

* Industrial design

→ The registration process of industrial design in India is managed by the process



* Patent act

Amendments → 1970-72 → 2002 → 2005 → 2016

(18 years) (20 years)

↓
issuance
2020

Right 1970-72

This act was a major change under IPR system as it is aligned with international standards.

2002

This amendment was made to comply with TRIPS

agreements as India agreed as a member of TRIPS.

- This ~~was~~ Under this amendment patent protection increased to 20 years.

2005

Main aim of this amendment is provide licensing under conditions like public health ^{Regent} concerns and reduced abuse of patent.

2016

This amendment introduced to support & Simplify patent procedure for startups small business.

Ques 2020, A invention made by an employee of the company in the laboratory of the firm putting hard effects can his employee register his invention on his name and also explain all the advantages he receives after the patent rights.

- ⇒ If the employee agree on giving his patent right to the employer under this circumstance employee can register ^{employee's} his invention on his own name but the

- If there is an contract
ownership of invention
- ① Employment agreement
② Invention clause according
to IPR.
- ① → If an employee make an
invention in the course
of their employment especially
using company's resources
the invention is considered
to the property of employer
unless otherwise specified
in the employee's contract.
- ② → Most companies include
clause in the employment
contract in the IPR that
assign the right to any
invention made by the

employee to employee.

Advantages of patent:

- ① Monopoly
- ② Growth
- ③ Raising funds
- ④ Goodwill
- ⑤ Economic rights
- ⑥ Enhance export opportunities
- ⑦ Legal protection

Startups

Ques Many technologies necessitate rely on patent to protect their invention & attract investors. One startup faces challenges in defending its patent against larger established competitors how does patent protection

influence the growth & sustainability of technology startup? Discuss the economic implementations of patent right for emerging company in the tech sector.

→ IPR

Patent protect the growth & sustainability of technology startups:-

- ① Exclusive rights
 - ② Attracting investments
 - ③ Revenue generation
 - ④ Market position
- Protection provided to a Patent holder of tech Sector:-

- ⑤ Securing competitive advantage.

- ⑥ Encourage innovation
⑦ Increase in valuation
→ Economic implication of
Advantages of Patents:

- ① Revenue generation
- ② Market value
- ③ Long term Sustainability
- ④ Attract FDI
- ⑤ Monetization

* Protection of plant varieties & farmes

- Meaning
- ② Framework
 - ③ Criteria
 - ④ Farmer's right
 - ⑤ Input
 - ⑥ Case study

① Plant variety protection involves granting rights to breeders for new variety of plants that are distinct, uniform & stable.

② → UPOV (Union for the protection of new variety of plants) it came 1961 with revision in 1972, 1978 and 1991.

- Provide a standardized system for the protection of plants.
- Criteria: novelty, distinctiveness, uniformity and stability.
- Exclusive right to sell and distribute the right.
- TRIPS: It include provision for the protection of plant

variety under (Article - 27)

- allows members to choose b/w patents, generous system and collaboration.

→ National legislation :- Protection

of plant variety & farmers
right act 2001 :-

(i) provide protection to plant variety both developed & discovered.

(ii) incorporate farmers right along with breeder right.

• United States, ^{plant} variety protection act (1970).

• CPVO (Community plant variety protection act).

Ques The trademark dispute b/w Vishnu das & Sultan ^{Tobacco} ~~Tobaka~~ evolved around the use of similar or potential for Tobacco product. The core issue is Vishnu das & Sultan Tobacco are using same names for their product. The similarity in name put confusion among customers. According to you who will win the case & what is a legal process for trademark.



* Right to information act 2005

→ It is a significant piece of legislation in India that promotes transparency & accountability in governance by allowing citizens to request information from public authorities.

① Patent: The patent act 1970 states the amendment introduced that the provision of right to information act in pharma, agro chemical, chemicals.

② Public health: According to IPR the patent holder must follow the norms of right to information act

In medicines, drugs & health related equipments.

* Infidgement in IPR

→ Copyright Infidgement refers to the unauthorized use & violation of someone else's intellectual property. This can include patent, trademark. Infidgement can lead to legal dispute & claim for damages to prevent further violation.

→ Patent: Patent infidgement occurs when an individual or entity make, use, sell or offer

for sale a patented innovation without permission from the patent holder.

- Consequences: ① The patent holder can seek legal remedies including injunction to stop the infringement & damages for loss suffer
- Trademark: This infringement involve the unauthorized use of trademark that is identical or confusing similarities to the registered trademark.

* Important questions:

- ① Discuss the historical development of IPR & how the evolution

of IPR have influenced economic advancement.

↳ Paris convention
↳ Bern convention

- 2.) Basic principle of TRIPS
- 3.) Explain the significance of protection of plant variety & farmer's right act.
- 4.) Define IPR & its types.
- 5.) Explain WIPO.

UNIT-3

Provisionals

1) Patent application:

It is a formal request to a government authority for the grant of patent.
It includes detailed information about the

Invention & is critical in establishing the right of the investor.

- Provisional: It provide a preliminary filing that establish an early filing date without a full set of claims.

Duration → valid for 12 months during which the applicant must file a complete application.

Benefits → allow investors to claim patent pending status & help in access potential & seek funding.

2) Specification :- (a) Components:-

- Title
- field of the invention
- background of invention
- Summary of invention

- Detailed invention
 - Abstract
- Specialization under components
of application :-
- Less formal than a complete specification & carry detailed claims.
 - Should include drawings when necessary.

* Claim

→ In IPR particularly with patent claim plays a very fundamental role. They serve as a legal foundation for the protection granted to inventors. It helps in setting the broad boundaries of patent.

right, by informing both
inventor & public about
the invention.

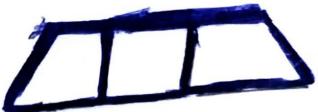
* Type of claim

Independent

It stand alone &
particulars the
essential feature of
the invention without
relying on the trade.
They provide broad
description the
capture the core
aspects of
the invention.

Dependent

It refers as
incorporating
additional features
or limitation.
Dependent claim
provide fall
back position
in case of
independent
claim.



* Structure of claims

→ ① Preamble: The introductory segment sets the context of claim often less identifying the invention or the category it falls under. The preamble can be essential in establishing the scope of the claim.

② Transition phase: It clarify the relationship b/w comprising & consisting:

③ Body:

* Importance of claim in IPR

- ① Scope of protection
- ② Protection from infringement
- ③ increase in commercial value.

Patent specification

→ ① Bibliographic: It refers to the specific information associated with the patent document.

- Title → Application no
- Applicant → Application filing date
- Inventor → Patent no
- → Patent grant date

② Field of an innovation: It refers to specific area/industry to which an innovation belongs.

③ Background: It discusses existing technology & method related to the invention.

④ Summary: It provide a concise overview of the

invention highlighting its key feature & advantage.

⑤ Brief description of graphical drawings: Brief description of drawing provide an explanation of drawings included in the patent application.

⑥ Detailed description: It provide a comprehensive and explanation of the invention.

- Elements
- Components
- functions
- skills

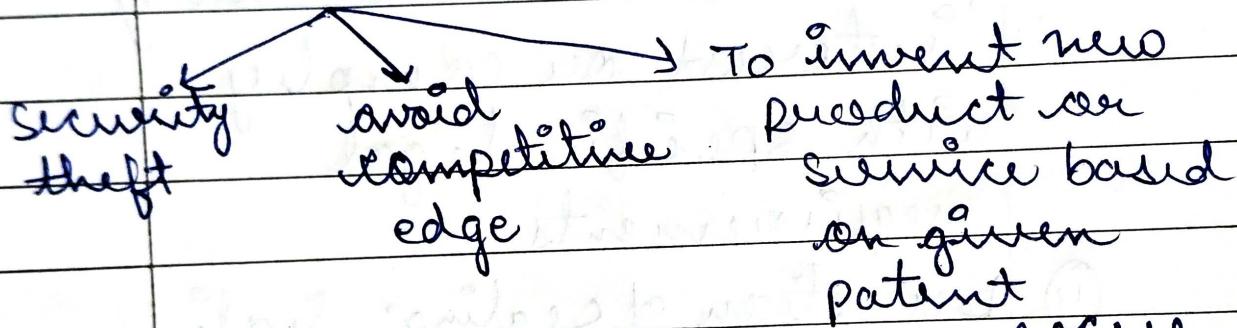
⑦ Claims

⑧ Abstract: It is a censized summary of the invention highlighting

the key aspects it should be under 150 words.

Sealing in IPR

Sealing → Non-publication of Patent / IPR



It involves restricting access to certain details of a patent application or the patent itself. Often to protect

Purpose of sealing

- ① Confidentiality: To protect spec. sensitive info. or trade secret that could be harmful if disclosed.

② Commercial strategy: To delay publication to strategize market entry or to avoid early competition.

③ Legal consideration: To protect national security interest or comply with specific legal requirements

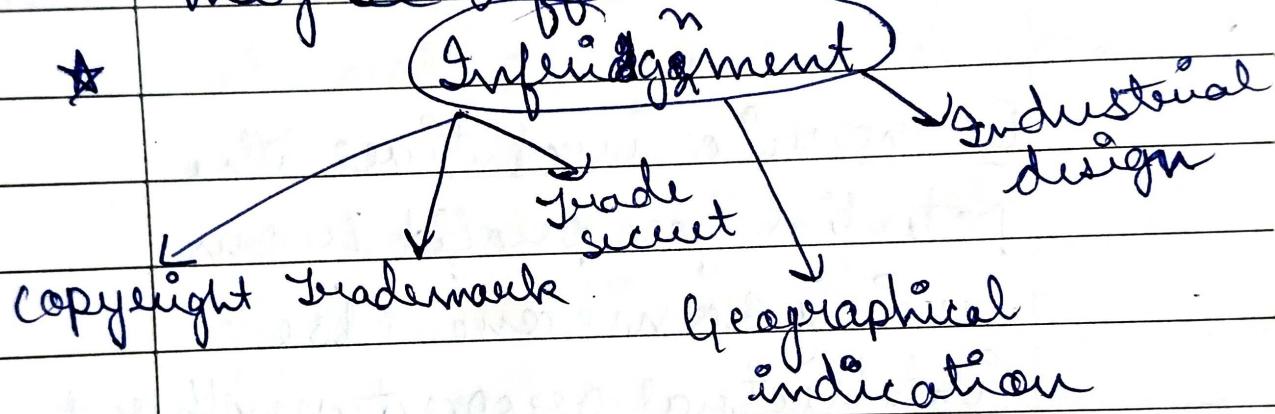
④ Duration of sealing: Sealing may be temporary or could extend to several years based on legal provision or the applicant's request.

Consequences of Seal

① Limited disclosure: Sealed patent may not be available for public

which can impact innovation
& further research.

② Legal right: The patent holder
may still have right but
the ability to enforce license
may be affected.



→ Reason behind infringement

- Lack of awareness
- Economic incentive
- accessibility of technology
- Weak enforcement
- Cultural attitude
- Innovation pressure
- Collaboration & sharing

Lack of awareness: Many individual & businesses may not fully understand what constitutes IPR & how to respect it leading to unintentional ~~or~~ ^{or} violation.

Economic incentive: The potential for profit from using someone else's intellectual property without permission can motivate infringement especially in competitive industries.

Accessibility of technology: The digital age has made it easier to copy & distribute protected work increasing the likelihood of infringement.

Weak enforcement: In some regions enforcement of IPR is weak or inconsistent always allowing infringers to operate with little fear of consequences.

Cultural attitude: In some cultures there may be less emphasis on importance of IPR leading to a great tolerance for infringement.

Innovation pressure: Companies might prioritize rapid innovation & market entry over complying with IPR leading to accidental & deliberate infringement.

Collaboration & sharing: In collaborative environment

misunderstandings over ownership & right can lead to unintended infringement.

* Patent infringement

→ The ~~fruits~~ of innovation by granting the owner of the innovation exclusive rights for a certain period.

Under patent infringement is done by copying, selling without the express permission of patent owner.

Process, design, machine, manufacturing items, etc.

Types of patent infringement

- ① Direct infringement (direct violation of patent without permission)

- ② Inducement (encouraging patent infringement by other parties)
- ③ Contributing (Selling non infringing component with instructions on how to utilize in a infringing manner)
- ④ Literal use of accused device infringement

Trademark infringement

⇒ ~~It is~~ is the unauthorised usage of a mark that is identical or deceptive similar to a registered trademark.

Deceptive means that when a average consumer look at the mark it is likely to confuse him/her

of the origin of goods & services.

Direct infringement

- Unauthorized use: The infringement of a trademark only occurs when a person uses the trademark without the owner's permission.

If it is used with the owner's knowledge^{then}, it is not violation. (2 years).

- Identical or deceptive Similar: If we use trademark is same as the registered trademark then consumers are confused by the marks then that term is infringement under trademark.

- Registered trademark: The

act only protect the trademark registered under the Indian trademark act if there is an unauthorized use of an unregistered trademark the passing off law will be applicable. Under this law claimant must demonstrate goodwill misrepresentation & damage to their reputation.

- Class of goods & services: Unauthorized use of trademark for the propagation of goods & services must come under same class of unregistered trademarks.

LL

<value> gain </value>
</property>
</configuration>

IPR

Copyright infringement

Section-51 of IPR

→ Any person, without a permission or license granted by the owner of the copyright.

in contravention of the condition of a license granted by the Act uses or copy the goods & services.

→ Copyright in a work shall be deemed to be infringed when any person without \$

the license granted by the owner of the copyright or registrant.

Or

In contravention of the condition of a license granted use or copy the G & S.

Clause (A)

- ① Does anything that affect the owner right.
- ② Publicly communicated of the work that constitute infringement either you see aware or not.

Clause (B)

- ① Any person make, sell, hire by way of trade display.
- ② Distribute either for the purpose of trade or to such an extent as to affect the judiciary of the owner.
- ③ By way of trade or exhibit in public.

① Import into India any infringing copy of the work.

Cases for non-infringement under copyright

→ ① If I apply for import one copy of any work for the private or domestic use of the importer.

② Review of any work for final publication.

③ Reporting current event & current affairs including lecture delivery.

* Case Study

① Blackberry vs Typo Product

Typo product create keyboard
for iphones.

that mimicked Blackberry's
famous QWERTY ~~Keyboard~~
Keyboard in 2014.

* Consequences of Copyright infringement

→ ① Legal action: The copyright holder can sue the infringer for damages including statutory attorney fees.

② Monetary damages: Infringer may be required to pay the copyright owner compensation of the loss occurred due to infringement.

③ Reputation damage: Being involved

Youtube vs Viacom

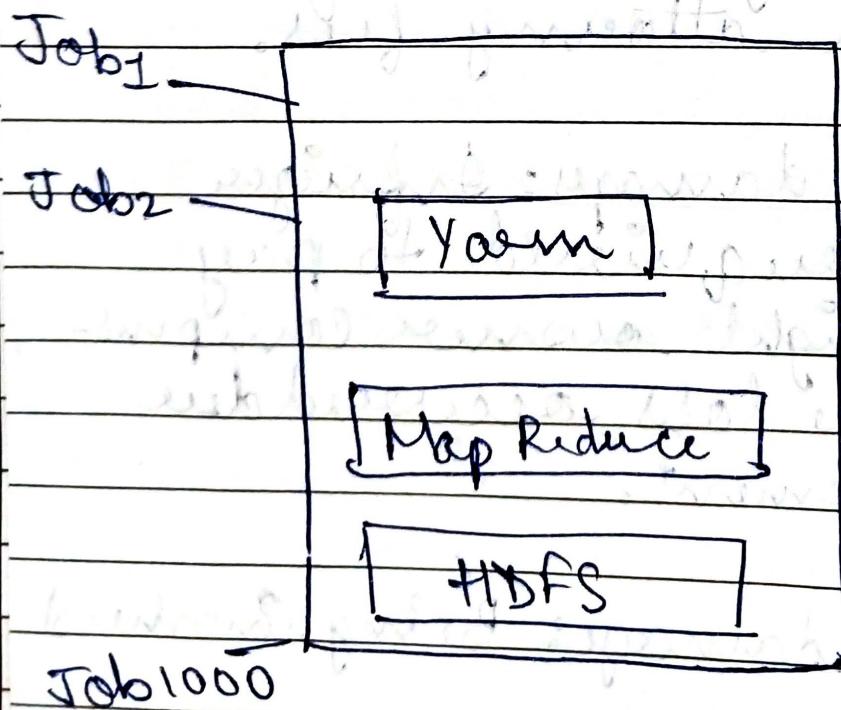
LL

in a copyright infringement
can harm company's
reputation & public image

- ④ Destruction of copyright material:
Court may order free
destruction of copies &
products.

~~BB~~ YARN

Yet Another Resource Negotiator



Yarn components

Resource manager

- Allocate
- Management
- Resolve dispute
(It is like a Job Tracker)

Node manager

- heartbeat
- fault tolerance
- Launch & manage task
(It is like a Task Tracker)

Trade Secret Infringement

TS infringement is called "misappropriation", it occurs when someone improperly acquire a TS or disclose TS without having a reason to know that knowledge of the TS was acquired through a mistake / accident.

Types of TS infringement

- ① Industrial Espionage Direct threat
- ② Bribery Indirect threat
- ③ fraud
- ④ Theft
- ⑤ Confidential person

Industrial Espionage

→ Theft of information through outsiders.

- This due to intense competition in global market.
- It is categorized into
 - (i) Direct : Spine with highest professionalism through internal person
 - under this they use technology tools to share the information.
- This happen due to disloyal employees.

(ii) Indirect: They do this offense for monetary value, for any desire or offered someone.

→ Bribery: Offering, receiving or giving something valuable for information of TS.

→ Fraud:

* Protection of TS

→ ① Unfair competition laws: