

82

Sem:- 6th

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Div:- B

Assignment-4

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PAGE No.

DATE

I. Discuss law governing Intellectual property.

→ it deals with laws to protect & enforce rights of the creators & owners of inventions, writing, music, designs & other works, known as the "intellectual property". There are several areas of intellectual property including copyright, trademarks, patents & trade secrets.

→ Copyright law: it protects the right of creators in their works in fine arts, publishing, entertainment & computer sw. the laws protect the owner of the work. if others copy, present or display the owners work without permission.

→ Trademark law: it protects a word, phrase, symbol or design that's used by an entity to identify its product or service.

- it's covered under the act called the trademarks Act, 1999.

- The Act came into effect on sept, 15, 2003. it replaced the trade and merchandise marks Act, 1958.

- It extends to the whole of India. it shall come into the force on such date as the central government may publish, by notification in the official gazette.

- The trademark is valid for 10 years from the date of app. which may be renewed for further period of 10 years on payment of prescribed fees.

- Rights in trademarks are gained by being the first to use a trademark in commerce or being the 1st to Register the mark with the US Patent & Trademark office.

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Roll No:- 82

PAGE No.

DATE

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→ Patent Law: It grants protection for new inventions which can be products, processes or designs & provides a mechanism for protection of the inventions.

- It's covered under the Act called the Patent Act, 1970.
- It extends to the whole of India.
- It shall come into force on such date as the Central government may publish, by notification in the official Gazette.
- The Patent Law promotes the sharing of new developments with others to foster innovation.

→ Trade secrets: These are business practices, formulas, designs or processes used in a business, designed specifically to provide a competitive advantage to a business.

- These trade secrets couldn't be otherwise known to an "outsider" of the business.
- Tradeseecrets are protected without Registration & appropriate steps ^{should} ~~could~~ be taken by the owner to maintain confidentiality.

2. Discuss types of Intellectual property.

→ There are 3 types of Intellectual property.

1) Copyright 2) Trademark 3) Patents.

i) Copyright: It's a type of intellectual property protection that protects original works of authorship, which might include literary works, music, art & more.

- Today, Copyrights also protect computer software & architecture.

- Copyright protections are automatic; once you create something, it's yours. However, if your rights under Copyrights protections are infringed & you wish to file a lawsuit, then registration of your copyright will be necessary.

ii) Trademark: A symbol, logo, word, sound, color, design or other device that's used to identify a business or a product in commerce.

symbols:

TM: Intent to use app. filled for product.

SM: Intent to use app. filled for services.

(R) Registration Trademark:

- Trademark is valid for 10 years from the date of app. which may be renewed for further period of 10 years on payment of prescribed fees.

Jashtil

PAGE No.

DATE

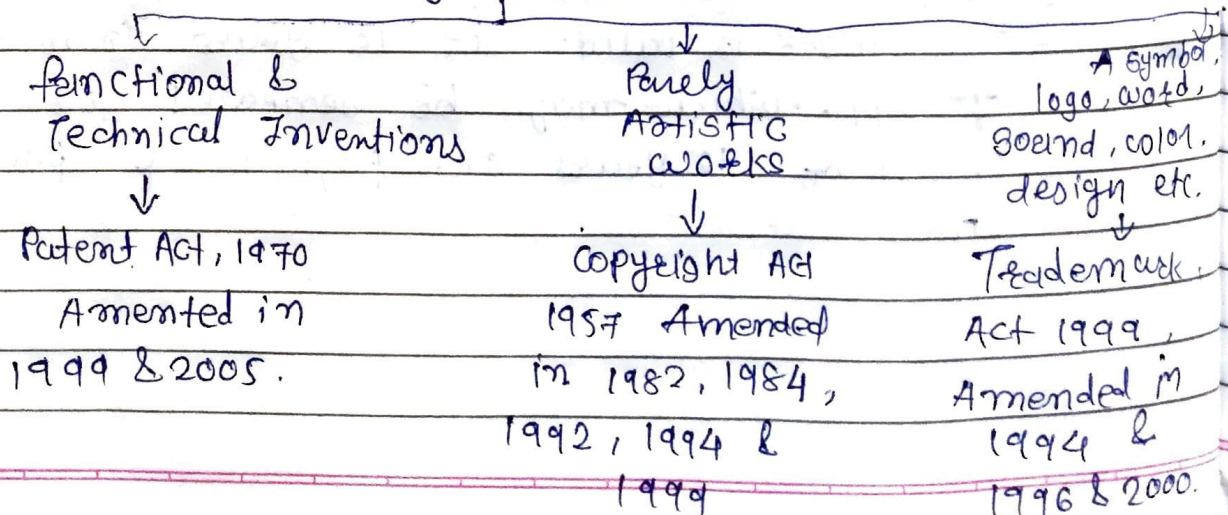
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- Service mark right are renewed exclusively for owner for 17 years & it can also be renewed
- The gov. fees is Rs. 2500 for each class of goods or services
- A Trademark is a sign used on or in connection with the marketing of goods or services

iii) Patents: it describes an invention for which the inventor claims the exclusive rights

- invention patentable if,
 - new, useful, not obvious; pertains to patentable subject matter
- term of the patent is 20 years from the date of filing for all types of inventions
- priority date - first to file
- The date of patent is the date of filling the app. for patent. The term of the patent is counted from this date.
- The government fee for filling a patent app. in india is Rs 750/- for individuals & Rs. 3000 for legal entities.
- Patent lapses if renewal fee is not paid within the prescribed periods.

major types of IP



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Roll No:-82

PAGE No.

DATE

/ /

3) Discuss Patent, Trademark & copyrights.

- Patent :- it's the granting of a property right by a sovereign authority to an inventor.
- this grant provides the inventor exclusive rights to the patented process, design or invention for a designed period in exchange for a comprehensive disclosure of the invention. They are a form of incorporeal rights.
- The procedure for granting patents, requirements placed on the patentee, and the extent of the exclusive rights vary widely b/w countries according to national laws & international agreements.
- patent is 20 years from the date of filing for all types of inventions is valid.
- Priority date - first to file.
- The date of patent is the date of filing the app. for patent.
- The government fee for filing a patent app. in India is Rs. 750/- for individuals & Rs. 3000/- for legal entities.
- Trademark :- it's type of intellectual property consisting of a recognizable sign, design or expression which identifies products or services of a particular source from those of others, although trademarks used to identify services are usually called services mark.
- The trademark owner can be an individual, business organization or any legal entity.
- A trademark may be located on a package, a label, a voucher, or on the product itself.

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Roll No: 1-82

PAGE No.	
DATE	/ /

- The symbols $^{\text{TM}}$ and $\text{\textcircled{R}}$ can be used to indicate trademarks; the latter is only for use by the owner of a trademark that has been registered.
- Trademark is valid for 10 years from the date of application which may be renewed for further period of 10 years on payment of prescribed fees.
- Service mark Rights are reserved exclusively for owners for 17 years.

→ Copyrights: it's a right which grants protection to the Unique expression of Ideas.

- the terms Original in the Copyright law means that the work originated with the author.
- There's no requirements for novelty or uniqueness as there's in patent laws.
- Copyright law protects the expression of an idea, not the idea itself.
- Register a Copyright by completing a simple app. form, along with the appropriate fee.
- It may appear with the same title, but if each work has been created independently, each will have its own Copyright protection.
- Copyright lasts for the -
 - Author's lifetime + 50 years from the end of the calendar year in which the author dies.
 - 50 years for films & sound recordings.
 - 25 years for typographical arrangements of a published edition.
- Copyright protection always expire on Dec 31 of the last calendar year of protection.

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Roll No:- 82

PAGE No.	
DATE	/ /

4] Discuss infringement:

- It refers to the violation of a law or a right. It may refer to: Infringement is a violation, a breach, or an unauthorized act.
- It refers to an unauthorized use of copyrighted or patent inventions.
- When an infringement happens the party being harmed usually will file a claim against the harming party.
- In this case, the infringing party is the defendant & the harmed party is the plaintiff. If the court decides that the infringement does exist, the court will order remedies for the harmed party.
- Remedies for patent infringement:
 - A suit can lie in the district or high court.
 - It may issue an injunction either to prevent the infringer from any further use & award damages to the patent owner & will pay the patent owner royalties for further uses.
 - for ex: Apple sued HTC over iPhone patents.
- Remedies for trademark infringement:
 - A suit can lie in the District or high court.
 - A punishment extends from 3 months to 3 years.
 - A permanent ban on engaging in commercial activities.
- Remedies for Copyrights Infringement:
 - A suit can lie in the district court or in a high court 24/5 63 of the Copyright Act, 1957.
 - Punishable with imprisonment upto 3 years & fined as per the claims.