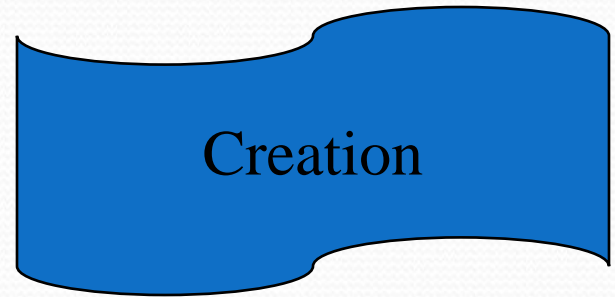
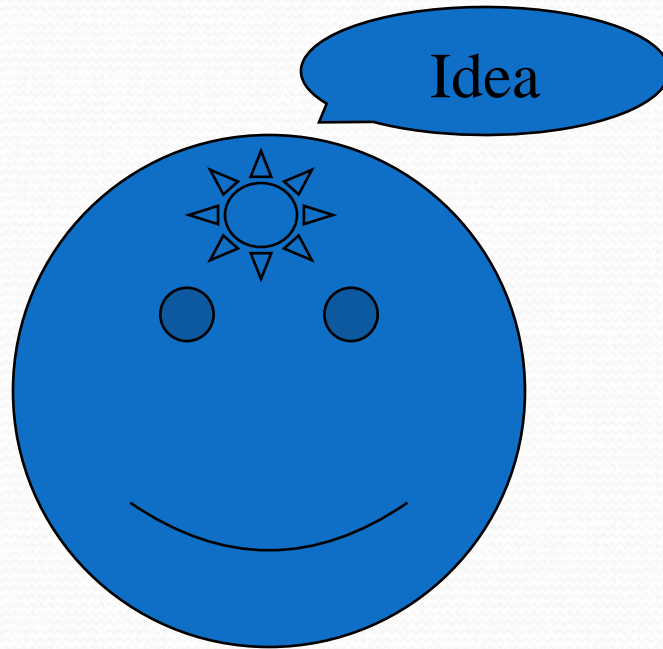


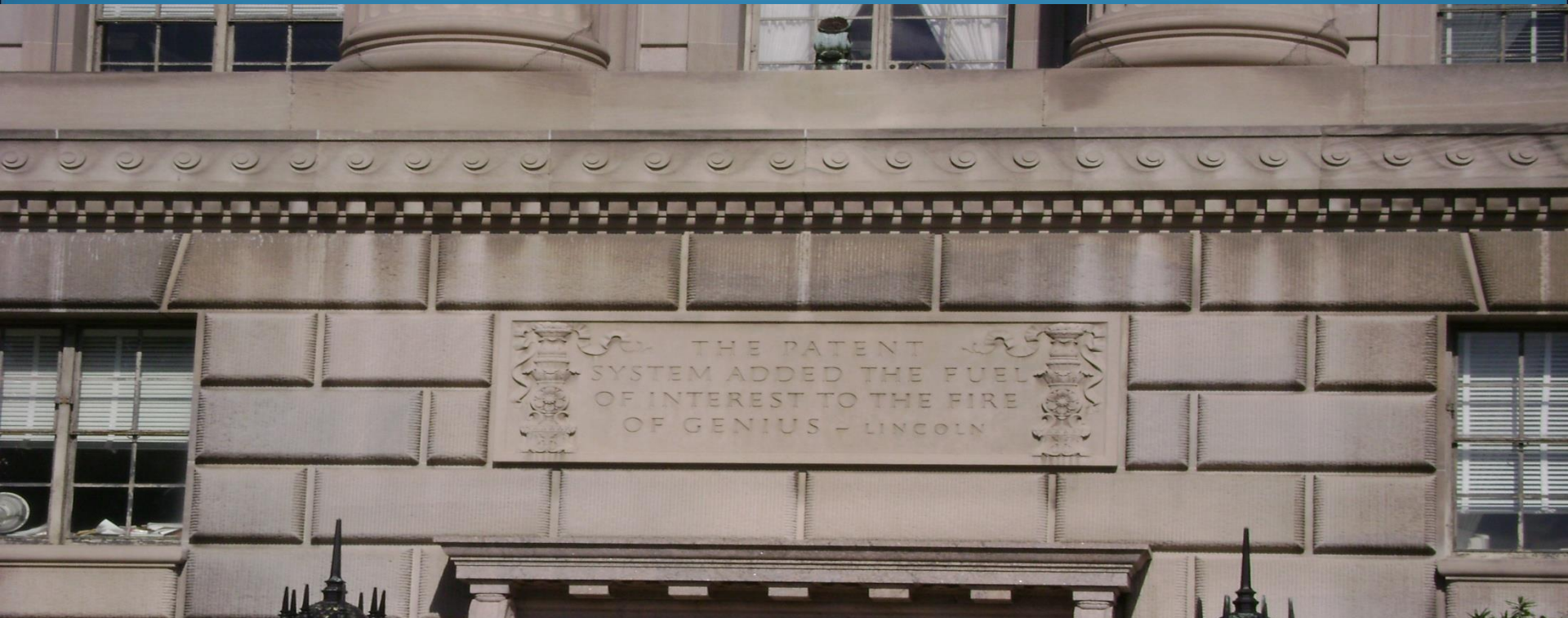
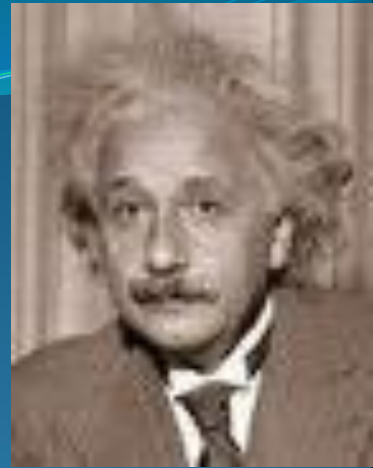


Intellectual Property Rights

Thinking Mind



Imagination is more
important than knowledge



OBJECTIVE OF IPR

The basic aim of conferring an IPR upon the person owning the same is to give a social recognition to its holder. This social recognition can further bring economic benefits to its holders. It is just and reasonable to award a person an IPR in the form of 'limited monopolistic rights' for his/her labour and efforts.







Nature of Intellectual Property Rights

- IPR are largely territorial rights except copyright which is global under Berne Convention
- IPR can be held only by legal entities, i.e. who have the right to sell and purchase property
- IPR can be assigned, gifted, sold and licensed like any other property
- IPR are monopoly rights.
- IPR have to be renewed from time to time for keeping them enforced except in case of copyright and trade secrets. Renewal is essential to maintain up to the term.
- IPR go hand in hand with trade and commerce

Nature of Intellectual Property Rights

- IPR have fixed term except **trademark** and **geographical indications** which can have indefinite life provided these are renewed after a stipulated time under the law by paying official fees.
- This is perhaps the only right which can be simultaneously enjoyed in more than one country.

INTELLECTUAL PROPERTY RIGHTS (IPR)

-  **PATENTS**
-  **COPYRIGHT**
-  **TRADEMARKS**
-  **INDUSTRIAL DESIGN**
-  **LAY OUT DESIGN OF INTEGRATED CIRCUITS**
-  **PROTECTION OF UNDISCLOSED INFORMATION**
-  **GEOGRAPHICAL INDICATIONS**

Present legal system

- Patents** : The Patents Act. 1970. Amended in March 1999, early 2002, 2004 and 2005 by ACT.
- Copyright** : The Copyright Act, 1957 as amended in 1983,1984, 1992,1994 and 1999 and the Copyright Rules, 1958.
- Trade Marks** : A new Trademarks Act , 1999
- Design** : A Design Act. 2000
- Layout Design of integrated Circuits** : The Semiconductor Integrated Circuit Layout Design Act 2000.
- Protection of undisclosed information:** No exclusive legislation exists but the matter would be generally covered under the Contract Law (Contract Act 1872).
- Geographical indications** : The Geographical Indication of Goods (Registration and Protection) Act 1999.
- Plant Variety Protection and Farmers Rights Act 2001**

COPYRIGHT

- **LITERARY, DRAMATIC & MUSICAL WORK INCLUDING SOFTWARE/PROGRAMS**
- **ARTISTIC WORK**
- **CINEMATOGRAPHIC FILMS INCLUDING SOUND TRACK & VIDIOFILM**
- **RECORD**
- **SOFTWARE, ENGINEERING DRAWINGS, PLANT LAYOUT DESIGN etc.**
- **PROVIDES PROTECTION FOR EXPRESSION AND NOT FOR THE IDEA/CONCEPT**

COPYRIGHT

1709 **FIRST COPYRIGHT ACT (UK)**
1957 **INDIAN COPYRIGHT ACT**
AMENDED **1983, 1984, 1992, 1994.**

INTERNATIONAL CONVENTION

- **BERN CONVENTION** **1886, 1908, 1928, 1948, 1989, 1990**
- **UNIVERSAL COPYRIGHT CONVENTION 1952**

TERMLIFE +60 YRS

TRADEMARK

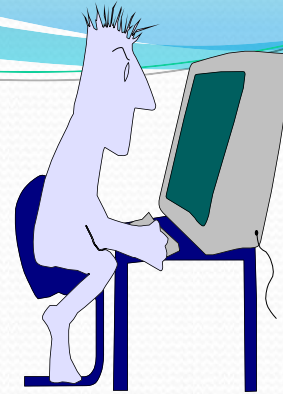
A **trademark** or **trade mark** is a distinctive sign or indicator used by an individual, business organization, or other legal entity to identify that the products or services to consumers with which the trademark appears originate from a unique source, and to distinguish its products or services from those of other entities.

A trademark is designated by the following symbols:

- TM (for an unregistered trade mark, that is, a mark used to promote or brand goods)
- SM (for an unregistered service mark, that is, a mark used to promote or brand services)
- ® (for a registered trademark)

A trademark is typically a name, word, phrase, logo, symbol, design, image, or a combination of these elements.^[2] There is also a range of non-conventional trademarks comprising marks which do not fall into these standard categories, such as those based on color, smell, or sound.

DESIGN



- ★ ORIGINAL & NOVEL IN INDIA
- ★ RELATES TO FEATURE OF SHAPE, CONFIGURATION, PATTERN, ORNAMENT OR COMPOSITION OF LINES OR COLOURS APPLIED TO ANY ARTICLE IN 2-D OR 3-D OR BOTH FORMS
- ★ SHOULD APPLY TO ANY ARTICLE BY INDUSTRIAL PROCESS (FOR REPLICATION) & BE AN INTEGRAL PART OF ARTICLE.
- s STAMPS, LABELS NOT COVERED
- s PAINTINGS, SCULPTURES & LIKE NOT COVERED

DESIGN

NOT REGISTERED AS DESIGN

- * DESIGN NOT NEW OR NOVEL
- DISCLOSED TO PUBLIC IN INDIA OR ABROAD IN TANGIBLE FORM OR BY USE IN ANY OTHER FORM NOT SIGNIFICANTLY DISTINGUISHABLE FROM KNOWN DESIGNS
- COMPRISES OR CONTAINS SCANDALOUS OR OBSCENE MATTER

DURATION 15 YEARS

The Geographical Indications of Goods (Registration and Protection) Act, 1999

Definition

Geographical indication which identifies such goods as :

**Agricultural goods,
Natural goods or
Manufactured goods**

as originating , or manufactured in the territory of a country, or a region or locality in that territory, where a given quality, reputation or other characteristics of such goods is essentially attributable to its geographical origin,

The GI Act, 1999



**in case where such goods are manufactured goods :
one of the activities of either the production,
processing or preparation of the goods concerned
takes place in such territory, region or locality, as the
case may be.**



The GI Act, 1999

Punishment for falsifying GI:

**Imprisonment between 6 months to 3 years, &
Fine between Rs. 50,000/- and Rs. 2 lakh**

Registration

**Controller General of Patents, Designs and
Trade Mark shall be the Registrar of GI**

Who can Apply

**Any association of persons or any organization
or authority under law representing the interest
of procedures of concerned goods.**

The GI Act, 1999

Duration

- 10 years (Renewed from time to time after payment of prescribed fee)
- Can be kept alive for an indefinite period

**Indian Legislation on Protection of
Plant Varieties and Farmers' Rights
Act,2001**

National Plant Variety and Farmers' Rights
Protection Authority (PVFRPA)

Main Features of PPVFR:

1. Registration to be allowed for :

Plant Breeder's Varieties,(PBV)

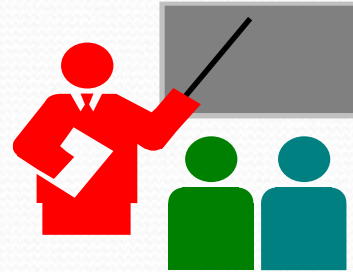
Extant varieties (EV) and

Farmer's varieties, (FV)

Allows elaborate farmers' rights

WHAT IS PATENT?

- * Right awarded by a country for exclusive use of invention.
 - . For a limited period
 - . Right applicable within the country
(There is nothing like global patent)



In return inventor has to disclose the invention to public

THREE CRITERIA.

Novelty

Inventive Step

Capable of Industrial Application

Not Patentable

- Serious prejudice to human animal or plant life or health or to the environment
- Discovery of living things or non-living substance occurring in nature
- Mere admixture
- Method of agriculture & horticulture
- Treatment of human and animal to make them free of disease or increase economic value or that of their products
- Plant and animal in whole or any part other than microorganisms but including seeds, varieties and species and essentially biological processes for production or propagation of plants and animals

PATENT GRANTING

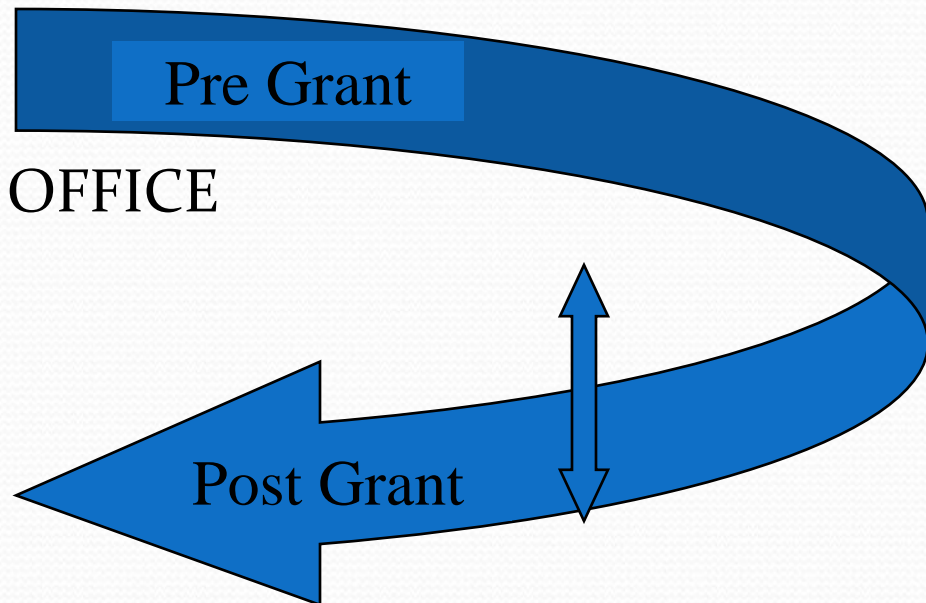
FILE APPLICATION WITH COMPLETE SPECIFICATION

18 months PUBLISHED IN GAZETTE

OPPOSITION

EXAMINATION BY PATENT OFFICE

GRANTED/REJECTED



Simple Things

- Coke Cane Opener
- Doggy Bell
- Needle
 - Simple needle
 - Machine needle

PATENT



TRADE MARKS
The RingG-PEN™

Flair, Raynolds, Cello, luxure etc.

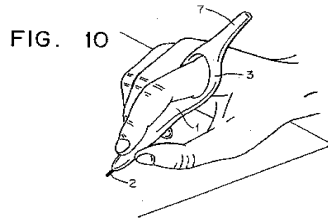
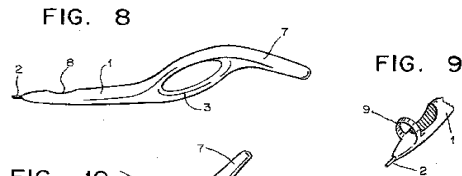
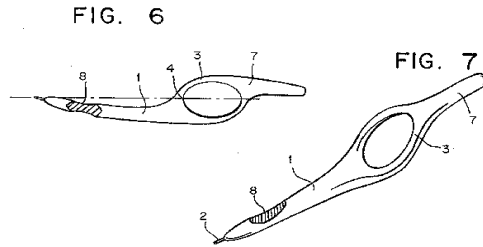


FIG. 15

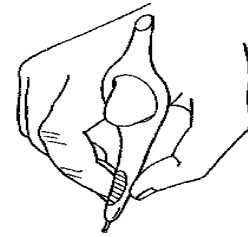


FIG. 16

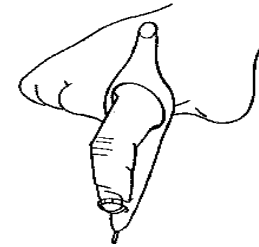
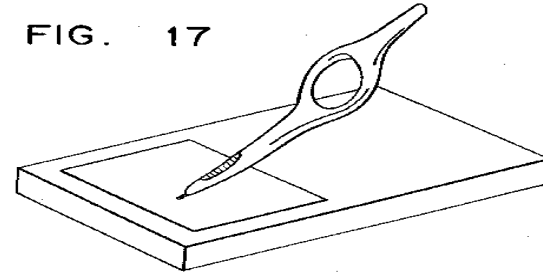


FIG. 17



Slogans

.....idea needs an expression..
.....likhte likhte love ho jaye..

Industrial Design



Layout Design of Integrated Circuit



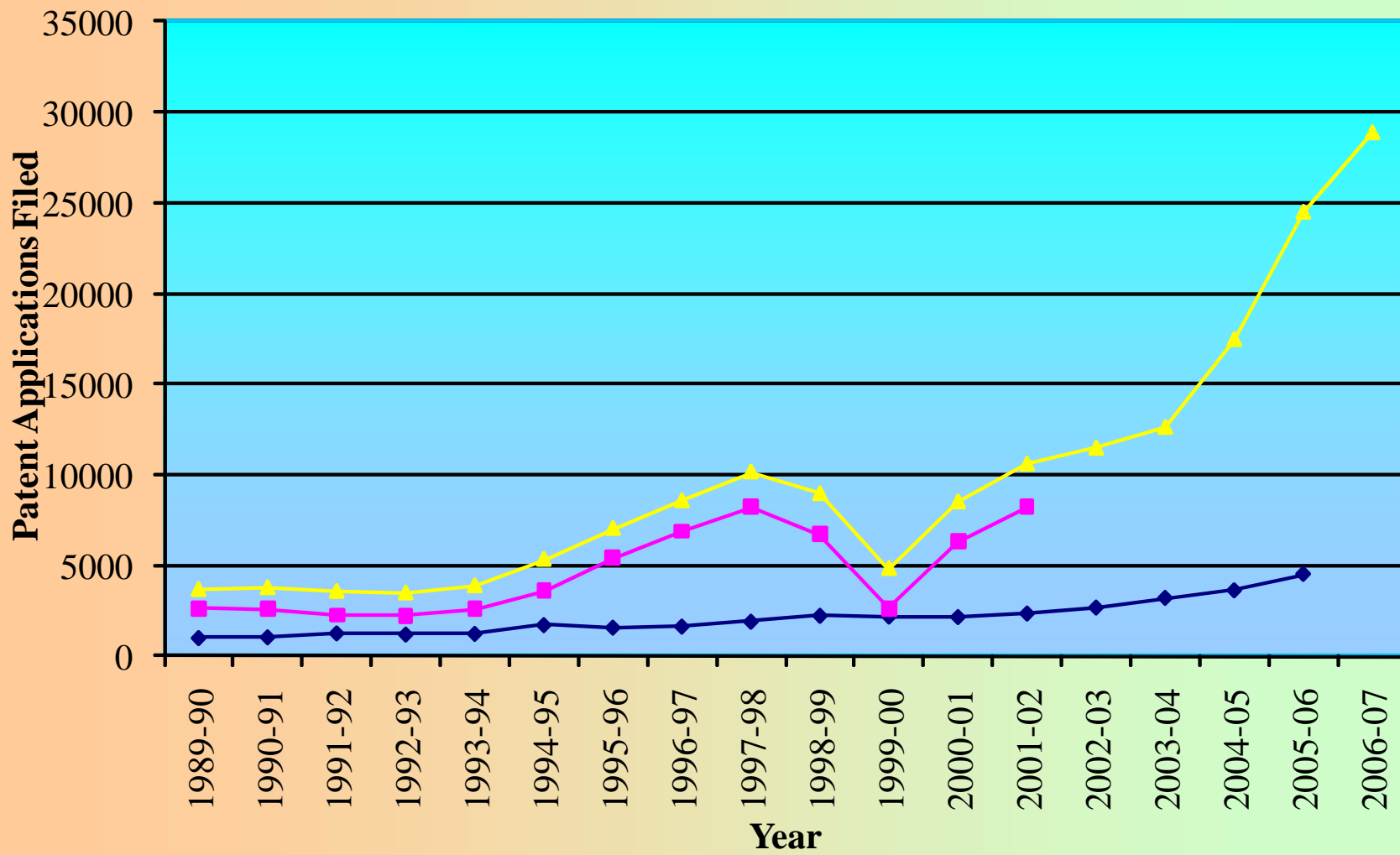
Time Piece



TRADE SECRET

- Know-how
- Plant layout design
- Test data
- Process parameter

Patent Applications Filed in India From 1989-90 To 2005-06



Indian Foreigners Total

Costs Involved in Protection (Patents)

- Patent search
- Filing
- Translation
- Objections & Opposition
- Maintenance/ Renewal
- Intelligence to locate infringement
- Legal

**PRIOR
ART
KNOWLEDGE**

PATENT SEARCHES

INVENTION

DATABASES

**PATENTS
PUBLISHED**

PATENT FILED

TYPES OF PATENT SEARCHES

- ⇒ NOVELTY SEARCHES
- ⇒ VALIDITY AND OPPOSITION SEARCHES
- ⇒ STATE OF THE ART SEARCHES
- ⇒ INFRINGEMENT SEARCHES
- ⇒ ALERTING SEARCHES
- ⇒ FAMILY AND EQUIVALENT SEARCHES
- ⇒ CITATION SEARCHES
- ⇒ COMPETITOR MONITORING

- ⇒ PATENT NO. SEARCH
- ⇒ QUICK SEARCH
- ⇒ BOOLEAN SEARCH
- ⇒ ADVANCED SEARCH
- ⇒ IPC CLASSIFICATION SEARCH

**BIBLIOGRAPHIC
ABSTRACT
APPLICANT/INVENTORS
FULL TEXT**

INTERNATIONAL PATENT CLASSIFICATION

5 LEVEL SYSTEM

SECTION	8
CLASS	
SUBCLASS	
GROUP	
SUBGROUP	69,000

INTERNATIONAL PATENT CLASSIFICATION

CLASS EACH SECTION IS DIVIDED INTO CLASSES

SYMBOL TWO DIGIT NUMBER e.g. H 01

A01 AGRICULTURE

B24 GRINDING, POLISHING

C12 BIOCHEMISTRY

F42 AMMUNITION

H01 BASIC ELECTRIC, ELEMENTS-RELAYS,
SWITCHES, SEMICONDUCTOR DEVICES

SUBCLASS EACH CLASS IS DIVIDED INTO SUBCLASS

SYMBOL ALPHABET A, B, ETC

A01B SOIL WORKING

H01Q AERIALS

H01S DEVICES USING STIMULATED EMISSION

INTERNATIONAL PATENT CLASSIFICATION

GROUP EACH SUBCLASS IS DIVIDED INTO GROUPS

SYMBOL 1/00, 3/00 ETC

A01B 1/00	HAND TOOLS
H01S 3/00	LASERS
H01Q 9/00	SHORT AERIALS

SUBGROUP EACH SUBGROUP IS DIVIDED INTO SUBGROUPS

SYMBOL 1/02, 3/04, ETC

H01S3/085	CONSTRUCTION DETAILS OF SEMICONDUCTOR LASERS
H01Q9/04	RESONANT AERIALS

WEBSITES

PROVIDING FREE ACCESS TO PATENT DATABASES

1. <http://www.indianpatents.org.in>

Ekaswa-A & Ekaswa-B

2. <http://pk2id.delhi.nic.in>

Access to EPIDOS-INPADOC database
Bibliographic and Equivalent searches
Coverage more than 65 countries

3. <http://www.uspto.gov>

Allow searches in bibliographic field, abstract, claims and full text of US patents since 1976. Full text images from 1970

4. <http://ep.espacenet.com/>

European, PCT, Japanese abstract and EPO's worldwide collection database. In the worldwide data collection data for most of the countries are from 1970 and for few from 1920 also

Practice Patent

- Register as patent agent
 - Degree in science or technology
 - Exam conducted by patent office

- 1. Patent Department in Industry & Govt.
- 2. KPO (Knowledge process outsourcing)
- 3. Own enterprise
 - Attorneys
 - Infringement analysis
 - Advisory services
 - IP intelligence
 - Strategy formulation