

# IPR and Cyber Laws

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# Module 1

## Fundamentals of IPR

### Kinds of Properties

#### ▶ Movable Property

- Property consisting of movable things
- Examples - Camera, Car, Scooter

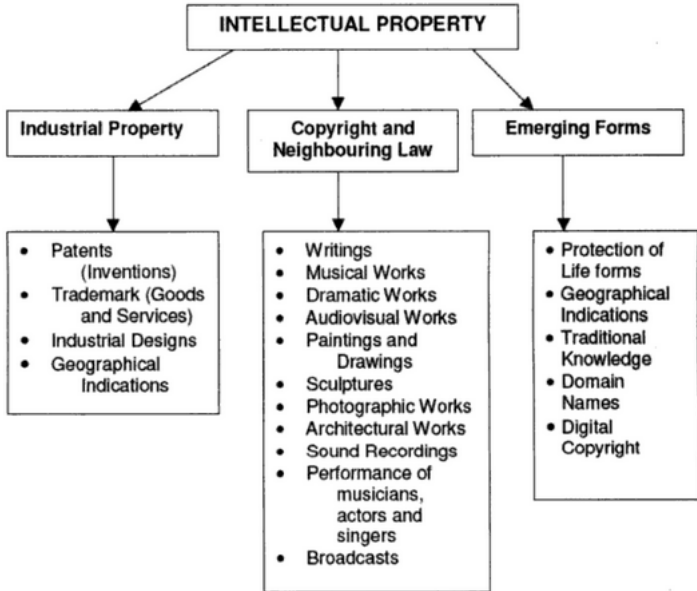
#### ▶ Immovable Property

- Property consisting of permanently fixed things
- Examples - Land, Building

#### ▶ Intellectual Property

- Property which is the creation of the human mind and intellect
- Examples - Inventions, Literary Works, Paintings

# Intellectual Property



# Need for Protecting Intellectual Properties

- ▶ Any property need to be protected from unauthorised use
- ▶ However, protecting intellectual properties have the following advantages
  1. It encourages creation of new, path-breaking inventions, such as cancer cure medicines
  2. It helps inventors, creators and authors to get recognition for their work
  3. It allows the work created by the person to be distributed to the public. The work can be commercialised by owner licensing by which he or she gets incentives for it

# World Intellectual Property Organisation(WIPO)

- ▶ **WIPO** is an international organisation working for promoting the use and protection of intellectual property.
- ▶ It was established in 1967
- ▶ 193 countries are members of it
- ▶ Core Activities
  1. Development of International IP Laws and Standards
    - ▶ **IP Laws** protect intellectual properties
    - ▶ **IP Standards** cover all activities associated with intellectual properties, which can be used as a reference
  2. Delivering Global IP Protection Services
    - ▶ Provides paid services for registering IP
    - ▶ Settles disputes regarding intellectual properties
  3. Encouraging the use of IP for Economic Development
    - ▶ Conducts various programmes to encourage the use of IP in member countries

# Intellectual Property Rights and Development

## - Rationale for Protection

- ▶ **Intellectual Property Rights** are the legal rights acquired by the owner of an IP, that prevents its unauthorised use
- ▶ In a knowledge based economy it is very crucial to the development of a nation
- ▶ Remuneration for creators of IP became economically significant, since cheap, multiple copies of the original work can be made with the advancements in technology

# TRIPS Agreement

- ▶ Trade Related aspects of Intellectual Property rightS (TRIPS)
- ▶ It is an agreement among member nations of World Trade Organisation(WTO) made in 1994 during the Uruguay round of negotiations
- ▶ The objective of this agreement was to ensure efficient and adequate protection of intellectual properties without compromising on legitimate trade between nations



# Patents

- ▶ The term **Patent** is derived from the Latin term **Litterae Patentes** having meaning **open letter**
- ▶ A **Patent** is an exclusive right given to the owner by the government to make, use or sell an invention for a limited period of time, in exchange of full disclosure of his invention
- ▶ Only inventions are patentable
- ▶ An **invention** is something that has never been made before, or the process of creating something that has never been made before
- ▶ The copy of the patent specification is made available to the public
- ▶ The **purpose of this system** is to encourage inventions, which in turn promotes industries and provide better facilities to the public
- ▶ **Patent right is territorial in nature** and a patent obtained in one country cannot be used in another country

# Patentable Invention

- ▶ An invention is **patentable** only if it satisfies the following conditions

1. **Novelty**

It must be new, It was not known to the public before

2. **Inventive Step**

A person skilled in the relevant field cannot easily arrive at the claimed invention based on existing knowledge

3. **Industrially Applicable**

The invention should have application in an industry

## Non-Patentable Invention

- ▶ An invention that causes harm to human, animal, plant life or environment
- ▶ A method of agriculture or horticulture
- ▶ A method of treatment of human or animal
- ▶ The discovery of a scientific principle
- ▶ A mathematical method, a computer program or algorithm
- ▶ A method of playing game
- ▶ A presentation of information
- ▶ A literary, dramatic, musical or artistic work
- ▶ An invention that is a threat to the security of nation
- ▶ An invention relating to atomic energy ( This may be used for producing atomic weapons )

# Types of Patent Applications

## 1 Ordinary Application

- An application submitted in the patent office **that does not claim any priority of a similar application** made in a convention country or under process in the patent office
- **Paris Convention made in 1883** was one of the first intellectual property treaties. **177 countries** are part of it

## 2 Convention Application

- An application submitted in the patent office **that claim priority of a similar application** made in a convention country
- This application should be **filed within 12 months** from the date of first filing a similar application in a convention country

# Types of Patent Applications

## 4 PCT International Application

- PCT (Patent Cooperation Treaty) is an international patent law treaty signed in 1970 by 153 member countries
- PCT International application can be filed at the Indian Patent Office by Indian Citizens for getting patents from several countries
- With a single application you will get a filing date that is valid for all PCT member countries
- Preliminary Examination of the invention is followed next, but patents are granted only by the respective countries in the national phase

## 5 PCT - National Phase Application

- An application submitted in the patent office of the respective country for getting patent, within 31 months after filing PCT International application
- Patents are granted after following the laws and rules in the country

# Types of Patent Applications

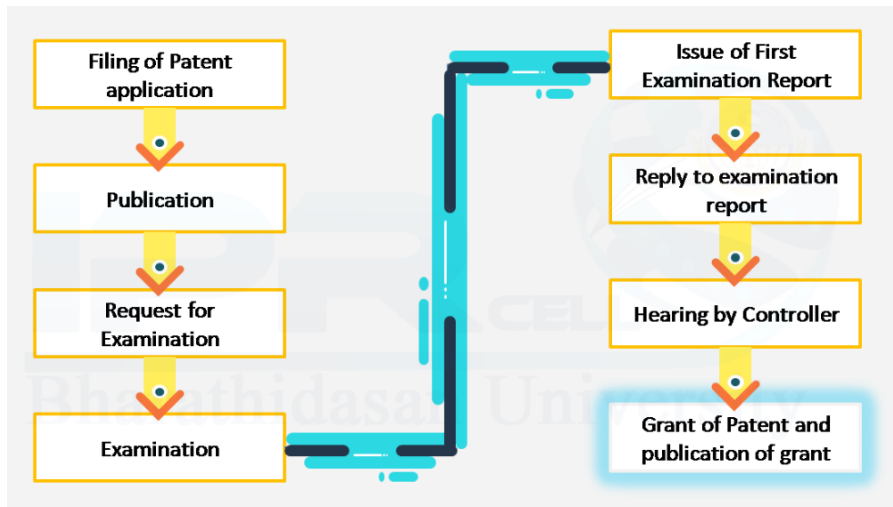
## 5 Application for Patent of Addition

- An application made for an **invention that is a slight modification** of a previous one for which one has already applied
- There is no need to pay separate renewal fee

## 6 Divisional Application

- An application **made out of another application** which consists of more than one invention
- Here the **parent application** is divided into several **divisional applications**
- Here each invention can get a patent

# Patent Registration Process



# Patent Registration Process

## 1. Filing of Application

### Contents

- ▶ Name of the inventors
- ▶ Name of the applicant (if patent is registered in the name of a company)
  - Here **inventors** are employees of the company
- ▶ Address of the inventors / applicant
- ▶ Title of the Invention
- ▶ Provisional or Complete Specification of the Invention
- ▶ Drawings
  
- ▶ A prescribed fee need to be paid



# Patent Registration Process

## 2. Publication

- ▶ Complete Specification of the Invention should be filed **within 12 months** after filing Provisional Specification
- ▶ One can also withdraw an application **within 15 months** of filing the application
- ▶ Applications with complete specification are published in the Patent Office Journal **after 18 months** from the **date of filing** the application or **date of priority** whichever is earlier

# Patent Registration Process

## 3. Request for Examination

- ▶ A separate request for examination of the invention should be filed within a period of **48 months** from the **date of priority** of the application or from the **date of filing** of the application, whichever is earlier.
- ▶ A prescribed fee need to be paid
- ▶ **Failing to do so will lead to the rejection of application**

## 4. Examination

- ▶ The invention is examined

# Patent Registration Process

## 5. Issue of First Examination Report(FER)

- ▶ A First Examination Report stating the objections / requirements is communicated to the applicant **within six months** from the **date of request for examination** or **date of publication** whichever is later
- ## 6. Reply to Examination Report
- ▶ The amended application / complete specification should be submitted **within a period of 12 months** from the date of First Examination Report

# Patent Registration Process

## 7. Hearing by Controller

- ▶ Before a patent is granted, **any one can oppose it** by giving a written representation to the controller
- ▶ This is called **pre-grant opposition**
- ▶ This should be accompanied by **proper evidence** in support of it
- ▶ If requested, **the controller will hear him** and make a decision on the representation

# Patent Registration Process

## 8. Grant of Patent and Publication of Grant

- ▶ When all the requirements of the patent are met, and the opposition is rejected, **the patent is granted**
- ▶ The grant of patent is **published in the patent office journal**
- ▶ Term of every patent in India is **20 years** from the date of filing of patent application
- ▶ A **renewal fee** is to be paid every year to keep the patent in force
- ▶ One can give a **post grant opposition** to a patent
- ▶ Here also, **the controller will hear him** and make a decision on the opposition

# Types of Patent Documents

## 1. Provisional Specification

- It is a **short description** of the invention
- It is made before the full details of the invention are developed
- It is usually filed to establish **priority of the invention**
- However, filing **it is not mandatory**

## 2. Complete Specification

- It contains **full details** of the invention
- Title of the invention
- Field of the invention
- Background of the invention ( drawbacks of similar inventions )
- Complete description of the invention along with experimental results
- Drawings
- Claims related to legal ownership of the invention

## Module 2

### Trademarks - Introduction

- ▶ A **trademark** is a unique mark made up of names, symbols, signs etc. that distinguishes the products or services of one enterprise from its competitors



# Trademarks - Introduction

## ► Different Kinds of Trademarks

1. Service Mark
2. Collective Mark
3. Certification Mark
4. Trade Dress



# Trademarks - Introduction

## 1. Service Mark

- ▶ A **service mark** is a unique mark made up of names, symbols, signs etc. that distinguishes the services of one enterprise from its competitors

**campuslogic**<sup>SM</sup>

**FedEx**



**Granite**<sup>SM</sup>  
Trademark Services

**UNITED  
AIRLINES** 

# Trademarks - Introduction

## 2. Collective Mark

- ▶ A **collective mark** is used by members of a collective group to identify source of the goods or services
- ▶ It indicates that the seller is part of a defined group



## Trademarks - Introduction

### 3. Certification Mark

- ▶ A **certification mark** is a mark which indicates that certain qualities of goods or services in connection with which the mark are used is certified



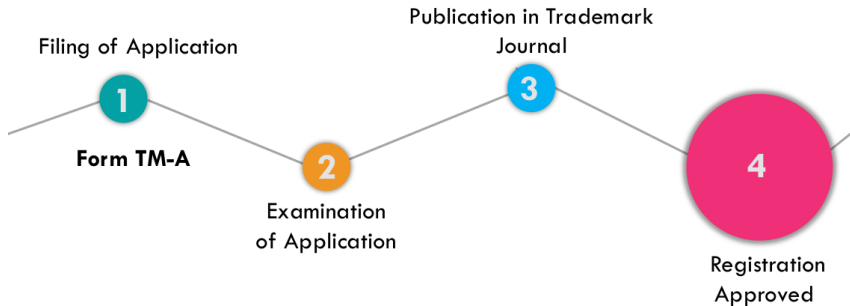
# Trademarks - Introduction

## 4. Trade Dress

- ▶ A **trade dress** covers all elements that make up the overall image of a product or service.
- ▶ This includes the color, shape, size, packaging etc of a product.



# Trademark Registration Process



# Trademark Registration Process

0. Choose a trademark for your product or service, make sure that it is unique by carrying out a public search on the trademarks database available at <https://ipindia.gov.in>
1. File the application in form TM-A either online through the above website or physically at the regional trademark office ( For Kerala, the regional office is at Chennai )
2. The Trademark Authority will examine the application and issue a report within 1 month of filing the application; The report can contain some objections which the applicant has to correct within 1 month of issuing the report
3. After accepting the application, the trademark is published in the trademark journal for a period of 4 months; The aim is to allow the public to give an opposition (if any) for the trademark
4. If there is no opposition, the trademark is registered which will be valid for a period of 10 years, after which it need to be renewed

# Requirements for Filing Trademark Application

- ▶ Name and address of the applicant / company
- ▶ Specification of the goods / services to which trademark is applicable
- ▶ Twenty labels (prints) of your trademark logo ( If trademark is a word, it is not necessary )
- ▶ Translation of any non-English word is must
- ▶ Date of first use of your trademark, if mark is already in use
- ▶ **Non Registerable Trademarks**
- ▶ A mark that deceives or causes confusion in public
- ▶ A mark containing scandalous or obscene matter
- ▶ A mark that hurts religious sentiments

# Trademark Infringement

- ▶ It occurs when one party uses a trademark that is **identical or confusingly similar** to a trademark owned by another party, for similar products / services
- ▶ **Cases of infringement**
- ▶ One party was using the trademark **like-me** for products similar to the trademark **lakme**
- ▶ Another party was using the trademark **COLLEGIATE** for products similar to the trademark **COLGATE**
- ▶ These words are also phonetically similar



# Protection of Trademarks

► Trademark rights are protected through

## 1. Registration

Registered trademarks are protected by law

## 2. Maintenance

Trademark is maintained by continuous use and renewal of registration

## 3. Watching

- It is the process of monitoring identical or deceptively similar trademarks
- Many companies provide watch services

## 4. Enforcement

- It is the process of taking action against trademark infringement
- Before filing the lawsuit, the adverse user who does infringement can be approached for withdrawing his trademark

## Copyright - Introduction

- ▶ **Copyright** is an intellectual property right granted to the creators of original literary, dramatic, musical or artistic works, cinematographic films and sound recordings
- ▶ **The Copyright Act, 1957** governs the copyright law in India
- ▶ It protects the creator of the original work from the unauthorised reproduction or exploitation of their materials
- ▶ **Copyright** protection commences the moment a work is created, and its **registration is optional**
- ▶ However, it is always **advisable to obtain a registration** for better protection
- ▶ Copyright law protects expressions of ideas rather than the ideas themselves
- ▶ For example, several authors write books on the same subject, these books may contain similar content, and each author can have copyright on books written by him / her

# Rights conferred by copyright

- ▶ The Right to Reproduce the Work

This is the right to reproduce or copy the work in any form

Example - Selling multiple copies of a book

- ▶ The Right to Derivative Works

This is the right to modify the work to create a new work

Example - Remixing of a song

- ▶ The Right to Distribution

This is the right to distribute the work to the public by sale, rental, lease or lending

Example - Selling Audio/Video CD/DVD

- ▶ The Public Display Right

This is the right to show a copy of the work directly to the public by hanging up a copy of the work in a public place, displaying it on a website, putting it on film or transmitting it to the public in any other way

Example - Displaying a painting

# Rights conferred by copyright

- ▶ The Public Performance Right

This is the right to recite, play, dance, act or show the work at a public place or to transmit it to the public

Example - Playing drama in front of the public

- ▶ Economic Right

This is the right to derive financial reward from the use of their works by others

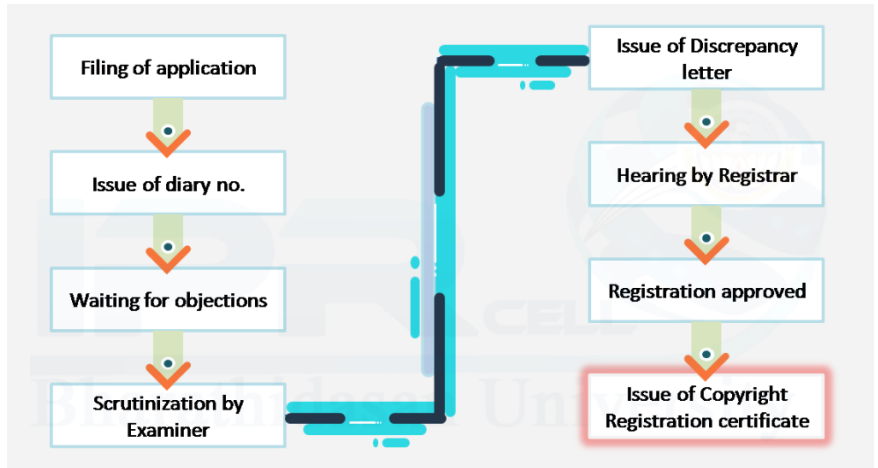
Example - Royalty received by book authors from publishers

- ▶ Moral Right

This is the right to preserve their link with the work

Example - Claiming authorship of a book

# Copyright Registration Process



# Copyright Registration Process

1. File the application on Form XIV accompanied by the required fee to The Copyright Office, New Delhi
2. The diary number is generated
3. Wait for objections for a period of 30 days. The objection may or may not be filed within this period
4. The application form will be scrutinised by the examiner
5. If there is any discrepancy in the application, a discrepancy letter will be issued, which the applicant has to resolve
6. If an objection is filed, Registrar will hear the matter from both the parties
7. If the objection is rejected, Registration is approved
8. Copyright registration certificate is issued

# Ownership of Copyrights

- ▶ "Owner" means
- ▶ In relation to a literary or dramatic work, the author of the work
- ▶ In relation to a musical work, the composer
- ▶ In relation to an artistic work other than a photograph, the artist
- ▶ In relation to a photograph, the person taking the photograph
- ▶ In relation to a cinematographic film or sound recording, the producer
- ▶ In relation to a literary, dramatic, musical or artistic work, which is computer generated, the person who creates the work

# Term of Protection of Copyrights

- ▶ **Literary, dramatic, musical or artistic works** - lifetime of the author and 60 years from the year in which the author dies
- ▶ **Cinematographic films, photographs, sound recording** - 60 years from the end of the year in which the work is made available to the public
- ▶ **Anonymous work** - 60 years from the end of the year in which the work was first published



# Transfer of Copyrights

- ▶ It can be done in the following manner
- 1. For the entire world or for a specific country or territory
- 2. For the full term of copyright or part thereof
- 3. All rights of copyright or only part of such rights

# Copyright Infringement

- ▶ **Copyright infringement** occurs when someone other than the copyright holder copies the expression of a work
- ▶ It can occur even if someone does not copy a work exactly
- ▶ **Example** - In music and art, substantially similar works are also violations of copyright
- ▶ There is a provision of **fair use** in the law, using which copyrighted work can be used for **teaching, research and development**
- ▶ **Example** - Taking one photocopy of a book for teaching is not an infringement, but taking many photocopies for commercial use will be an infringement

# Databases and Copyright

- ▶ The term **database** constitute data stored in world wide web, CDs/DVDs, multimedia products, networks etc.
- 1. **Protection of databases through contracts**  
It permits the user to use the database under license from the database owner on payment of a fee, based on usage
- 2. **Protection of databases through copyright laws**  
It varies from one country to another

# Software Copyright - Introduction

- ▶ **Software Copyright** is the application of copyright law to computer software
- ▶ It is used by software developers and proprietary software companies to prevent the unauthorised copying of their software
- ▶ In **1983**, traditional copyright law was amended to include computer software
- ▶ In India, copyright period for software is **60 years after author's death** (If owner is company, **60 years after release**)
- ▶ The copyright office regards computer software as **literary works**

# Need of Software Copyright

- ▶ **Software Copyright** Registration is not mandatory
- ▶ However, it will be useful while filing a lawsuit against infringement
- ▶ Moreover, the owner of the software will get the following rights
  1. Right to reproduce the software in any form  
**Example - Store in CD/DVD, USB, Website**
  2. Right to sell copies to the public
  3. Right to make and sell text / audio / video guide about the software
  4. Right to translate the software  
**Example - Make an educational software in different languages**
  5. Right to adapt the software  
**Example - Make the same educational software in another programming language**

# Classification of software according to copyright

## 1. Commercial

- A computer software that is produced for sale

## 2. Shareware

- A trial version of the commercial software that is shared with limited functionality and incomplete documentation
- This can be upgraded on payment

## 3. Freeware

- A software that is distributed free of cost
- One cannot sell it as [commercial](#) or [shareware](#) software

## 4. Public Domain

- A software that is released without claiming ownership
- After copyright period expires, all software comes into public domain

# Software Auditing

- ▶ A **software audit** is an internal or external review of a software to check its quality, license terms and adherence to standards
- ▶ **Software quality** is the capability of a software product to conform to requirements
- ▶ A **software license** is a legal instrument governing the use or redistribution of software
- ▶ **Examples** - Free Software Licence, Proprietary Software Licence
- ▶ **Software standards** are common guidelines followed while developing the software, which enable interoperability between various programs
- ▶ **Examples** - HTML, SQL

# Copyright Notice

- ▶ A **copyright notice** could be placed on the title page of program's documentation and user sign in window
- ▶ It consists of the following
  1. The symbol © or the word *copyright*
  2. The year of first publication
  3. The copyright owners name
- ▶ **Example** - © 2000 Nasscom
- ▶ Use of copyright notice is optional



# Transfer of Software Copyrights

- ▶ It can be done in the following manner
  1. For the entire **world** or for a specific **country** or **territory**
  2. For the **full term** of copyright or **part** thereof
  3. **All rights** of copyright or only **part** of such rights
- ▶ There is no special form for transfer of software copyright
- ▶ The details are to be recorded while registering copyright at **serial no 11 of statement of particulars**

# Module 3

## Industrial Designs : Introduction

- ▶ The external design of a product plays a key role in the market acceptability of a product
- ▶ Examples - Car, Television, Computer, Smart Phone, Furniture
- ▶ Products having similar features and price tags are chosen by the customers based on their visual design
- ▶ **Industrial Design** is an intellectual property that refers to the visual design of a product manufactured by the industry

# Need for Protection of Design

- ▶ It prevents **unauthorised copying** or **imitation** of the design by others
- ▶ It increases the **commercial value** of a product
- ▶ It encourages **creativity** in manufacturing products
- ▶ It increases interest in **innovating** more designs
- ▶ A protected design may be **licensed ( or sold )** to others for fee

# Requirements of Registration of Design

- ▶ The design should be **original**; It should not be used in any country before the date of application of registration
- ▶ The design should relate to articles that can be manufactured by any **industrial process**
  - Designs of artistic nature like paintings, sculptures which are not produced in bulk are excluded from registration
- ▶ The design should be **significantly distinguishable** from known designs
- ▶ The design should not contain **scandalous** or **obscene** matter

# Designs Act 2000

- ▶ The first indian legislature to grant protection to industrial designs was the [Patent and Designs Act 1872](#)
- ▶ It was further amended in 1888
- ▶ A new act called [Patents and Designs Act](#) was established in [1911](#)
- ▶ It was amended in 1930
- ▶ A separate [Patent Act](#) was created in 1970 for dealing with patents
- ▶ [Designs Act 2000](#) presently protects industrial designs in India

# Registration Procedure

## 1. Filing an Application

- The application is filed in **form 1** either at the **design wing of the patent office** in Kolkata or at the **branch offices** in Delhi, Mumbai or Chennai
- It is to be accompanied by **photographs, drawings or sketches** of the design
- The application filed at the branch offices are transferred to the head office

## 2. Examination

- The application is examined at the head office

## 3. Notification of Objections

- The applicant need to resubmit the application within **6 months** from the original date of application, if there are any defects

## 4. Registration and Publication

- The corrected application is accepted, the **registration certificate** is issued, and the registration is published in the **patent office's journal**

# Duration of The Registration of Design

- ▶ The term of protection of a registered design is 10 years
- ▶ It can be renewed for a further period of 5 years by paying the renewal fees
- ▶ The renewal application is filed in form 3 before the completion of 10 years

# Geographical Indications ( GI ) - Introduction

- ▶ It is an indication used to identify agricultural, natural or manufactured goods
- ▶ It originates from a specific geographic territory
- ▶ It should have specific quality, reputation or characteristics
- ▶ Examples
  - ▶ Palakkadan Matta Rice, Aranmula Kannadi, Kuthampully Saree
  - ▶ Kancheepuram Silk Saree, Basmati Rice, Nagpur Orange
  - ▶ Georgian Wine, Thai Silk, Swiss Watch



# Registration Procedure

## 1. Filing an Application

- The application is filed along with **statement of case** describing uniqueness of product, history proof etc.
- A **map of the region** should be enclosed
- The application is filed to **Geographical Indication Registry, Chennai**

## 2. Examination

- The application is examined at the office

## 3. Notification of Objections

- The applicant need to resubmit the application within **2 months** from the original date of application, if there are any defects

## 4. Publication and Registration

- The corrected application is published in the **GI journal**
- If there is no opposition for **4 months**, the Geographical Indication is registered and a certificate is issued, which will be valid for **10 years** and can be renewed after that

# Protection of Geographical Indications

- ▶ Registered GIs are **legally protected**
- ▶ It **prevents the unauthorised use** of the product by others
- ▶ It boosts the **export of products**, since GI conveys an assurance of quality and distinctiveness
- ▶ It ensures **economic prosperity** of producers of goods coming from a particular geographical region
- ▶ If there is an infringement on a GI, **compensation can be claimed**

# Trade Secret

- ▶ **Trade Secret** is a confidential business information that gives a competitive edge to an enterprise
- ▶ Examples
  - ▶ R&D Information
  - ▶ Software Algorithms
  - ▶ Formulas for production
  - ▶ Business Strategies

# Discovering and Protecting Trade Secret

- ▶ Trade Secret of a company can be discovered using lawful methods such as **reverse engineering**, or using unlawful methods such as **industrial espionage**
- ▶ **Reverse Engineering** is the process of studying the parts of a product or something to discover how it was made, to make something similar
- ▶ **Industrial Espionage** is the practice of obtaining confidential information through spying, for commercial or economic gain
- ▶ There is **no specific law** for protecting trade secret in India
- ▶ However, it can be protected using other laws such as **copyright law, IT Act 2000** etc.

## Module 4

# Cyber Law

- ▶ Cyber Law is a legal system designed to deal with computing and internet
- ▶ These laws regulate how people use computers and internet
- ▶ They are paper laws for the paperless world
- ▶ It covers various aspects such as contracts, intellectual property, jurisdiction, data protection, privacy and freedom of expression

# Need for Cyber Laws

- ▶ In the modern era, our society cannot function smoothly without computers and internet
- ▶ Also there is **no territorial limit** regarding the use of internet
- ▶ This has led to various cyber criminal activities such as **Hacking, Cheating, Copyright Violations, Pornography, Fraudulent Electronic Transactions, CyberTerrorism** etc.
- ▶ Special laws are needed to cover these crimes

# Historical Perspective

- ▶ The UN incorporated the **Model Law on Electronic Commerce** into International Trade Law in 1996
- ▶ Each country has its own cyber laws for regulating the use of computers and internet
- ▶ In India, it is governed by the **IT Act 2000**
- ▶ A major amendment was made to this act in 2008 to deal with **pornography** and **cyber terrorism**

# Cyber Space

- ▶ It refers to the virtual computer world
- ▶ **Internet** is a large global network of computers
- ▶ **Cyberspace** is the virtual world created by the existence of the internet
- ▶ **Cyberspace** is a symbolic space that exists within the scope of internet
- ▶ **Internet** is a physical thing while **Cyberspace** is a virtual concept



# Deception by Squatting in Cyberspace

- ▶ **Cybersquatting** is registering, selling or using a domain name with the intent of profiting from the goodwill of someone else's trademark.
- ▶ Case 1 - **Microsoft** v **MikeRoweSoft**
- ▶ A Canadian Student, Mike Rowe registered the domain name **MikeRoweSoft.com** in 2003 that resembles phonetically with **Microsoft.com**
- ▶ This led to a legal dispute between them which was settled after transferring the ownership of **MikeRoweSoft.com** to **Microsoft** in exchange of compensation
- ▶ Case 2 - **Nissan Motors** v **Nissan Computer**
- ▶ A legal dispute between 2 companies over the use of the domain name **nissan.com**

# Protection of Copyright in Cyberspace

- ▶ A software on the internet can be created online or offline
- ▶ A software on the internet is transmitted online
- ▶ An internet user can use it online or offline
- ▶ All kinds of software viz. **commercial software, shareware, freeware and public domain software** are equally protected by copyright law
- ▶ However, the law is more relevant for commercial software where large scale piracy exists

# Infringement of Copyright in Cyberspace

## 1. Publishing a copyrighted work without authorisation

## 2. Linking or Hyperlinking

- ▶ It refers to access the content of one website from another using a hyperlink
- ▶ If linking is done without getting consent from a website it is a copyright infringement

## 3. Framing

- ▶ It refers to access the content of one website from another using a frame
- ▶ Here the contents of the target website are displayed within the frame inside the window of the initiating website called the [framing site](#)
- ▶ The user may not know that the content of the frame is from another site

# Liabilities of ISP in Cyberspace

- ▶ The function of an Internet Service Provider(ISP) is to provide internet service in the form of web pages, text, audio, video etc.
- ▶ Internet users may be involved in various crime activities in the cyber world
- ▶ An ISP is not responsible for the actions performed by the users of the internet
- ▶ They do not have any legal liability regarding the cyber crimes committed

# Cyberspace and Protection of Patents in India

- ▶ Pure software patents are not given in India
- ▶ Computer programs, however sophisticated they are, cannot be patented
- ▶ But a novel software in combination with a novel hardware, having industrial application can be patented in India
- ▶ Example
- ▶ Apple has obtained patent for the invention titled 'Unlocking A Device By Performing Gestures On An Unlock Image'

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