

Assignment no. 6

Intellectual Property Rights (IPR)

Introduction

Intellectual Property Rights are rights given to any particular person or organization for their new creations based on their intellect for a certain period of time with an exclusive right over the use of their creation.

Copyright:

copyrights are the rights of authors for their artistic and literary work, which include books and other writings, musical compositions, paintings, sculpture, computer programs and films protected for a period of 50 years after the death of the author under this copyright.

Rights related to copyright is referred as neighbouring rights, which includes the rights of performances such as of actors, musicians, singers, phonograms and broadcasting.

This collection of rights under the Copyright Act, 1957 includes the exclusive rights of 1) reproduction, 2) adaptation, 3) publication, 4) performance, and 5) display.

Patents:

Patents are rights under Intellectual Property Rights related to an invention for which patent has been given by the Government/statute to the patentee in exchange of full disclosure of their invention either an individual or a company/organization. Patent has been given as exclusive right for a limited period to exclude others from making, using, selling and importing the patented product or process producing that product. The patent rights are enjoyable without any insight to the invention place, field of technology and the products either imported or produced locally. Compulsory licensing is a condition made fairly liberal based on the concept of 'license of right' for patents related to drugs, pharmaceuticals and foods.

The Patents Act 1970, along with the Patent Rules 1972, came into force on 20 April 1972, replacing the Indian Patent and Design Act 1911.

Not only Product but also Process can be patented under act, and invention shall be useful, novel and something which is not obvious.

Invention shall be new and shall be capable of getting used in Industry. Term of patent – 20 years (can be renewed) (in some case it may also be upto 7 years)

Patent Examination can be conducted on request, and both pre-grant and post-grant opposition is enabled.

Industrial Design:

Industrial designs are rights under Intellectual Property Rights related to any ornamental or aesthetic which have any three-dimensional features such as the shape or surface of the article or any two-dimensional features such as patterns, lines or colour.

Industrial design are rights that can be applied to a wide variety of products made from industry or handicraft which include watches, jewellery, fashion, other luxury items, house ware, furniture, electrical appliances, architectural structures, practical goods, textile designs to leisure items, such as toys and pet accessories. The rights are provided for a shape, configuration, surface pattern, colour, or line (or a combination of these), which, when applied to a functional article, produces or increases aesthetics, and improves the visual appearance of the design, be it a two-dimensional or a three-dimensional article.

As per Indian Law, under the Design Act of 2000, Industrial Design protection is a type of intellectual property right that gives the exclusive right to make, sell, and use articles that embody the protected design, to selected people only.

Trademark:

Trademark is anything which identifies the origin of the goods or services. It can be a name, symbol, logo, colour, sound etc. Trademark symbolizes the value or goodwill associated with the goods and its specific source. It distinguishes one firm from others. Benefits of trademarks are several-fold:

It helps consumers to identify products with desirable attributes quickly. It encourages firms to improve quality of their product therefore Trademarks are rights under Intellectual Property Rights related to sign or any combination of sign for any goods or services to make a distinguishing mark. Any distinguishing mark can be made registration, and the registered trade mark get protection for 10 years and it can be renewed every 10 years indefinitely. For this, compulsory license provision is not permitted.

The Trademark Act, 1999 gives the right to the police to arrest in cases of infringement of the trademark. The Act gives a complete definition for the term infringement which is frequently used. The Trademark Act, 1999 gives the right to the police to arrest in cases of infringement of the trademark. The Act gives a complete definition for the term infringement which is frequently used.