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# INTRODUCTION TO INNOVATION, IP MANAGEMENT & ENTREPRENEURSHIP QUESTION BANK

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Types of IP



## 1. Remembering (Knowledge-Based Questions)

### 1. Define a patent.

A **patent** is a legal right granted by the government to an inventor for a new, useful, and non-obvious invention. It gives the inventor exclusive rights to make, use, sell, or license the invention for a specific period, usually 20 years.

### 2. What are the steps in the patent registration process?

The steps in the **patent registration process in India** are:

1. **Invention Disclosure** – Document the complete details of the invention.
  2. **Patent Search** – Check if the invention is new.
  3. **Drafting the Patent** – Prepare a patent specification (provisional or complete).
  4. **Filing the Application** – Submit the patent application to the Indian Patent Office.
  5. **Publication** – Application is published after 18 months.
  6. **Examination** – Request for examination and respond to any objections.
  7. **Grant of Patent** – If criteria are met, the patent is granted and published.
  8. **Renewal** – Pay annual fees to keep the patent valid for 20 years.
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### 3. List the different types of trademarks.

The different **types of trademarks** are:

1. **Product Mark** – Identifies goods (e.g., Nike logo).
  2. **Service Mark** – Identifies services (e.g., Amazon Web Services).
  3. **Collective Mark** – Used by a group/organization (e.g., CA for Chartered Accountants).
  4. **Certification Mark** – Shows standard or quality (e.g., ISI mark).
  5. **Shape Mark** – Protects the shape of a product (e.g., Coca-Cola bottle).
  6. **Sound Mark** – Identifies a sound associated with a brand (e.g., ICICI jingle).
  7. **Color Mark** – Protects specific colors linked to a brand (e.g., Cadbury purple).
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### 4. What is the definition of copyright?

**Copyright** is a legal right that gives the creator of original works (such as books, music, art, films, software, etc.) exclusive rights to reproduce, distribute, perform, and display the work for a fixed period (usually the creator's life + 60 years in India).

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### 5. State the meaning of geographical indication (GI).

A **Geographical Indication (GI)** is a sign used on products that have a specific geographical origin and possess qualities, reputation, or characteristics linked to that location.

**Example:** Darjeeling Tea, Banarasi Sarees, and Kolhapuri Chappals.

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### 6. Identify examples of famous trademarks.

Some examples of **famous trademarks** are:

- **Apple** – The apple logo.
  - **Nike** – The swoosh symbol.
  - **McDonald's** – The golden arches "M".
  - **Coca-Cola** – The stylized brand name.
  - **Google** – The multicolored wordmark.
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### 7. What is an industrial design?

An **industrial design** refers to the visual or aesthetic aspect of a product, including its shape, pattern, color, or combination thereof. It does not cover functionality—only the external appearance is protected.

**Example:** The design of a luxury watch or the shape of a car headlight.

## 2. Understanding (Comprehension-Based Questions)

### 1. Explain the significance of patent licensing and assignment.

- **Patent Licensing** is when a patent owner permits another party to use the patented invention under agreed terms without transferring ownership.
- **Patent Assignment** is the permanent transfer of ownership rights of the patent to another individual or organization.

**Significance:**

- Allows inventors to **monetize** their patents.

- Helps companies **expand their product offerings** without investing in R&D.
  - Enables **collaboration** between entities and boosts innovation.
  - Reduces risk by **sharing legal responsibilities**.
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## 2. Describe the process of trademark registration.

The **trademark registration process in India** involves:

1. **Trademark Search** – Check if a similar mark already exists.
  2. **Filing Application** – Submit the TM-A form with details of the mark.
  3. **Examination** – The Trademark Office examines and raises objections if any.
  4. **Publication** – If accepted, it is published in the Trademark Journal.
  5. **Opposition Period** – 4 months for public objection (if any).
  6. **Registration** – If no opposition, the mark is registered and a certificate is issued.
  7. **Renewal** – Every 10 years to keep it active.
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## 3. Differentiate between patents and copyrights.

Feature	Patent	Copyright
Protects	Inventions and technical processes	Original creative works (literary, artistic, musical)
Duration	20 years from the date of filing	Life of author + 60 years (in India)
Registration	Compulsory for protection	Automatic upon creation (optional to register)
Example	A new machine, drug formula	A novel, song, software code

## 4. Why is it important to protect geographical indications (GI)?

- GI protection preserves the **cultural identity** and **authenticity** of products.
- Helps **local producers** earn better revenue due to product uniqueness.
- Prevents **misuse or imitation** by outsiders.
- Encourages **rural development** and **community recognition**.

*Example:* Only tea grown in Darjeeling can be marketed as “Darjeeling Tea.”

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## 5. Explain how copyright protects the rights of creators.

- Copyright gives creators **exclusive rights** to use, reproduce, distribute, perform, or modify their original work.
- Prevents unauthorized usage or **plagiarism**.
- Ensures **royalty income** and **credit** for the creator.
- Allows creators to **license or transfer** rights while retaining ownership.

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## 6. Summarize the role of industrial design protection in business.

- It protects the **visual appeal** of products, which can influence buyer decisions.
- Encourages companies to **invest in aesthetics** and innovation.
- Creates **brand differentiation** through unique product designs.
- Adds **commercial value** to a product in competitive markets.

*Example:* The iconic design of the Coca-Cola bottle is protected under industrial design law.

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## 7. Illustrate how trademarks are used in marketing with an example.

Trademarks create **brand recognition** and **trust** among consumers, making them a powerful marketing tool.

### **Example:**

Nike's "Swoosh" logo is instantly associated with quality sportswear. Its slogan "Just Do It" reinforces brand identity, making marketing campaigns more effective and memorable.

## 3. Applying (Application-Based Questions)

### 1. Apply the concept of trademark infringement to a real-life case study.

#### **Case Study: Coca-Cola vs. PepsiCo (Pepsi Blue)**

Coca-Cola sued PepsiCo alleging that "Pepsi Blue" used similar branding and packaging to Coca-Cola's "Berry Cola" product. The court evaluated consumer confusion, brand identity, and market overlap.

**Trademark Infringement** occurs when a mark similar to a registered trademark is used in a way that causes confusion among consumers.

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## 2. Determine whether it should be protected under a patent or a copyright.

**Scenario 1:** A company invents a new water filtration system.

**Protection Type:** Patent (as it is a functional innovation).

**Scenario 2:** A designer creates a unique logo for a clothing brand.

**Protection Type:** Copyright (as it is an artistic work).

**Scenario 3:** A pharmaceutical firm develops a new drug formula.

**Protection Type:** Patent (as it is an innovative chemical composition).

**Scenario 4:** A game developer creates a new video game storyline.

**Protection Type:** Copyright (as it involves creative content).

✓ Already answered correctly:

- **Scenario 1:** Patent – Functional invention (water filtration).
  - **Scenario 2:** Copyright – Artistic logo.
  - **Scenario 3:** Patent – Drug formula (technical composition).
  - **Scenario 4:** Copyright – Creative storyline.
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## 3. If you invent a new machine, outline the steps you would take to secure a patent.

1. **Patent Search** – Check for existing patents.
  2. **Prepare Documentation** – Write specifications, claims, and drawings.
  3. **File Provisional/Complete Application** – With the Patent Office.
  4. **Publication** – Application published after 18 months.
  5. **Request for Examination** – Apply for scrutiny of application.
  6. **Respond to Objections** – If any, address examiner's queries.
  7. **Grant of Patent** – Upon successful review.
  8. **Renewal** – Pay renewal fees yearly from 3rd year to 20th.
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## 4. Develop an example of a new trademark and describe its potential use in branding.

**Trademark Example:** "GreenSip" – A leaf-shaped logo for a new brand of organic juices.

**Branding Use:**

- Instantly associates the brand with nature and health.

- Used on bottles, social media, and ads to reinforce eco-friendly identity.
  - Helps differentiate from artificial drink brands.
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## 5. Show how a geographical indication can enhance the value of a regional product.

**Example:** *Darjeeling Tea*

- GI tag ensures that only tea grown in the Darjeeling region can use the name.
  - Adds **authenticity** and **premium pricing**.
  - Promotes **local employment** and protects from imitations.
  - Builds **international recognition** and export demand.
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## 6. Illustrate how copyright laws apply to digital content creation.

**Example:** A YouTuber creates original music and videos.

- Copyright protects their content from being copied or reused without permission.
  - If someone reposts their video, the creator can issue a **copyright strike**.
  - Monetization rights also remain with the creator unless transferred.
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## 7. A company has developed a new AI-powered voice assistant. How should they protect their innovation – through a patent or copyright? Justify.

**Protection Type: Patent**

- The **functional algorithms**, processes, and system designs used in the AI are **technical innovations**, qualifying for a **utility patent**.
- However, the **interface design** or **voice scripts** can be separately protected by **copyright**.

**Justification:** To prevent competitors from copying the invention's **underlying technology**.

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## 8. A startup wants to register a unique logo and slogan. Explain the steps involved and its importance.

**Steps to Trademark Registration:**

1. **Trademark Search**
2. **File Application (Form TM-A)**

3. **Examination by Registrar**
4. **Publication in Journal**
5. **Opposition Period (4 months)**
6. **Registration and Certificate**
7. **Renewal every 10 years**

**Importance:**

- Builds brand recognition.
  - Protects against imitation.
  - Increases brand value for future investment and partnerships.
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**9. A regional tea-growing community wants to protect its tea brand. How can GI help?**

**Solution: Geographical Indication (GI) Registration**

- Apply for GI with the **Geographical Indications Registry**.
- Protects the community's rights to the name.
- Prevents misuse by companies outside the region.
- **Example:** "Assam Tea" and "Nilgiri Tea".

**Benefits:**

- Legal protection
  - Higher prices
  - Preservation of traditional knowledge
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**10. A software developer creates a new mobile app. What IP protection should they seek?**

**IP Protections:**

1. **Copyright** – For source code, design, user interface, content.
2. **Patent** – If the app uses a **novel technical process** or algorithm.
3. **Trademark** – For app logo, name, or slogan.

**Reason:**

- Protect the **functional aspect** with patents (if applicable).
- Safeguard **creative and branding aspects** with copyright and trademarks.



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**11. A pharmaceutical company has discovered a new medicine formula. Discuss the procedure for patenting the drug and the benefits of obtaining a patent.**

**Procedure:**

1. **Patentability Search** – Check if similar drug formulas exist.
2. **Prepare Application** – Include claims, chemical structure, and use.
3. **File Patent** – Submit to Indian Patent Office (Form 1 + specifications).
4. **Publication** – After 18 months, the application is published.
5. **Examination Request** – File a request for substantive examination (Form 18).
6. **Respond to Objections** – If raised, defend the patent claims.
7. **Grant of Patent** – If approved, the patent is granted for 20 years.

**Benefits:**

- Legal monopoly over production and sale.
- Protection from competitors copying the drug.
- Increases company valuation.
- Enables licensing and royalty generation.

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**12. An automobile company introduces an innovative car design with a unique shape. How can they protect this design legally?**

They should apply for **Industrial Design Registration**.

**Why Industrial Design?**

- Protects the **aesthetic appearance**, shape, surface, and configuration.
- Does **not protect** the internal mechanics or performance – only design aspects.

**Procedure:**

1. File an application with the Design Office.
2. Include views of the design (3D renders/images).
3. On approval, the design is protected for **10 years**, extendable by 5 more.

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**13. A writer publishes a book, but later finds an online website selling unauthorized copies of their work. What legal actions can they take under copyright law?**

### Legal Actions:

1. **Send a Legal Notice** – Request takedown and cease of unauthorized sales.
  2. **DMCA Takedown** – If the content is hosted online, issue a DMCA notice.
  3. **Injunction** – Apply to the court for a restraining order to stop further sales.
  4. **Civil Suit** – File a case under the **Copyright Act, 1957** for damages.
  5. **Criminal Action** – Seek punishment for infringement (includes fines and imprisonment).
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**14. A business is sued for using a name similar to an existing famous brand. How can they defend themselves in a trademark infringement case?**

### Possible Defenses:

- **No likelihood of confusion** – Argue that your mark is distinct in appearance/meaning.
- **Different Class of Goods** – If the goods/services fall under a completely different category.
- **Good Faith Use** – If the use was prior and without knowledge of the famous brand.
- **Descriptive or Generic Use** – The term used is a generic word, not a protected brand.

### Evidence Needed:

- Date of use and registration.
  - Marketing materials showing brand uniqueness.
  - Legal opinion or clearance before use.
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**15. A fashion designer creates a new pattern for clothing. Should they seek copyright protection or industrial design registration? Justify your answer.**

### Answer:

- If the **pattern is a graphic or artistic print**, it qualifies for **Copyright**.
- If it is **applied to a functional garment** and has a **unique shape or configuration**, then **Industrial Design Registration** is more appropriate.

✓ **Recommended:** Apply for both, if eligible:

- **Copyright** protects the **2D artistic work** (pattern).
- **Design Registration** protects the **application of the pattern** on a 3D garment.

**Justification:** This dual protection ensures full legal coverage of both the creative and product aspects.

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**16. An entrepreneur wants to manufacture and sell a product using an existing patented technology. What are the legal ways to obtain permission for this, and what factors should they consider before proceeding?**

**Legal Ways:**

1. **Patent Licensing** – Get a license from the patent holder (exclusive or non-exclusive).
2. **Assignment** – Purchase the full rights of the patent.
3. **Compulsory License** – Apply to the government (in limited public interest scenarios).

**Factors to Consider:**

- **Royalty Costs & License Terms**
- **Territory** – Where can they manufacture/sell?
- **Duration** – Validity period of the license.
- **Scope** – What part of the technology is covered?
- **Patent Expiry Date**
- **Freedom to Operate (FTO) Analysis** – Legal clearance before market entry.

**4. Analyzing (Analysis-Based Questions)**

1. Compare and contrast patent infringement and trademark infringement.

Aspect	Patent Infringement	Trademark Infringement
Definition	Unauthorized use of a patented invention.	Unauthorized use of a registered mark causing consumer confusion.
Subject Matter	Functional innovations, processes, machines, etc.	Brand names, logos, slogans, symbols.
Proof Required	Must show that the product/process violates the protected claims of the patent.	Must show likelihood of confusion or dilution of brand.
Legal Remedy	Injunction, damages, seizure of infringing goods.	Cease & desist orders, damages, and possibly criminal penalties.

Aspect	Patent Infringement	Trademark Infringement
Duration of Protection	20 years from filing date.	Renewable indefinitely every 10 years.

## 2. Examine the penalties for violating copyright laws.

### Civil Penalties:

- Injunction against further copying/distribution.
- Actual damages and profits earned by the infringer.
- Statutory damages ranging from ₹50,000 to ₹2,00,000 per work.

### Criminal Penalties:

- Imprisonment for **up to 3 years**.
- Fine between **₹50,000 and ₹2,00,000**.
- Seizure and destruction of infringing goods.

**Example:** Selling pirated software or music can lead to both fines and jail under the Copyright Act, 1957.

## 3. Analyze the impact of geographical indication protection on local economies.

### Positive Impacts:

- **Boosts Rural Income** – Promotes traditional knowledge and craftsmanship (e.g., Darjeeling Tea, Banarasi Sarees).
- **Market Differentiation** – Creates a premium identity in global markets.
- **Cultural Preservation** – Encourages communities to preserve unique production techniques.
- **Tourism & Branding** – Enhances tourism by building product reputation.

### Challenges:

- High cost of legal enforcement.
- Awareness and education of producers are often lacking.

## 4. Break down the differences between industrial design protection and patent protection.

Aspect	Industrial Design	Patent
Focus	Aesthetic features (shape, pattern, color, etc.)	Functional and technical aspects (working of invention).
Requirement	Must be new and original in appearance.	Must be novel, non-obvious, and industrially applicable.
Duration	10 years (extendable by 5 years).	20 years from date of filing.
Example	The shape of a perfume bottle.	The mechanism of a new water purifier.

## 5. What legal and ethical challenges arise in enforcing trademark laws globally?

### Legal Challenges:

- **Territorial Nature** – Trademark rights are jurisdiction-specific.
- **Varying Laws** – Different countries have different legal standards.
- **Counterfeiting** – Widespread piracy and difficulty in enforcement.

### Ethical Challenges:

- **Cultural Sensitivity** – Brands may unintentionally offend local values.
- **Genericization** – Ethical concerns arise when a brand name becomes generic (e.g., "Xerox" or "Google").
- **Abuse of Trademark Law** – Some large corporations misuse laws to suppress small businesses unfairly.

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## 6. Analyze the reasons why companies opt for patent licensing instead of full ownership.

### Reasons for Patent Licensing:

- **Cost Efficiency** – Avoids R&D costs while still gaining market rights.
- **Speed to Market** – Faster access to innovation without waiting for development.
- **Revenue Generation** – Patent owners earn royalties while focusing on core activities.
- **Risk Reduction** – Licensing reduces the risk of infringement litigation.
- **Market Expansion** – Local firms can produce using the patent in different regions under license.

**Example:** Tech companies often license core patents in chip design or camera technology rather than owning every innovation.