

# Module 3: Indian Intellectual Property Laws

Overview of Legal Framework and Protection in India



# Introduction to Indian IP Laws

## Definition

- Rights protecting creations of the mind: inventions, literary works, designs, symbols.

## Importance

- Encourages innovation
- Safeguards creators' interests
- Fosters economic growth

**Example:** Indian pharmaceutical companies patenting COVID-19 vaccines, ensuring their rights while contributing to global health.

# Types of Intellectual Property Rights in India



## Patents

Protects new inventions. E.g., **Tata Motors' electric vehicle technology patent.**



## Trademarks

Distinguishes goods/services. E.g., **Amul logo and slogan "The Taste of India".**



## Copyrights

Protects literary/artistic works. E.g., **Chetan Bhagat's novels.**



## Industrial Designs

Aesthetic features of products. E.g., **Royal Enfield motorcycle fuel tank design.**



## Geographical Indications

Origin-based products. E.g., Darjeeling Tea, Mysore Silk.

# Patent Law in India

## The Patents Act, 1970

Governs patent grant and protection in India. Regular amendments ensure adaptability.

- **Criteria:** Novelty, Inventive Step, Industrial Application
- **Term:** 20 years from filing date, non-renewable



**Case Study:** CSIR's patent for herbal formulation "BGR-34" (anti-diabetic drug) showcases innovation in traditional medicine.

# Trademark Law in India



## The Trade Marks Act, 1999

Modernized trademark law, aligning with international standards.

- **Types:** Word marks, Logos, Taglines, Shapes, and even Sounds/Smells now recognized.
- **Registration:** Vital for protection, filed with Controller General of Patents, Designs & Trademarks.

**Example:** The enduring **Parle-G biscuits trademark** (logo and distinctive packaging) recognized across generations.

# Copyright Law in India



## The Copyright Act, 1957

Comprehensive framework for protecting creative works.



## Protected Works

Literary, dramatic, musical, artistic works, cinematograph films, sound recordings, and computer software.



## Protection Term

Generally, lifetime of the author plus 60 years after their death.

**Iconic Example:** A.R. Rahman's globally acclaimed music compositions enjoy robust copyright protection, preventing unauthorized use.

# Industrial Designs & Geographical Indications

## Industrial Designs Act, 2000

Protects the aesthetic, non-functional features of an article.

- Focus on shape, configuration, pattern, ornament, or composition of lines or colors.
- **Example:** The unique and recognizable **Coca-Cola bottle shape** is a classic design example.



## Geographical Indications of Goods Act, 1999

Identifies goods originating from a specific geographical territory, possessing special quality/reputation.

- Prevents misuse of place names for products not from that region.
- **Examples:** **Kanchipuram Silk sarees** and **Banarasi Sarees**, renowned for their traditional craftsmanship.



# Enforcement and Remedies

## Civil Remedies

- Injunctions to stop infringement
- Damages for losses incurred
- Account of profits made by infringers



## Criminal Remedies

- Fines and imprisonment for severe cases like piracy and counterfeiting.
- Deterrent against repeat offenders.



## Key Agencies

- Police, Customs, and the Judiciary play crucial roles in enforcing IP rights.

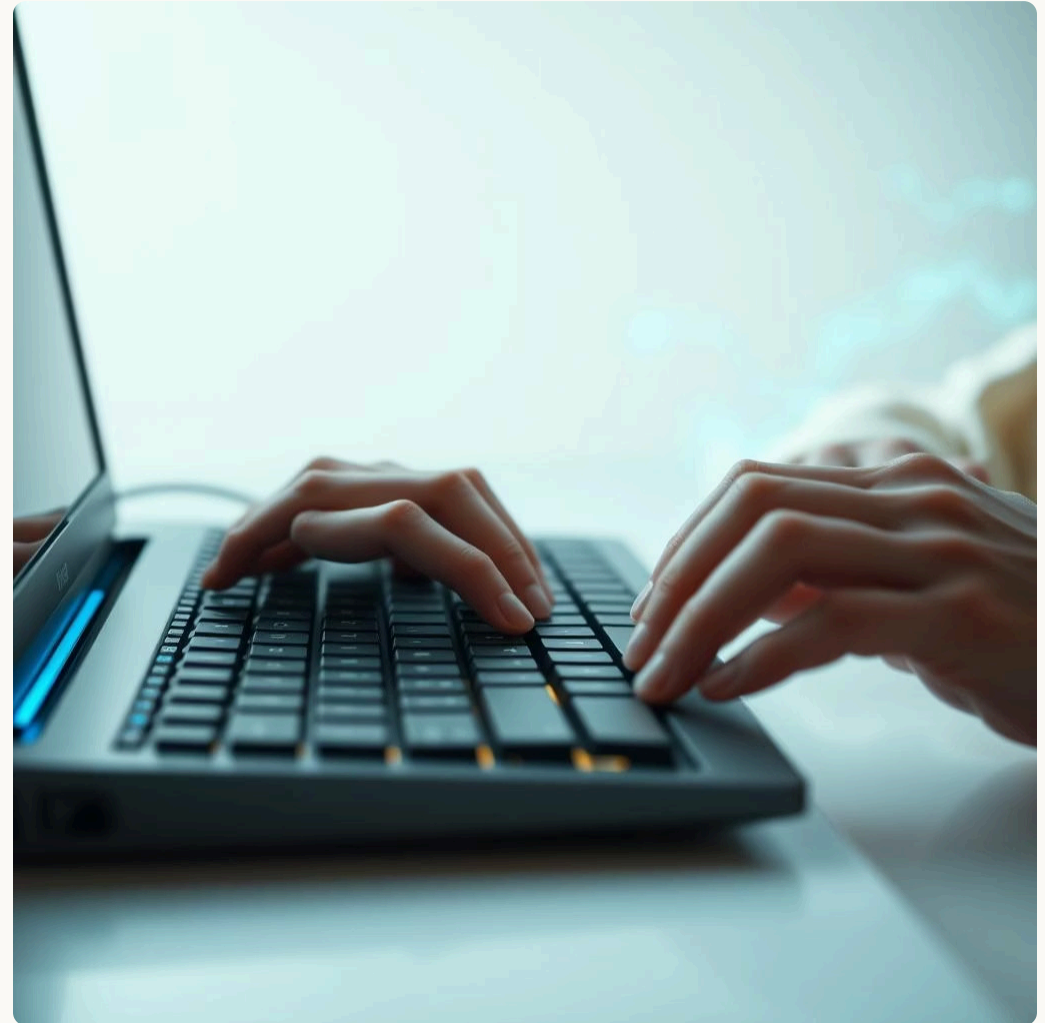
**Landmark Case:** Delhi High Court issuing an injunction against counterfeit Nike shoes, protecting brand integrity.



# Challenges & Future of IP Laws in India

## Current Challenges

- Pervasive piracy, especially in digital content
- Slow judicial processes leading to delayed justice
- Sophisticated digital IP theft and cybercrime



**Future Landscape:** Focus on protecting digital IP, regulating AI-generated works, and strengthening international cooperation through TRIPS and WIPO memberships.

# Conclusion: The Future of Indian IP Law

- **Evolving Framework:** Indian IP laws are TRIPS-compliant and constantly evolving to foster innovation and protect creators.
- **Economic Engine:** A strong IP regime is critical for India's knowledge economy and global competitiveness.
- **Empowering Stakeholders:** Understanding IP law empowers creators, businesses, and policymakers to harness intellectual assets responsibly.
- **Balanced Growth:** Continued balance needed between protection, access, and competition for sustainable growth.