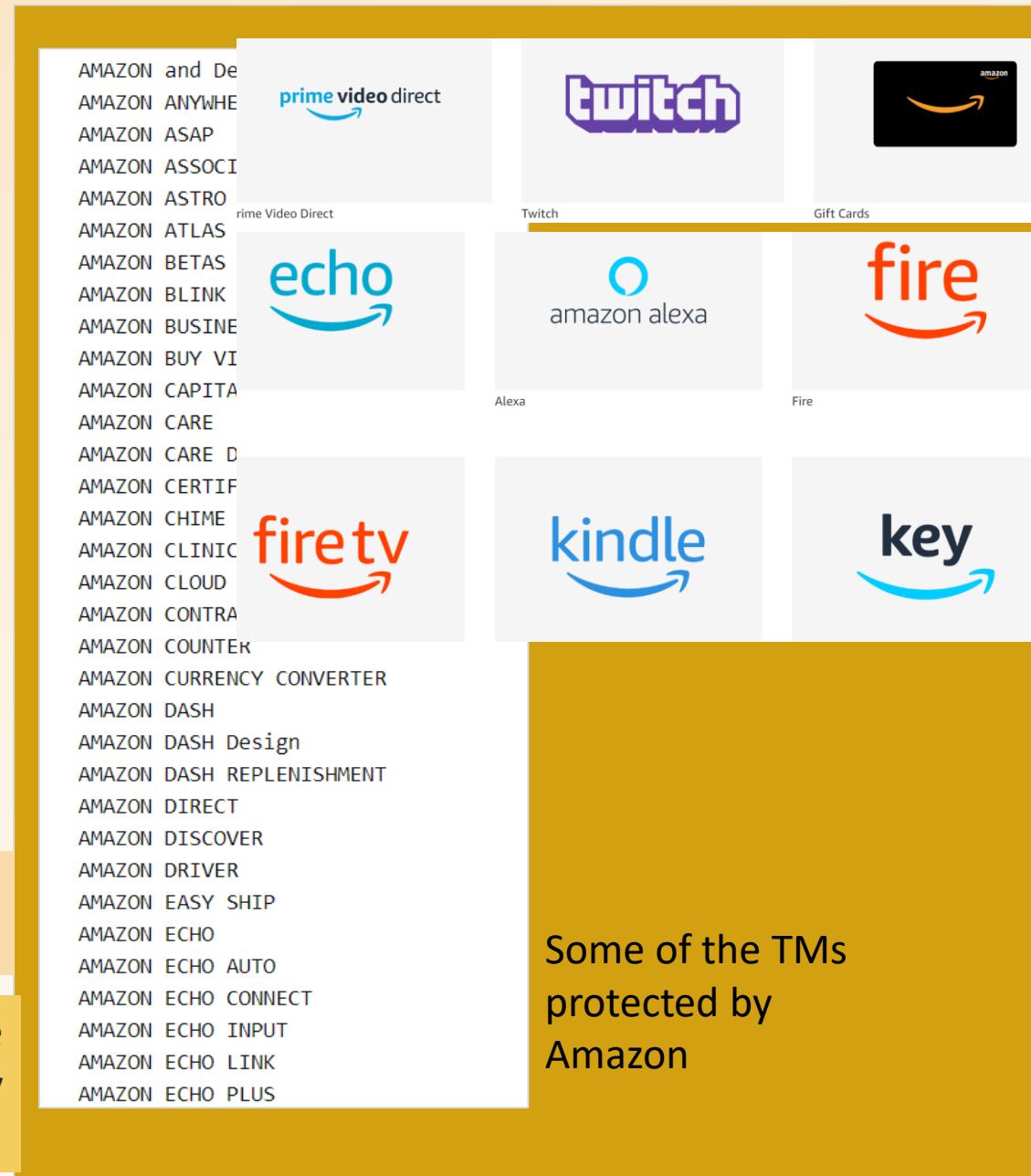


Based on Brand Value

Position	Brand	Brand value	Year-on-year change
1	Apple	\$355,080 million	35%
2	Amazon	\$350,273 million	38%
3	Google	\$263,425 million	38%
4	Microsoft	\$184,285 million	31%
5	Walmart	\$111,918 million	20%
6	Samsung	\$107,284 million	5%
7	Facebook	\$101,201 million	24%
8	ICBC	\$75,119 million	3%
9	Huawei	\$71,273 million	29%
10	Verizon	\$69,639 million	1%

TM use of a particular symbol to promote a list of branded product types in certain states or across the country

A trademark is a symbol, word or words that serve to identify the origin or ownership of a product or service, and which is legally reserved for exclusive use by the owner of the products.



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A first version of their logo was registered as a trademark in 1979. Since then, the company has registered over 1,000 trademarks for product logos, brand names, slogans and more.



Apple's Trademarks	Generic Terms
3D Touch®	interface
Afterburner®	accelerator cards
AirDrop®	software feature
AirMac®	wireless hardware/software solution
AirPlay®	software feature
AirPlay Logo®	
AirPods®	wireless headphones
AirPods Max™	wireless headphones
AirPods Pro®	wireless headphones
AirPort®	wireless hardware/software solution
AirPort Express®	wireless hardware/software solution
AirPort Extreme®	
AirPort Time Cap	
AirPower®	
AirPrint®	
AirTag®	ACOTSM (Apple Classrooms of Tomorrow)
AirTunes™	education services
Animoji®	ACOT2SM
Aperture®	education services
App Clip Code™	ACTC Boot CampSM
App Clips™	training course
Apple®	App Store®
Apple logo®	online store
Apple Books®	various services
Apple Card®	Apple Arcade®
Apple CarPlay®	game subscription service
Apple Cash®	AppleCare®
Apple Cinema Display®	service and support programs
Apple Certified TrainerSM	service and support programs
Apple Consultants NetworkSM	certification services
Apple Fitness+SM	consultant services
Apple Messages for Business®	fitness subscription service
Apple News®	communications service
Apple News+®	news aggregation service
Apple News TodaySM	subscription news service
Apple OneSM	podcast news service
	consolidated subscription service

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As Dusk Falls
Avatar Famestar
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Azure Cosmos DB
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Azure PlayFab
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Azure Sphere

Bahnschrift
Banjo-Kazooie
Battletoads
Bing
Bing Designs

BitLocker
BitLocker To Go
BizTalk
Blast Corps
Bleeding Edge
Bloodforge

Microsoft Create
Microsoft Dataverse
Microsoft Defender
Microsoft Designs
 
Microsoft Dynamics
Microsoft Dynamics 365
Microsoft Edge
Microsoft Entra
Microsoft Envision
Microsoft Family Safety
Microsoft Flip
Microsoft Ignite
Microsoft Imagine Design

Microsoft Inspire
Microsoft Interflow
Microsoft Intune

Edge Designs
  
ElectionGuard
Empowering Us All
Ender Dragon
Engkoo
Everwild
Every Street United

Excel Designs



Exchange Designs



Expressive Input Design



ExpressRoute

Meiryo
Microsoft
Microsoft 365
Microsoft 365 Launcher Design



Microsoft AccountGuard
Microsoft Advertising Brand Identity Design

Microsoft Airband
Microsoft Aspire Experience
Microsoft Authorized Refurbisher
Microsoft Build
Microsoft Casual Games
Microsoft Copilot Designs



Geographical Indications

- Indicate Origin of goods and services
- Promote commerce by informing the customer of the origin of the product

Ceylon Tea

- Appellation of Indication (some)
- Qualities due to the exclusivity to the place of origin

Ceylon cinnamon

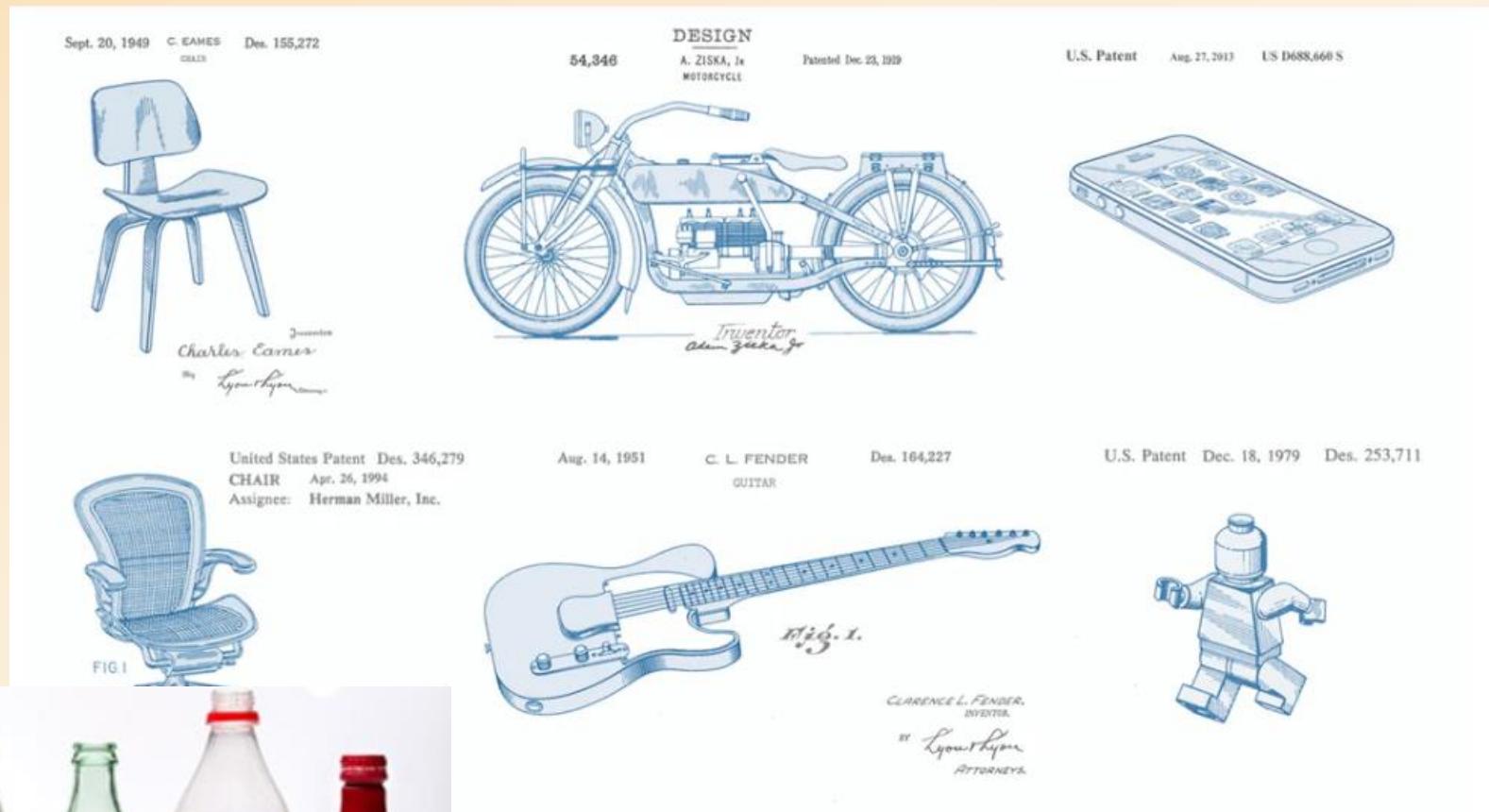


What India Have Related to Geographical Indication ?



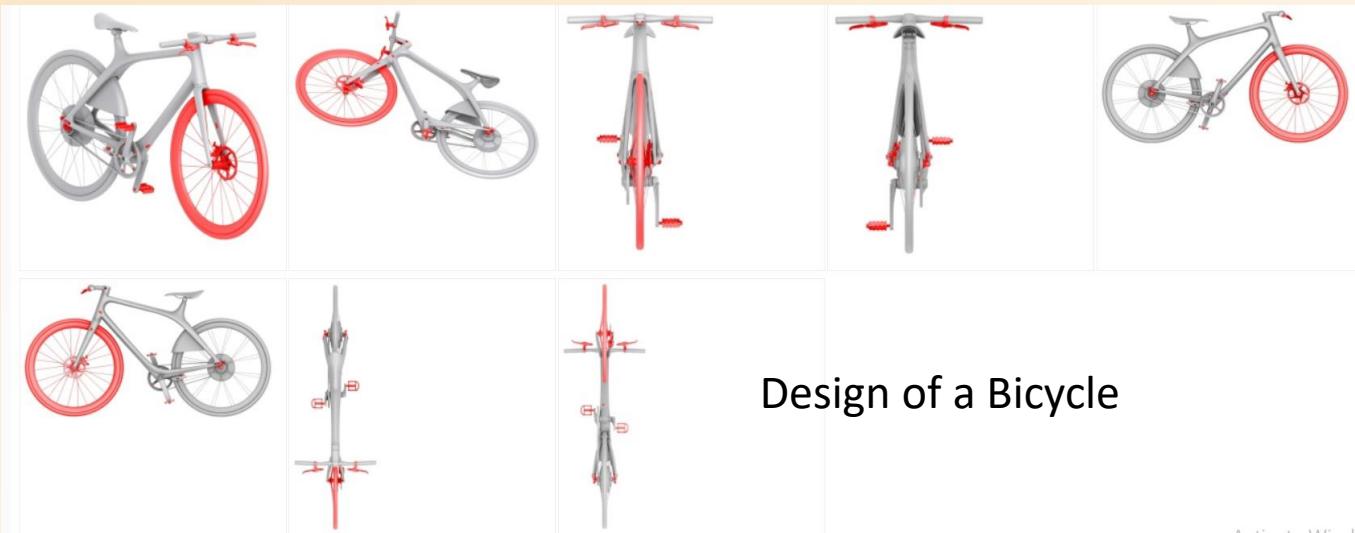
Industrial Design / Design Patent

- Protect the outer appearance of a product
- Ornamental or aesthetic
- 3D or 2D
- New



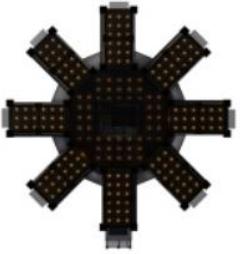


Designs of Modern used Items

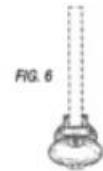
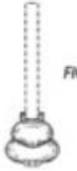


Design of a Bicycle

Industrial Designs



Design of a Tower



Design of a Ear ring

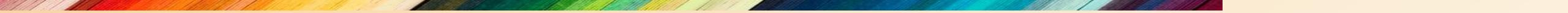


Design of a Spoon

Industrial Designs



Q & A



Thank You !