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Intellectual Property Rights

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1 Basic Definition

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

IP is protected in law by, for example *patents*[1], *copyright*[4] and *trade-marks*[5] which enable people to earn recognition or financial benefit from what they invent or create. By striking the right balance between the interests of innovators and wider public interest, the IP system aims to foster an environment in which creativity and innovation can flourish.

2 History

Although many of the legal principles governing IP and IPR have evolved over centuries, it was not until the 19th century that the term *intellectual property* began to be used, and not until the late 20th century that it became commonplace in the majority of the world.[6] *The Statue of Monopolies (1624)*[7] and the British *Statue of Anne (1710)*[8] are now seen as the origin of *patent law*[9] and *copyright*[10] respectively,[6] firmly establishing the concept of intellectual property.

The history of patents does not begin with inventions, but rather with royal grants by *Queen Elizabeth I (1558 - 1603)*[11] for monopoly privileges. Approximately 200 years after the end of Elizabeth's reign, however a patent represents a legal *right*[12] obtained by an inventor providing for exclusive control over the production and sale of his mechanical or scientific invention demonstrating the evolution of patents from royal prerogative to common - law doctrine.

3 Branches of Intellectual Property

Intellectual Property is usually divided into two branches, namely *industrial property*[?] and *copyright*[10].

3.1 Industrial Property

Industrial property typically consists of patents to protect inventions and industrial designs, which are aesthetic creations determining the appearance of industrial products. It also covers *trademarks*[5], trade names and designations, as well as geographical indications, and protection against unfair competition. They are described as follows:

3.1.1 Trademarks

A trademark is a sign capable of distinguishing the goods or services of one enterprise from those of other enterprise. Trademarks are protected by *intellectual property*[6] rights.

3.1.2 Trade names

Trade names are used by profit and non - profit entities, political and religious organizations, industry and agriculture, manufacturers and producers, wholesalers and retailers, partnerships and corporations and a host of other business association. A trade name may be the actual name of a given business or an assumed name under which a business operates and holds itself out to the public.[2]

3.1.3 Geographical indications

A geographical indication (GI) is a name used on certain products which corresponds to a specific geographical location or origin (e.g. a town, region, or country). The use of GI may act as a certification that the product possesses certain qualities, is made up according to traditional methods, or enjoys a certain reputation, due to its geographical origin.[3]

3.2 Copyright

Copyright relates to artistic creations, such as poems, novels, music, paintings, and cinematographic works. In most European languages other than English, copyright is known as author's right. The expression copyright refers to the main act which, in respect of literary and artistic creations, may be made only by the author or with his authorization. That act is the making of copies of the literary or artistic work, such as a book, a painting, a sculpture, a photograph, or a motion picture. The second expression, authors rights refers to the person who is the creator of the artistic work, its author, thus underlining the fact, recognized in most laws, that the author has certain specific rights in his creation, such as the right to prevent a distorted reproduction, which only he can exercise, whereas other rights, such as the right to make copies, can be exercised by other persons, for example, a publisher who has obtained a license to this effect from the author.

References

- [1] [*http://www.wipo.int/patents/en/*](http://www.wipo.int/patents/en/)
- [2] [*http://legal-dictionary.thefreedictionary.com/trade+name*](http://legal-dictionary.thefreedictionary.com/trade+name)
- [3] [*http://encyclopedia.thefreedictionary.com/Geographical+Indications*](http://encyclopedia.thefreedictionary.com/Geographical+Indications)
- [4] [*http://www.wipo.int/copyright/en/*](http://www.wipo.int/copyright/en/)
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