

Unit-3

RESPONSIBILITY AND RIGHTS

In this Unit, one will learn about:

1. Collegiality and Loyalty
2. Authority, Collective bargaining
3. Confidentiality
4. Conflicts of Interest
5. Professional rights and Employee rights

COLLEGIALITY

- Tendency to support and cooperate with the colleagues.
- Virtue essential for the team work to be effective
- It has following aspects:
 - Respect to the ideas and work for others
 - Commitment to moral principles
 - connectedness
- 1. Respect to the ideas and work of others: This results in support and co-operation with one's colleagues. One gets back the support and cooperation in return, and this is mutually beneficial.
- 2. Commitment to moral principles: Commitment is towards moral decisions, actions, and goals of the organization and values of the profession.

- 3. Connectedness: It means the shared commitment and mutual understanding. It ensures the absence of egoism and paves the way for progress for both.

Loyalty

- Loyalty is more than 'obligation' or 'duty'. Obligation and duty are more formal responsibility oriented. Their base is legal and positional.
- By contrast, loyalty is more a function of attitudes, emotions and a sense of identity.
- People may hate the job that they do and not like the employer, but they would still perform their duty as long as they are employees.

It is exhibited in two senses:

- AGENCY LOYALTY: Obligation to fulfill his/her contractual duties to the employer. It consists of several obligations like safety, health and welfare of the public.
- ATTITUDE LOYALTY: It is concerned with the attitudes, emotions, and a sense of personal identity. It is the willingness to meet moral duties, with attachment, conviction, and trust with employer.

Attitude Loyalty (or Identification loyalty)

- This type of loyalty is all right when the organizations work for productivity or development of community.

AUTHORITY

Decisions can be taken by a few people, but putting into action requires larger participation from different groups of people, such as operation, purchase, sales, accounts, maintenance, finance etc.

In effectively-and efficiently-transferring decisions to actions, the authority comes into play a great role.

Authority relationships between employers and employees are normally necessary for avoiding the negative effects.

Two types of Authority are exercised:

- **INSTITUTIONAL AUTHORITY:**
 - Authority exercised within the organization
 - Right given to the employees to exercise power, to complete the task and force them achieve their goals.
- **EXPERT AUTHORITY:**
 - The possession of special knowledge, skills and competence to perform a job thoroughly (expertise)
 - It is a staff function

Institutional Authority

- Duties such as resource allocation, policy dissemination, recommendation, supervision, issue orders (empower) or directions on sub-ordinates are vested to institutional authority

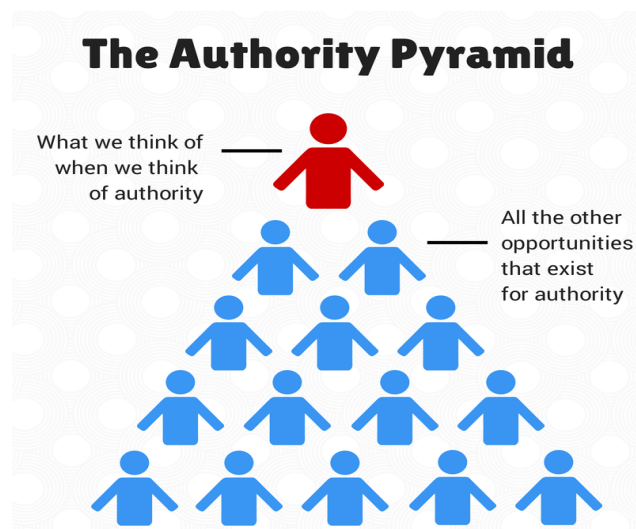
- e.g., Line Managers and Project Managers have the institutional duty to make sure that the products/projects are completed successfully.
- The characteristics features of institutional authority are that they allocate money and other resources and have liberty in execution.

Expert Authority

On the other hand, the Expert Authority is

- (a) the possession of special knowledge, skills and competence to perform a job thoroughly (expertise),
- (b) the advice on jobs, and
- (c) is a staff functions.
- It is also known as 'authority of leadership'. These experts direct others in effective manner, e.g., advisers, experts, and consultants are engaged in an organization for a specific term.

The Authority Pyramid can be depicted as:



COLLECTIVE BARGAINING

It is the bargain by the union for improving the economic interest of the work members. The process includes negotiation, threatening verbally, and declaration of 'strike'.

- Collective bargaining is inconsistent with loyalty to employers because it
 - is against the desires of the employer
 - uses force or coercion against the employer and
 - Involves collective and organized opposition
- It is the process which is used by companies to solve interpersonal problems between them and their employees. There are legal provisions for this system.
- It adopts a negotiation process.
- An employer and his employees comes together and sign an agreement which is honored by both the parties.
- Some guidelines for the negotiation process:
 - Attack problems not people
 - Build Trust
 - Start with a discussion and analysis of the interests, concerns, needs and whys of each party. Begin with interests, not positions or solutions.

- Listen
- Brainstorm; suggesting an idea does not mean one agrees with it, develop multiple options.
- Use objective criteria whenever possible. Agree on how something can be measured.

Benefits of Collective Bargaining:

- a) Unions have created healthy salaries and high standard of living of employees.
- b) They give a sense of participation in company decision making.
- c) They are a good balance to the power of employers to fire employees at will.
- d) They provide an effective grievance redressal procedure for employee complaints.

Harms Caused by Collective Bargaining:

- a) Unions are devastating the economy of a country, being a main source of inflation
- b) With unions, there is no congenial (friendly), cooperative decision making.
- c) Unions do not promote quality performance by making job promotion and retention based on seniority.
- d) They encourage unrest and strained relations between employees and employers.

Stages of Collective Bargaining

Collective bargaining is a dispute redressal mechanism where workers and employers engage in a series of negotiations, and diplomatic and political maneuvers, to effect a collective agreement to resolve the dispute. The scope of the agreement usually relates to terms and conditions of employment, and clarification on rights and responsibilities of workers.

The International Labor Organization lists eight recommended stages of the collective bargaining process: preparing, arguing, signaling, proposing, packaging, bargaining, closing, and agreeing.

Stage 1: Preparing

The first stage of collective bargaining is organizing a group to represent the workers. If a trade union exists, then such unions usually take up the role of representing the workers. Otherwise the group is elected.

The group representing workers prepares a list of proposals relating to the issues under dispute, usually related to compensation and working conditions. A pattern of benefits, conditions, rules, and regulations usually exists, and the worker's proposal aims at highlighting the need for improvements and changes to such work conditions. Such a proposal becomes the basis for the negotiations that follow.

The process of the group of workers framing such a proposal by reconciling the viewpoints of each individual worker is very often tedious and difficult, and takes place through discussions. The meeting ends in consensus, the group leaders taking the majority opinion, or the group leaders adhering to the dominant viewpoint.

The best proposals are ones prepared considering various factors such as internal conditions of the company, the company's financials, the external environment, and other factors, for the management would invariably counter-argue on such factors.

Stage 2: Arguing

The second stage of collective bargaining is the group representing the workers arguing and substantiating their proposals, and the management counter-arguing, trying to refute the worker's claims and contentions. The negotiators of both sides use relevant data such as financial figures, precedents, benchmarks, analogies, and other methods, and various methods such as use of logic, appealing to emotions, pleadings, and other techniques to substantiate their point of view.

Stage 3: Signaling

Sending signals across to the other party, through subtle messages, change of tone, body language, and other cues reveal to the other side that the proposal under discussion will meet with little resistance, can be accepted with modifications, or have a low chance of acceptance. Signaling thereby reveals the resistance point to the other party without making it explicit.

Failure to send signals leads to both sides sticking to their positions, causing impasse and a breakdown of negotiation and the dispute escalating to the next level of industrial action.

Stage 4: Proposal

One of the important stages of collective bargaining negotiations is one side making a proposal in a bid to end the argument and reach a settlement. Such proposals are reconciliation of arguments made by either side, based on the signals received.

Stage 5: Packaging

Good negotiators package proposals. Packaging involves making concessions, but placing items that remain too tempting to resist along with some compromises required from the other side, with the condition that the proposal comes as a whole and is not breakable. The other side makes counter-packages.

Stage 6: Bargaining

The packages put forth by either side identify a common ground, or a core that facilitates settlement between the two parties to the dispute. The collective bargaining process, however, continues with each side trying to dilute the other's package by a counter package, each time saying that this is "last and final" concession they will make.

This session usually involves off the record conversations, some joint exercises to resolve a deadlock, and very often culminate in a marathon round of lengthy and hectic discussions to resolve last minute glitches before both sides finally reach a settlement.

Stage 7: Closing

Closing is the final step in the collective bargaining process. Closing denotes settlement time, or the time negotiation ends. The negotiators walk back over the negotiations and summarize all positions, noting down agreements reached, issues withdrawn, and issued deferred, and clear ambiguities.

Selecting the right time to close depends on the skill of the negotiator. Closing too early may lead to the negotiator's side losing out on further concessions that the other party may be willing to make, and closing too late may lead to some strategic advantage or position of mutual ground being lost. The prevailing mood of the workers and the economic climate greatly influences the closing time as well.

Stage 8: Agreeing

The final stage of the collective bargaining process is agreeing, or vetting the draft collective bargaining agreement. Discussions in this stage center on date for implementation of the settlement, such as date of payment for revised wages and introduction of new benefits, and other considerations. The process, however, does not end until the principals, that are the owner or stakeholder of the company and the rank and file workforce accept and ratify the agreement struck by the negotiators.

Adhering to the recommended stages of collective bargaining facilitate smooth negotiations and go a long way in effecting a win-win settlement.

CONFIDENTIALITY

Keeping Confidence is one of the most central and widely acknowledged duties of any professional.

Keeping the information on the employer and clients, as secrets. It is one of the important aspects of team work.

In case of Engineers, designs and drawings, process charts etc are kept confidential. In case of a IT Professional Design and layout of projects, SRS documents are kept secret.

MORAL PRINCIPLES THAT JUSTIFY CONFIDENTIALITY

- Respect for autonomy
- Respect for promises
- Trustworthiness
- Respect for public welfare
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CONFIDENTIAL INFORMATION

- Confidentiality is the protection of personal information. Confidentiality means keeping a client's information between you and the client, and not telling others including co-workers, friends, family, etc.
- For example, Texas Instruments provide guidance to its engineers to deal with moral and ethical dilemmas through its web site: <https://onlineethics.org>

TYPES OF CONFIDENTIAL INFORMATION


- Privileged information
 - It is information that is availability and accessed, by virtue of a privilege, i.e., privilege being employed on that assignment.
- Proprietary information
 - It is the information owned by the organization. It is the knowledge and procedures by and in the organisation.

CONFLICT OF INTEREST


- It occurs when employee has more than one interest.
- Professional conflict of interest is the situation where the professional has an interest that, if pursued, might prevent him from meeting his obligations to his employers or clients.

What is Conflict of Interest?

Examples:



NEPOTISM
Giving favors to relatives and close friends.



SELF-DEALING
When someone acts in their own interest rather than the interest of the organization.


When it is Illegal:



PUBLIC SECTOR


- Judges must recuse themselves if there is a relationship with one of the parties in a case.
- If the legislator attempts to profit from knowledge, this is an example of insider trading.

PRIVATE BUSINESSES



If a company has proof that a board member profited from their role on the board, the board member can be taken to court.

BOARD MEMBER

 the balance

Situations that may generate a conflict of interest can arise out of:

- Personal relationships with students, either current or previous
- Personal relationships with other employees, either current or previous
- Personal or commercial relationships with persons with whom the University is dealing, for example contractors or tenderers
- personal financial interests in matters which involve the University
- outside employment that may compromise the integrity of the University
- use of confidential information obtained in the course of University duties
- external activities and public comment, eg nominating for and contesting political elections
- Simultaneously being an employee and a student where one role may conflict with another, eg access to StudyDesk areas.

In general, Conflicts of interest arises due to

- Financial Investments
- Insider Trading
- Bribe
- Gifts and
- Kickbacks

Conflict of Interest - Examples

- **Overreaching or Fraud**
 - Example: Making a profit at expense of client
- **Witness**
 - Example: Representing a client when you may be a witness
- **Financial interest in the case**
 - Example: Being financially involved in the litigation of the client
- **Gifts**
 - Example: Accepting more than nominal value
- **Intimate Relationship**
 - Dating current and probably former client

TYPES OF CONFLICT OF INTEREST

- Actual conflict of interest
- Apparent conflict of interest
- Potential conflict of interest
 - Favourable contract
 - Moonlighting
 - Insider information

OCCUPATIONAL CRIME

- An occupational crime may be committed by,
 - Wrong action of a person through one's lawful employment
 - Crime by an employee to promote ones own or employer's interest
 - Theft by the employee
 - Damage to property or an employee of one's organization

Four types of Occupation Crime

1. Organizational
2. State-based authority
3. Professionals
4. Individuals

Rights of Engineers

Rights, duties and responsibilities go together.

It is difficult to isolate these three fundamental things.

An engineer has human rights by virtue being a human or moral agent.

He has professional rights by virtue of being professional having special moral responsibilities.

He has employee rights which includes right to receive a salary of certain amount, the right to perform contractual and non-contractual activities.

PROFESSIONAL RIGHTS

The rights that engineers have as professionals are called Professional Rights. These professional rights include –

- The basic right of professional conscience.
- The right of conscientious refusal.
- The right of professional recognition.

The following provisions are protected under professional rights

- Right to form and express professional judgement
- Right to refuse to participate in unethical activities
- Right to fair recognition and to receive remuneration for professional services
- Right to warn the public about danger
- Right to talk publically about the job
- Right to engage in the activities of professional societies

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Employee rights:

- **Employee rights are the moral** and legal rights that are obtained by the status of being an employee. The provisions made to the employees under this category are:
 - (i) Professional rights
 - (ii) Basic human rights
 - (iii) Contractual rights: This includes the rights to the institution due to the organizational policies or contracts, right to receive specified salary and annual increments and profit sharing. The quantum of such benefits, scale of pay etc. are fixed and reviewed periodically by the employers and employees.
 - (iv) Non-contractual employee rights: These are the rights provided in common besides the contractual ones. They include:

1) Right to Privacy

- **It** is the right to control the access to and use of information about oneself. This right is limited in certain situations by employer's rights. But who among the employers can access the personal information is again restricted. Only duly authorized persons can get the personal information.

Example, (a) persons who have applied for the cashier are required to report if there are any criminal or civil cases pending against them. Those persons may mishandle the money. Hence, that information may be sought from them.

2. Right to choose outside activities:

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- This is also interpreted as a right to personal privacy a means a right to have a private life outside the job. There are some situations when these Rights can be curbed. For example.
- 1. When those activities lead to violation or found detrimental to the duties of their job.
- 2. When the activities of the employees form a conflict or interest (e.g., when moonlighting).
- 3. When the interest of the employer is getting damaged (if the employee transfers some vital information on plans or strategies to the competitor).

3. Right to Due Process from Employer

- It is the right to fair process or procedures in firing, demotion and in taking any disciplinary actions against the employees. Written explanation should be initially obtained from the charged employee and the orders are given in writing, with clearly-stated reasons. Simple appeal procedures should be framed and made

available to all those affected. Fairness here is specified in terms of the process rather than the outcomes.

4. Right to Equal Opportunity—Non-discrimination

- Discrimination because of caste, sex, religion, creed, and language are regressive actions. Discrimination which means a morally unjust treatment of people in the workplace is damaging to the human dignity.
- **For example,**
- (a) A senior manager post is vacant. There is competent and proven candidate from outside the state. A local engineer with lesser competence is promoted.
- (b) Prize amounts for the winners in the world sport events are not the same for men and women.

5. Right to Equal Opportunity—Sexual Harassment in the Workplace

- The sexual harassment is a display of arrogance and misuse of power through sexual means. It is against the moral autonomy i.e., freedom to decide on one's own body. It is also an assault on one's human dignity and trust.
- Sexual harassment may be defined as the unwanted compulsion or attack on sexual requirements (gratification) in the context of unequal power. It includes physical as well as psychological attack

or coercion and indecent gestures by men shown on women or by women on men. Two such forms of harassment are found to exist. In one type called 'exchange of favors', senior officers demand sexual favor as a condition for giving a job, or granting a promotion or increment. It may be either in the form of a physical or verbal threat or sexual offer. In another type called 'hostile work environment', it is the sexually-oriented work environment that threatens the employee's right to equal opportunity.

- Undesirable sexual proposals, advances, lewd remarks, mailing obscene photographs are some of the typical examples of this type of harassment.

A rights ethicist interprets this as a serious violation of human right to pursue one's job free from extraneous force, compulsion, punishment or threat or insult. A duty ethicist would call it as a blatant violation of duty to treat human being with dignity and individual freedom, and not to treat as inanimate object for immoral gratifications. The utilitarian would expose the effect on the happiness and the welfare of the victims, especially of women.

6. Right to Equal Opportunity—Affirmative Action or Preferential Treatment

- It means giving a preference or advantage to a person of a group that was denied equal treatment in the past. Such treatments are

given especially to women and minorities all over the world. It is also called 'reverse preferential treatment', because it reverses the historical preferences.

DISCRIMINATION

- It is a morally unjust treatment of people in the workplace is damaging to human dignity.
- Discrimination because of caste, sex, religion, creed, and language are regressive actions.

Understanding Discrimination

- Discrimination is a sociological term referring to treatment taken toward or against an individual of a certain group.
- In other words, discrimination is an actual behavior. Systemic discrimination involves a pattern of policies or practices within an organization which create disadvantages for the affected person or group.
- Discrimination can negatively impact society by leading to oppressive systems in which certain groups are treated unfairly and disempowered, practices that can result in aggression and other problems that affect the community as a whole.

Examples of discrimination include excluding women from male-dominated careers and using age discrimination in hiring practices. Some discrimination, such as extending rights and benefits only to certain groups, is blatant, while other forms are more subtle. The experience of subtle discrimination may include being ignored, ridiculed, or treated differently. For example, a clerk in a clothing store who allows white customers to roam the store freely without suspicion but follows black customers around the store to make sure that they do not steal anything would be committing subtle discrimination.

Types of Discrimination in the Workplace

Discrimination is prejudicial treatment toward a person because of a group they are a part of. While laws are in place to prevent discrimination in the workplace, many people still find themselves being discriminated against at work every day. Recognizing the types of workplace discrimination will enable you to identify discrimination when it occurs -- whether you, a coworker or another employee is the victim.

1) Discrimination Based on Race or Ethnicity

Discrimination based on race or country of origin is prohibited by law, but that does not mean the practice does not exist. People may

experience racial discrimination in the form of harassment around the work place -- for example, being called racial slurs or having derogatory remarks made toward them regarding their skin color or ethnic background.

Other forms of racial or ethnic discrimination are not as obvious, and may include preferential or negative treatment, being passed up for a promotion or being paid at a different rate because of race or ethnicity. Employers are not allowed to enact policies or rules that favor or discriminate against employees that belong to a specific race or ethnic group. Companies also may not discriminate against job applicants because of their race or ethnicity.

2) Discrimination Based on Sex

As with racial and ethnic discrimination, sex-based discrimination takes on many forms at work. Sexual harassment is one of the most obvious forms, and may include unwanted sexual advances, propositions or crude remarks toward an employee. Sex-based discrimination may also involve preferential or negative treatment, being passed over for a promotion, or being paid at a different rate because of gender. Companies cannot discriminate against applicants based on their sex; nor can a company enact policies that apply to everyone if the policy

has a negative impact on employees of a certain sex. Both men and women can be victims of sex-based workplace discrimination.

3) Discrimination Based on Religion

Discrimination based on religion involves treating a person unfairly because of his religious affiliation, and is prohibited by law. As with other forms of discrimination, religious discrimination includes harassment and preferential or negative treatment. By law, employers must make reasonable accommodations for religious employees, regardless of their religion. This may include flexible scheduling to allow an employee his day of worship off; allowing an employee to wear garments associated with her religion; or allowing people to follow a religion's grooming policies, so long as it does not cause an undue hardship on the business. For example, a Jewish man must be allowed to wear a yarmulke to work if he so chooses. A company cannot force its employees to attend a religious service or participate in religious activities.

4) Discrimination Based on Disability

The Americans with Disabilities Act prevents employers from discriminating against people with disabilities, so long as they are qualified to perform their job. This does not mean an employer is required to hire everyone with a disability, but so long as there is no

undue hardship, employers must make reasonable accommodations for employees with disabilities. For example, an employee confined to a wheelchair may be given a desk that fits with it. Harassment toward employees with disabilities is prohibited by law, as is preferential or negative treatment because of their condition. When interviewing, the law prohibits employers from asking applicants about their disabilities. Once a job has been offered, a company can require applicants to answer medical questions or pass a medical exam, but these must be required of all employees, and not just those who are disabled.

5) Discrimination Based on Age

The federal Age Discrimination in Employment Act prevents companies from discriminating against applicants and employees over the age of 40, meaning these employees may not be treated unfavorably. Favorable treatment of employees over 40, however, is allowed. There are no federal laws in place to protect workers under 40 from age-based discrimination, though some states have their own laws that do. Companies may favor older workers over younger workers.

INTELLECTUAL PROPERTY RIGHTS:

Intellectual property:

It is the information and original expression that derives its original value from creative ideas and is with a commercial value. IP permits people to have fully independent ownership for their innovations and creativity, like that of own physical property. This encourages the IP owners towards innovation and benefit to the society. It is an asset that can be bought or sold, licensed, and exchanged. It is intangible i.e., it cannot be identified by specific parameters.

The agreements with World Trade Organization (WTO) and Trade-Related aspects of Intellectual Property System (TRIPS) have been adopted effective from January 2005. Besides the minimum standards set for protection of IP rights, appropriate laws framed by the member countries are expected to reduce distortions and barriers for and promote the international trade. The global IPR system strengthens protection, increases the incentives for innovation, and raises returns on international technology transfer. However, it could raise the costs of acquiring new technology and products, shifting the global terms of trade in favor of technology producers.

Need for Protection of IP

IP plays an essential role to stabilize and develop the economy of a nation. This protection actually stimulates creativity, research, and innovation by ensuring freedom to individuals and organizations to benefit from their creative intellectual investments. The IP serves many purposes, namely

- (a) It prevents others using it,
- (b) Prevent using it for financial gain,
- (c) Prevent plagiarism
- (d) Fulfill obligation to funding agency. ICICI Bank has advanced loan against IP as security to Shopper's Stop, New Delhi, and
- (e) Provides a strategy to generate steady income.

Some of the challenges in the acquisition of IP are:

- (a) Shortage of manpower in the industry. Educational institutions can play a vital role in providing the same.
- (b) High cost of patenting and lengthy procedure. This was being considered by the Government and a simpler and faster procedure is expected, and
- (c) Lack of strong enforcement mechanism.

Types and Norms

The agreements establish norms and conditions for the following instruments of intellectual properties:

1. Patents

Patent is a contract between the individual (inventor) and the society (all others). Patents protect legally the specific products from being manufactured or sold by others, without permission of the patent holder. Patent holder has the legally-protected monopoly power as one's own property. The validity is 20 years from the date filing the application for the patent. It is a territorial right and needs registration. The Patent (Amendment) Act 2002 guarantees such provisions.

Patent is given to a product or a process, provided it is entirely new, involving an inventive method and suitable for industrial application. While applying for a patent, it is essential to submit the documents in detail regarding the problem addressed, its solution, extent of novelty or innovation, typical applications, particulars of the inventor, and the resources utilized. Inventions are patentable and the discoveries are not.

2. Copyright

The copyright is a specific and exclusive right, describing rights given to creators for their literary and artistic works. This protects literary material, aesthetic material, music, film, sound recording, broadcasting, software, multimedia, paintings, sculptures, and drawings including maps, diagrams, engravings or photographs. There is no need for registration and no need to seek lawyer's help for settlement. The life

of the copyright protection is the life of the inventor or author plus 50 years.

Copyright gives protection to particular expression and not for the idea.

Copyright is effective in

(a) preventing others from copying or reproducing or storing the work, (b) publishing and selling the copies, (c) performing the work in public, commercially (d) to make film (e) to make translation of the work, and (f) to make any adaptation of the work. Copying the idea is called 'plagiarism' and it is dealt with separately.

Can software be protected through copyright? Indian copyright Act amended in 1984 included the rights of in a computer program as literary work. Many countries protect software as a copyright.

Some holds the view that copyright is not the right type of protection for software. They held that the patents and trade secrets are more appropriate forms of protecting software. While trade secret is the most conventional form of protection of software, in the recent years, both patents and copyrights are adopted to protect software.

Copyright (Amendment) Act 1999, India ensures fair dealing of broadcasting through the internet. The concerns of Book industry, Music Industry, Film and Television Industry, Computer Industry and Database Industry are sufficiently met by this updated Act.

3. Trademark

Trademark is a wide identity of specific good and services, permitting differences to be made among different trades. It is a territorial right, which needs registration. Registration is valid initially for 10 years, and renewable. The trademark or service mark may be registered in the form of a device, a heading, a label, a ticket, a letter, a word or words, a numeral or any combination of these, logos, designs, sounds, and symbols. Trademark should not be mistaken for a design, e.g., the shape of a bottle in which a product is marketed, cannot be registered as a trademark. Trademarks Act 1999 made in compliance with TRIPS agreement, provides further details.

There are three functions of trademark:

1. Just as we are identified by our names, good are identified by their trademarks. For example, the customer goes to the shop and asks for Lux soap. The word 'Lux' is a trade mark. In other words it shows the origin or source of the goods.
2. The trademark carries with it an inherent indication or impression on the quality of goods, which indirectly demonstrates that it receives the customer's satisfaction.
3. The trademark serves as silent sales promoter. Without a trademark, there can be no advertisement. In other words, it serves as a medium for advertising the goods.

The marks should be distinctive i.e., it should be able to distinguish from one good to the other.

The terms used for trademarks are usually generic, descriptive, and suggestive. Some of the term which are not distinctly distinguishing the goods or services from others, are called generic term and are eligible for protection under trademarks. The descriptive term should clearly indicate or convey the specific purpose, function, physical characteristic and the end use of the product. Relatively, the suggestive marks do not describe the goods at first sight, but with an element of imagination the nature of the goods can be understood. Thus, the suggestive marks are distinctive and are protected as trademarks.

4. Trade Secret

A Trade Secret is the information which is kept confidential as secret. This information is not accessed by any other than the owner and this gives a commercial advantage over competitors. The trade secrets are not registered but are kept confidential. These are given limited legal protection, against abuse by the employee or contractor, by keeping confidentiality and trust.