

OVERVIEW ON INTELLECTUAL PROPERTY RIGHTS

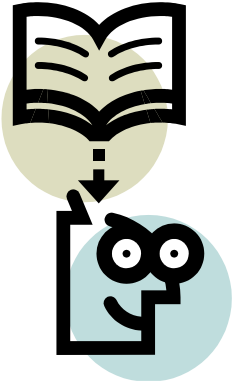
What is intellectual property?

- Intellectual Property is something produced using human intellect which has commercial value.
- Often intangible in nature, but usually contained on a tangible, fixed medium- paper, CD, computer

chips.....



What is Intellectual Property Right (IPR)?



Intellectual Property Right

- an idea / invention is IP, a patent registration is an IPR
- a customer / price list is IP, a right of confidentiality is an IPR
 - a secret production method is IP, a right to a trade secret is an IPR
 - a particular way of representation is IP, copyright or a design registration is an IPR
 - a brand / trade name is IP, a trade mark registration is an IPR

Intellectual Property Rights

“INDUSTRIAL PROPERTIES”

PATENTS

INDUSTRIAL DESIGNS

TRADEMARKS

TRADE SECRETS

“COPYRIGHT”

LITERARY

NOVEL

POEM

PLAYS

FILMS

MUSICAL

ARTISTIC

DRAWINGS

PHOTOGRAHS

PERFORMING ARTS

SCULPTURES

SOFTWARE

COPYRIGHTS

- ▶ **India has a very strong and comprehensive copyright law based on Indian Copyright Act. 1957 which was amended in 1981, 1984, 1992, 1994 and 1999 (w.e.f. January 15, 2000). The amendment in 1994 were a response to technological changes in the means of Communications like broadcasting and telecasting and the emergence of new technology like computer software.**
- ▶ **The 1999 amendments have made the Copyright Act fully compatible with Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement. & fully reflects Berne Convention. The amended law has made provisions for the first time, to protect performers' rights as envisaged in the Rome Convention. With these amendments the Indian Copyright law has become one of the most modern copyright laws in the world.**

SOME ILLUSTRATIVE EXAMPLES OF WORKS.

Literary works : Novels, Diaries, Poems

Musical works: Symphonies, Jazz, Improvisation

Choreographic works : Dance, Ballet

Artistic works : Paintings, Engravings, Sculptures

Architectural works : Buildings themselves

Figurative works : Maps, Drawings and Charts of a scientific nature

Cinematographic Works : Movies, Video

Photographic works : Photographs, Photogravures

Program works : Computer Programs



SONY

OLYMPUS



TRADEMARKS

(Governed By The Trade Marks Act, 1999)

- ▶ A trade mark is any sign which can distinguish the goods of one trader from those of another. Sign includes, words, logos, pictures, or a combination of these.
- ▶ A trade mark is used as a marketing tool so that customers can recognize the product of a particular trader.
- ▶ **To register a trade mark , the mark must be:-**
 - distinctive, and, not deceptive, or contrary to law or morality, and, not identical or similar to any earlier marks for the same or similar goods.

VARIETY OF MARKS

FANCIFUL MARKS: INVENTED WORDS

“KODAK”

ARBITRARY MARKS: HAVING REAL MEANING BUT NO
RELATION TO GOODS

“APPLE” FOR COMPUTERS

SUGGESTIVE MARKS: GIVE HINT OF THE PRODUCT

“BABY-DRY” FOR NAPPIES

TRADEMARKS



- ▶ India affords full protection to trade marks under the Trade Marks and Merchandise Act. The Indian law of trademarks is protected by the Trade & Merchandise Marks Act, 1958. A new statute i.e. the Trade Mark Act, 1999 has been enacted in India to bring it in conformity with the TRIPs Agreement, to which India is a signatory. Indian Trademarks Act, 1999, came into force on September 15, 2003.
- ▶ India has made a step towards fulfilling its international obligations. Consequently, the Indian trademark law has now become fully compatible with the International standards laid down in the TRIPs Agreement. The New Act primarily consolidates and amends the old Trade & Merchandise Marks Act, 1958 and provides for better protection of goods and services

DESIGNS ACT 2000

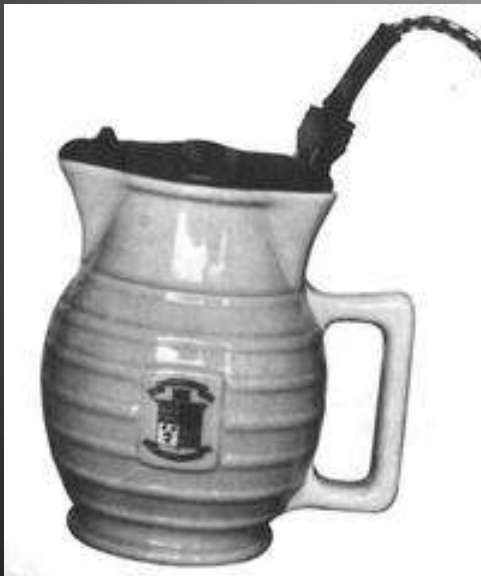
(Came In To Force On 11-05-2001)

**APPLIED TO
ANY ARTICLE OF MANUFACTURE IN TWO DIMENSION
OR THREE DIMENSION OR IN BOTH FORM**



Industrial Designs

▶ Electrical JUG



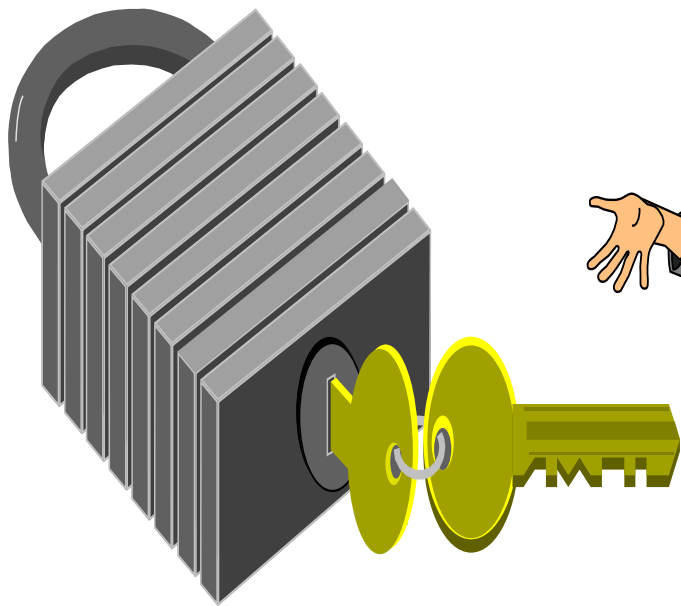
- ▶ The protection you receive is only for the appearance of the article and not how it works.
- ▶ Design registration is intended to protect designs which have an industrial or commercial use.
- ▶ Duration of protection is initially for 10 years and extendable for another term of 5 years.
- ▶ Designs of stamps, labels, tokens, cards, cartoons, or parts of an article not sold separately, cannot be registered.

DESIGNS

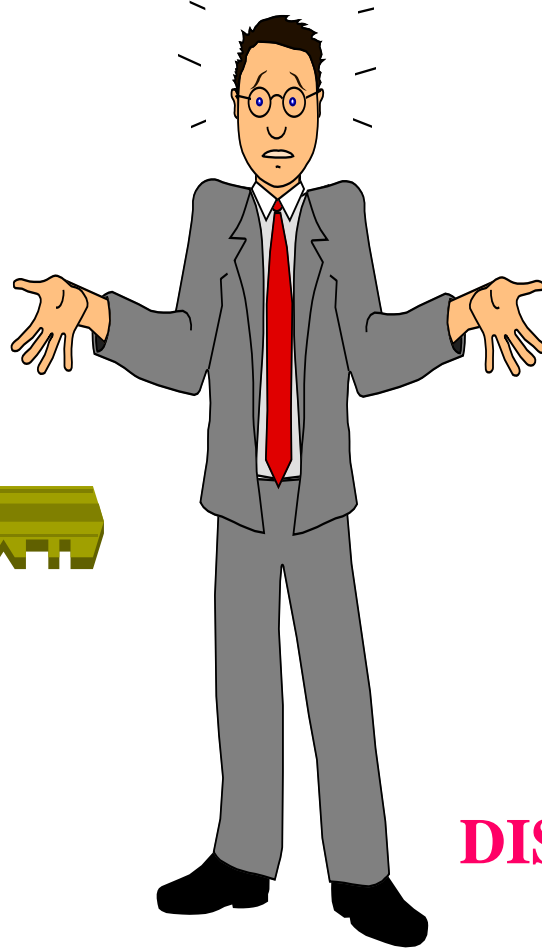
The existing legislation on industrial designs in India is contained in the New Designs Act, 2000 India had achieved a mature status in the field of industrial designs and in view of globalization of the economy. The present legislation is aligned in view of the changed technical and commercial scenario and made to conform to international trends in design administration.



*TECHNICAL ADVANCEMENT BY WAY OF
A NEW PRODUCT OR A NEW PROCESS
NOT LIMITED TO OUTER VISUAL APPEAL*



KEEP IT SECRET



DISCLOSE TO OTHERS

CONFIDENTIAL INFORMATION

TRADE SECRETS

MANUFACTURING AND COMMERCIAL SECRETS



Secret
Commercial
Value

Steps Taken
To Keep It
Secret



- CONSUMER PROFILES
- DISTRIBUTION METHODS
- MANUFACTURING PROCESSES
- ADVERTISING STRATEGIES

TRADE SECRET



A typical example is Coca-Cola. This soft drink was invented in 1886 and was never protected by a patent, only by a trademark (for the name Coca-Cola) and by an industrial design (for this very special design of the Coca-Cola bottle, supposed to be in the shape of a woman wearing a long skin-tight dress).

The process of the Coca-Cola drink is secret and is only known by two persons in the world. They are not allowed to travel together, so that there is no chance of them dying at the same time in an accident. The secret of the Coca-Cola process was well kept during all these years, and nobody is able to produce a drink with exactly the same taste still today. You all know that Pepsi Cola, its biggest competitor, has a different taste.

PATENTS



- ▶ A patent is a legal title granting its holder the exclusive right to make use of an invention for a limited area and time by stopping others from, among other things, making, using or selling it without authorization.
- ▶ In return for this right, the applicant must disclose how his invention works in sufficient detail.
- ▶ When a patent is granted, the applicant becomes the owner of the patent. Like any other form of property, a patent can be bought, sold, licensed or mortgaged.
- ▶ Patents are territorial rights, so an Indian patent will only give the owner rights within India and rights to stop others from importing products into India.

PATENTS



- ▶ As on date, India is fully in compliance with its international obligations under the TRIPs Agreement.
- ▶ The Patents Act 1970 has undergone three amendments – 1999, 2002 & 2005.
- ▶ The III Amendment in 2005 has major implications on the following:
 - Introduction of product patent protection for food, pharmaceutical and chemical inventions.
 - Examination The “mail box” applications, from January 01, 2005

*FOR MOST PRODUCTS EVERY
FORM OF
INTELLECTUAL PROPERTY
RIGHTS CAN BE OBTAINED*



←CAMERA→



“PATENT” → For every individual improved mechanism

“DESIGN” → For outer shape & Contour / Configuration

“TRADE MARK” → Brand name or Logo for goods denoted as ®

“Copy right” → For Instruction / manual booklet denoted as ©

THANKS