

WELCOME YOU ALL FOR SESSION ON



INTELLCTUAL PROPERTY RIGHTS



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PURPOSE

Provide a general awareness and
Introduction on IPR, its provisions

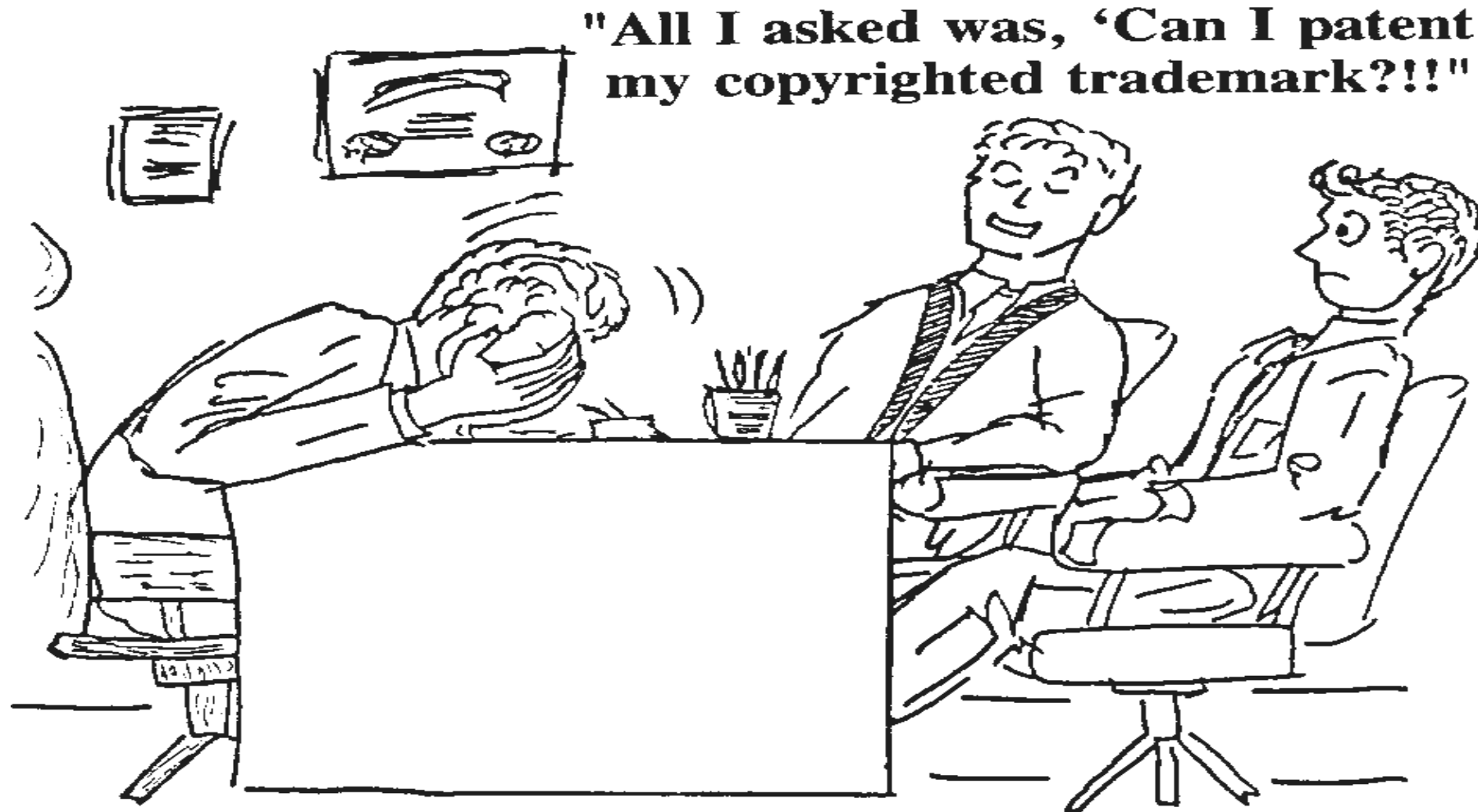
WHY THIS WEBINAR?

- ❖ Faculty and staff of Commerce colleges are engaged in Research & Development work of diverse nature.
- ❖ Project work, Ph.D
- ❖ Many of these activities lead to evolution of intellectual property in the form of patents, know-how, copyrights, designs, instruments, devices, processes, specimens, software and other inventions.

AGENDA

- ❖ TRDAEMARK
- ❖ PATENT
- ❖ COPYRIGHT
- ❖ INDUSTRIAL DESIGN
- ❖ GEOGRAPHICAL INDICATION

**IF YOU DON'T SEE A PROBLEM WITH THIS QUESTION,
YOU NEED THIS CLASS!**

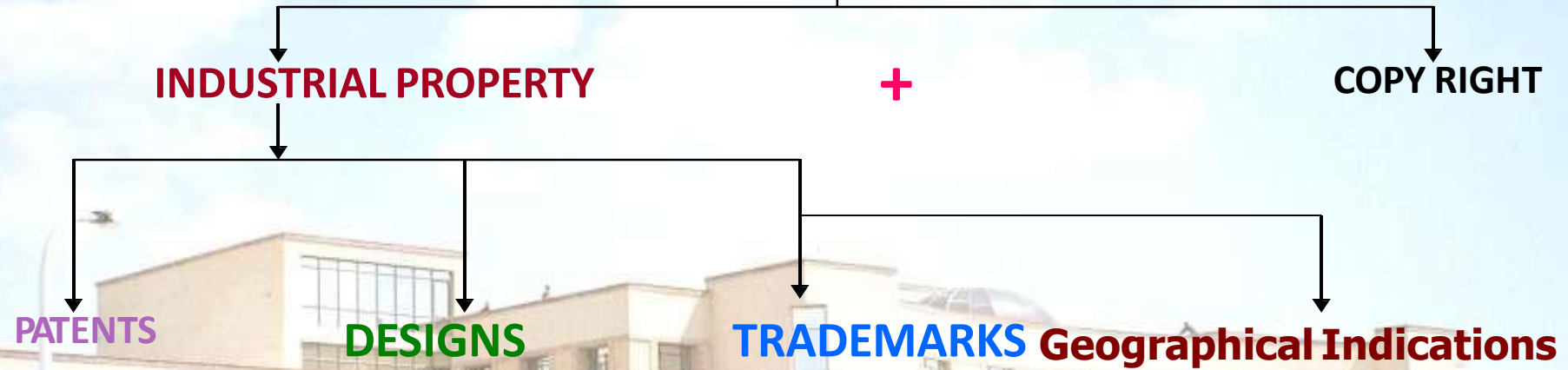


**"All I asked was, 'Can I patent
my copyrighted trademark?!'"**

-



INTELLECTUAL PROPERTY



What is Creativity?



Invention & Innovation



What happens if you do not protect your inventions?

- Somebody else might **Patent** them.
- Competitors will take **advantage** of your Invention.
- Possibilities to **license, sell or transfer technology** will be severely hindered.
- **Time, effort, labour** will be lost.
- **Funders** will be discouraged.





What is IPR?

- ❖ Intellectual Property rights are **legally awarded** ownership rights to Inventors.
- ❖ They provide them **EXCLUSIVE RIGHTS**.
- ❖ They give creator the right to prevent others from making unauthorized use of their property for a **limited period**.



TYPES OF INTELLECTUAL PROPERTY

TRADEMARK



For Brands, Logos,
Wordmarks, Taglines

PATENTS



Technical Inventions
(Product or process)

COPYRIGHTS



For literary & Artistic
Works

INDUSTRIAL DESIGN



For Aesthetic Designs of
Industrial Products

GEOGRAPHICAL INDICATION



For Specified place with
the products

TRADE SECRETS

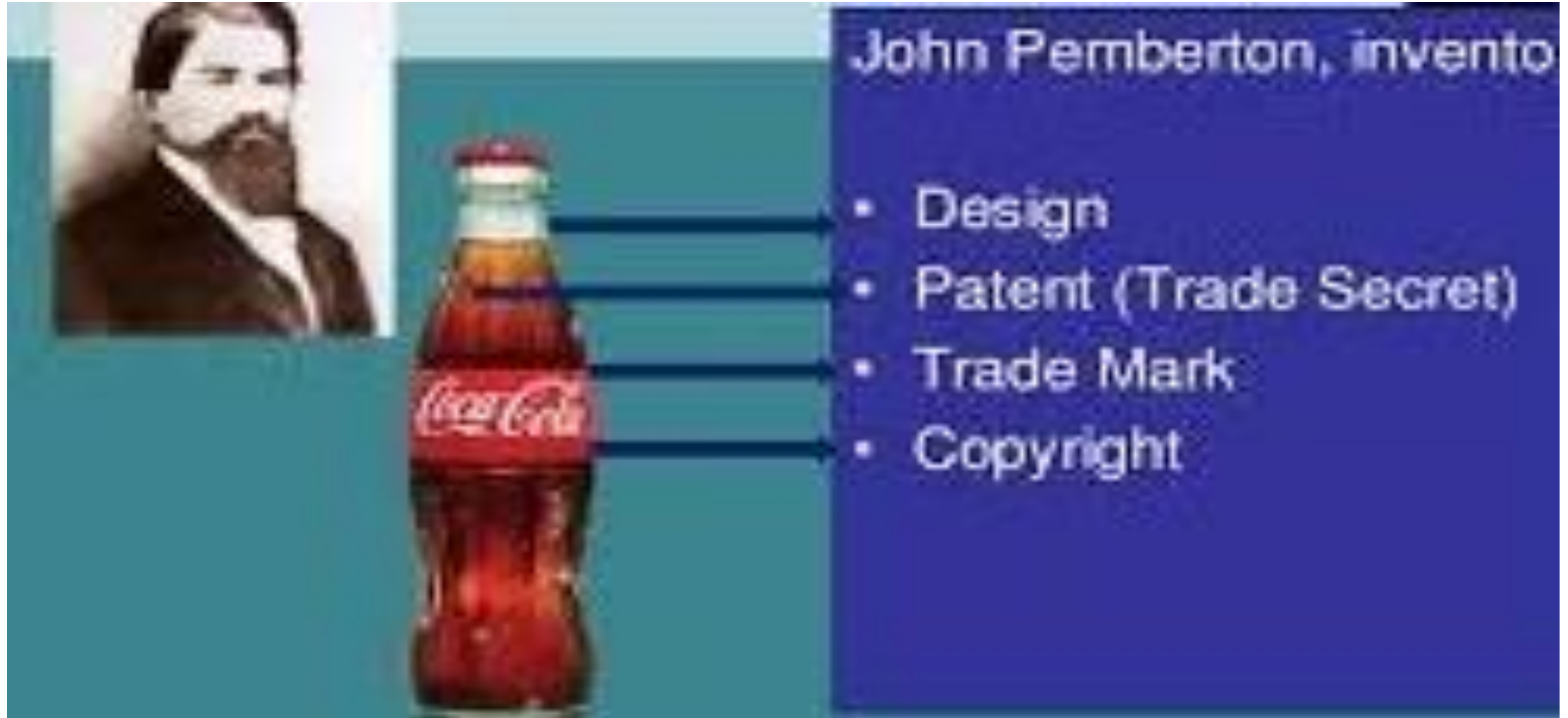


Confidential Business
Information

Each type of Protection & What it Protects?

- Trademark....Protect....**Identifying signs & symbols**
- Patents (utility/design)..... Protect.....**Inventions**
- Copyrights.....Protect.... **Creative Expressions of creators**
- Industrial Designs Protect..... **Ornamental design of product**
- Geographical indication source...Protect.... **Identifying place names with product**

Coca-cola with different IPR



John Pemberton, inventor

- Design
- Patent (Trade Secret)
- Trade Mark
- Copyright

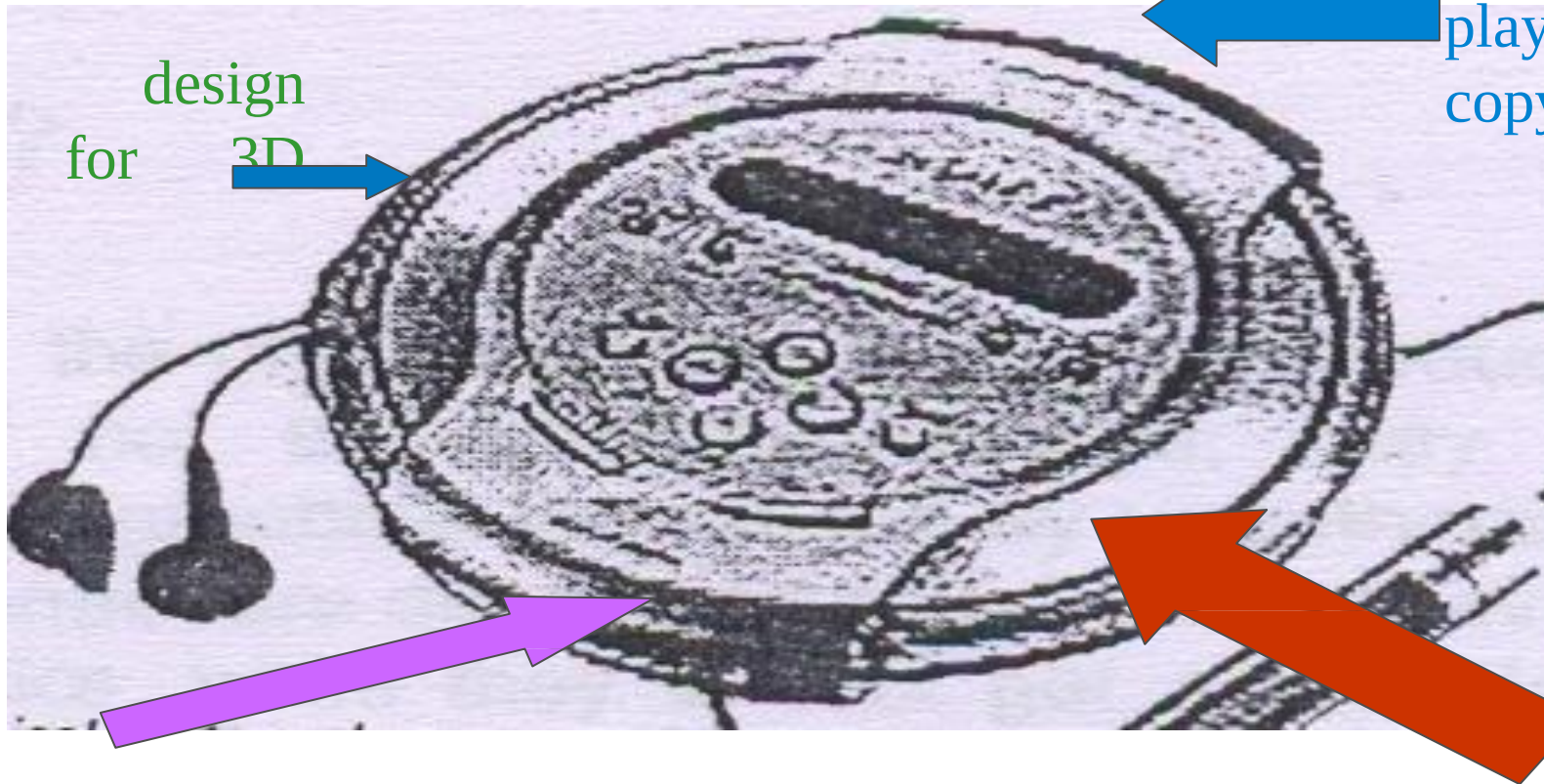
Different IPR in iPhone7



- ☐ Trade marks
- ☐ Patent
- ☐ Design
- ☐ Copyright
- ☐ Trade Secret ?

CD PLAYER

Industrial
protection
shape



Music played on the CD
player is protected by
copyright

Various technical
parts &
mechanisms are
subject mater of
protection under
Patents

Brand name-
registered under
trademark



Trademarks

Can You Guess These Common Trademarks?





Name

Logotype

Symbol

Slogan

Shape

Color



What is Trademark?

- ❑ A trademark is *anything* that allows the market to tell your products and services apart from identical or similar products and services of everyone else.
- ❑ A trademark cannot too closely resemble someone else's trademark covering the same or similar products or services.
- ❑ A trademark must do **MORE** than simply describe a feature or a characteristic of your products and services.
- ❑ Once acquired, a trademark can last indefinitely as long as you renew it every 10 YEARS.

Functions of a Trademark

- Identify the source of goods & services.
- Assure consumers of uniform quality goods/services.
- Creates goodwill and brand recall.
- Differentiate your brand in the market.
- It advertise the product.
- It ensure genuineness of the product.

A trademark may be designated by the following symbols



(for an **Unregistered Trademark**, that is, a mark used to promote or brand goods)



SM

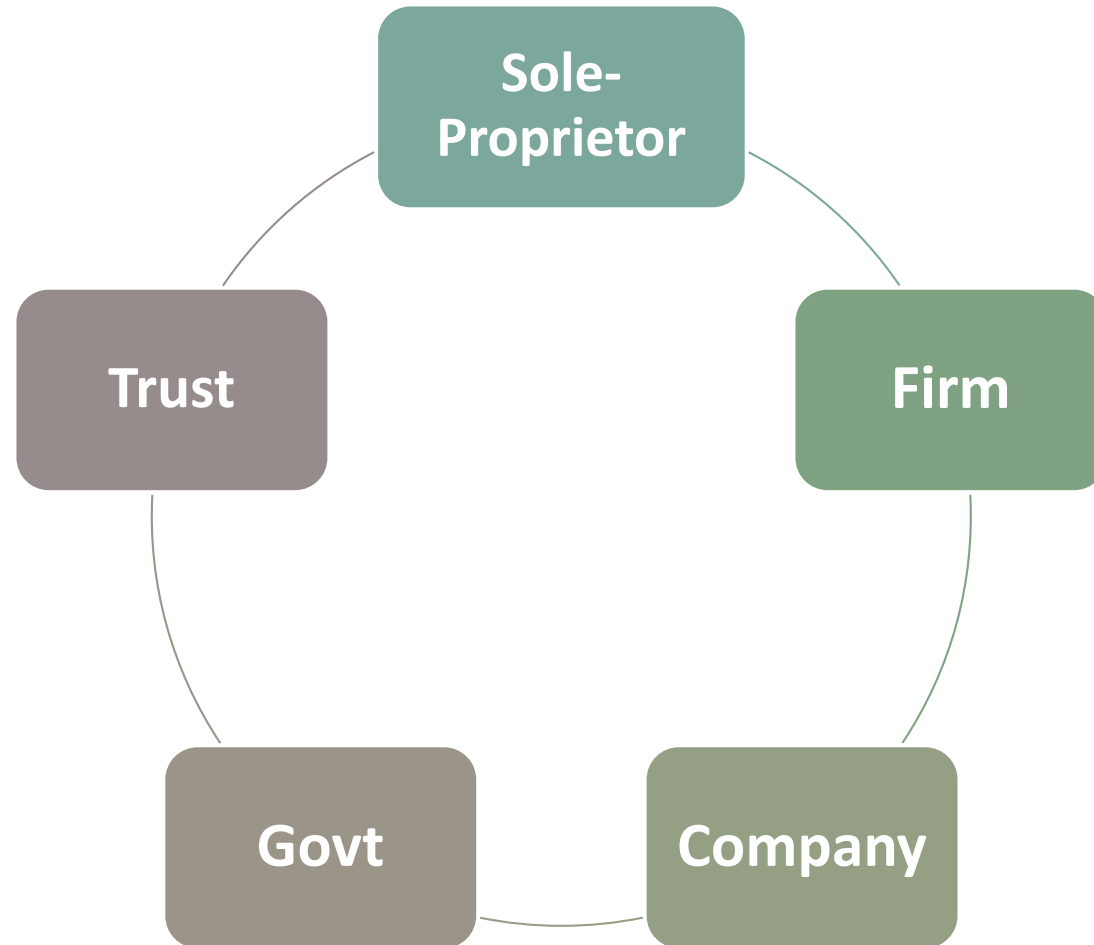
(for an **Unregistered Service mark**, that is, a mark used to promote or brand services)



(for a **Registered Trademark**)



Who may apply for Trademark?



List of Trademark Classes

 Class 1 Chemical Products	 Class 10 Medical Apparatus	 Class 19 Building Materials	 Class 28 Toys and Sporting Goods	 Class 37 Building Construction & Repair Services
 Class 2 Paints & Varnishes	 Class 11 Environmental Control Apparatus	 Class 20 Furniture and Materials not otherwise specified	 Class 29 Meats and Processed Foods	 Class 38 Telecommunication Services
 Class 3 Cosmetics & Cleaning Substances	 Class 12 Vehicles	 Class 21 Houseware and Glass	 Class 30 Staple foods including Flour, cereals, bread etc.	 Class 39 Transportation and Storage Services
 Class 4 Industrial Oils and Lubricants	 Class 13 Firearms	 Class 22 Ropes and Fibres	 Class 31 Natural Agricultural Products	 Class 40 Material Treatment Services
 Class 5 Medicines	 Class 14 Jewellery	 Class 23 Yarns and Threads	 Class 32 Light Beverages including Beer	 Class 41 Education and Entertainment services
 Class 6 Common Metals & Alloys	 Class 15 Musical Instruments	 Class 24 Fabrics	 Class 33 Wines and Spirits	 Class 42 Computer, Scientific and Legal
 Class 7 Machine Tools	 Class 16 Stationery and Paper Goods	 Class 25 Clothing and Footwear	 Class 34 Tobacco Products	 Class 43 Restaurants and Food Services
 Class 8 Hand Tools	 Class 17 Rubber Goods	 Class 26 Fancy goods such as Lace and Embroidery	 Class 35 Advertising and Business Services	 Class 44 Medical and Veterinary Services
 Class 9 Electric and Scientific Devices	 Class 18 Leather Goods	 Class 27 Carpets and Floor Coverings	 Class 36 Insurance and Financial Services	 Class 45 Personal and Social Services

What types of trademark can be registered?

- ❑ A word or a combination of words, letters & numerals can perfectly constitute a trademark.
- ❑ Trademark may also consist of device, brand, heading, label, ticket, name, signature, word, shape of goods, packaging or combination of colors or any combination thereof.

What can not be registered as TM?

- ☐ non-distinct words or symbols
- ☐ common words (in common use)
- ☐ A square can be trademark for any product or service but it can not be trademark for a product which is SQUARE in shape
- ☐ Trademarks that offends community or religious sentiments can not be a TM

Enforcement of Trademark Rights

- Trademarks can be protected under the statutory law, i.e., under the TM Act and the common law, i.e., under the remedy of passing off.
- If a person is using a similar mark for similar or related goods or services or is using a well-known mark, the rightful owner of trademark can file a suit against that person for violation of the IP rights irrespective of the fact that the trademark is registered or not.
- The relief which a Court may usually grant in a suit for infringement or passing off includes permanent and interim injunction, damages or account of profits, delivery of the infringing goods for destruction and cost of the legal proceedings.

Types of Trademark



WORD MARK



COLLECTIVE MARK



CERTIFICATION MARK



SERVICE MARK



SOUND MARK



LOGO MARK



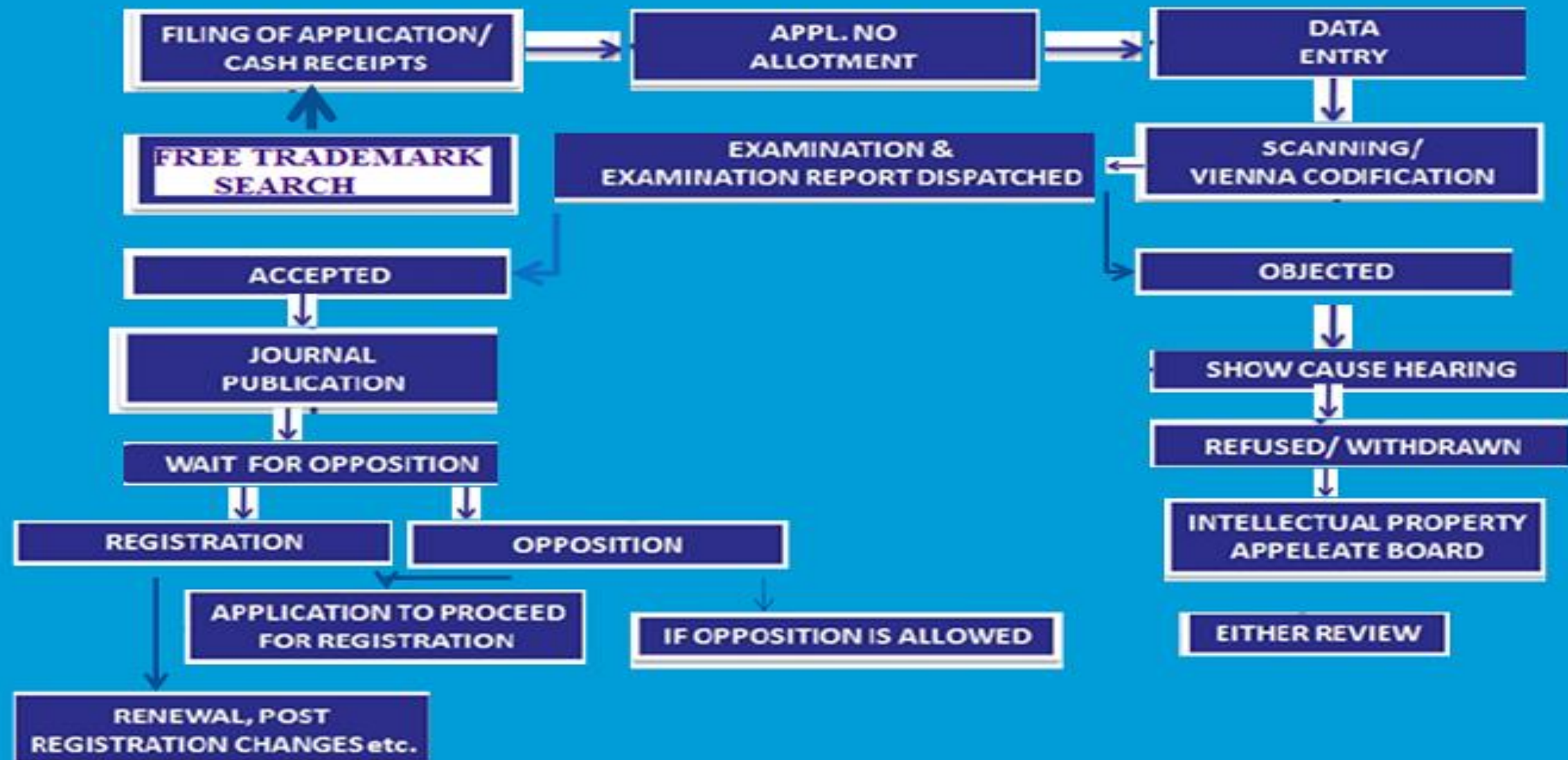
THREE-DIMENSIONAL MARK



SMELL MARK



Trademark Procedure Flowchart in India





[Class Details](#) | [Well Known Marks](#) | [Prohibited Marks](#) | [Vienna Code Classification](#) | [International Non-Proprietary Names\(INN\)](#) | [Help](#)

Search Type : **Wordmark** |

Key Word	Value
Wordmark	Start With :
Class	*Enter one class at a time
Goods Description	*Will be available soon

Search



[Class Details](#) | [Well Known Marks](#) | [Prohibited Marks](#) | [Vienna Code Classification](#) | [International Non-Proprietary Names\(INN\)](#) | [Help](#)

Total No Of Matching Marks : 1

INP Records Found : 0

Search Type : Wordmark

[Click on Show Details to display](#)

International Non-Proprietary Names(INN)

No Record found

Details

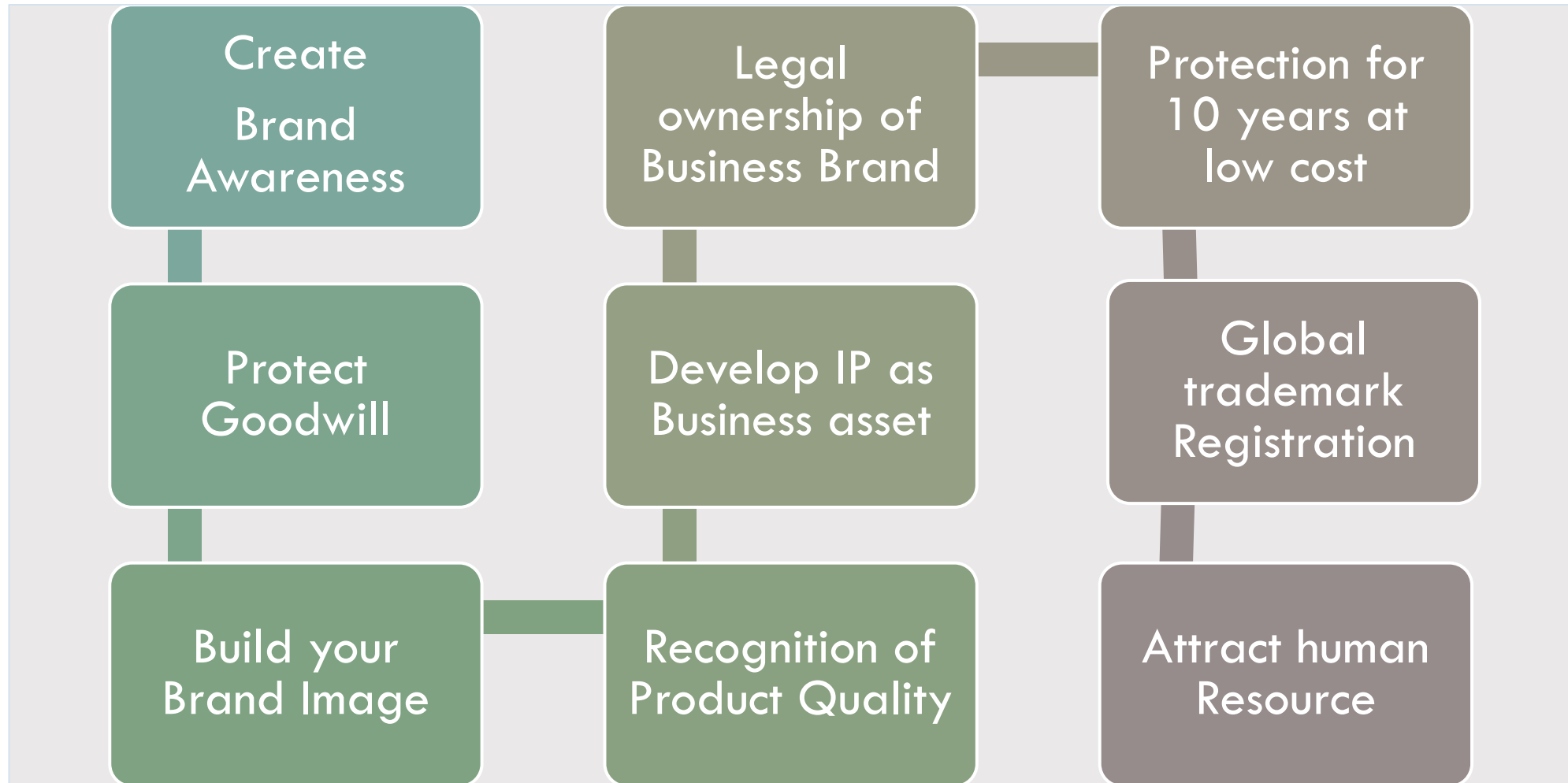
Matching Trademark(s)

SL No.	Document	Image
1	Wordmark: RedmiBook Proprietor: Xiaomi Inc. Application Number: 4158961 Class / Classes: 9 Status: Registered Show Details	RedmiBook

REFUSAL GROUNDS FOR REGISTRATION

- Marks devoid of distinctive character
- Descriptive marks
- Generic marks
- Marks of such a nature as to deceive or cause confusion
- Marks containing any matter which is likely to hurt the religious susceptibilities of any class or section of the Indian citizens
- Marks containing scandalous or obscene matter
- Marks prohibited under the Emblems and Names (Prevention of Improper use) Act, 1950
- Marks consisting exclusively of the shape of the goods which results from the nature of the goods themselves (e.g. apple design for a package of apples, round shape for tennis balls, etc.)
- Marks consisting exclusively of the shape of the goods which is necessary to obtain technical results.
- If there exists likelihood of confusion with the earlier trade mark by reason of the fact of the trade mark being identical with the earlier trade mark and similarity of goods and services or being similar to earlier trademark and identical or similar goods and services.

Advantages of Trademark Registration



Patent

IPAB Watch Post-Grant Office Infringement Licensing Landscaping Advising Portfolios Invalidity FTO Technology-Transfer Opposition Training Appeals Validity Rectification Prosecution Claims Search EPO IPTO Patent-Journal Examination Pre-Grant PCT IPR Response Drafting USPTO Report Prior-Art-Search Specification Publication Innovations

PATENT-HISTORY IN INDIA

HISTORY

- ⌘ The Patent Law, 1856
- ⌘ The Patent and Designs Act, 1911
- ⌘ The Patents Act, 1970 and Rules 1972
- ⌘ The Patent Amendment Act 2015

THE INDIAN PATENT ACT

- ❖ Grant of patents is governed by Patent Act 1970 and Rules 1972.
- ❖ Operative for the whole India.

Patents : Purpose & Policy

- ❖ Encourage research and promote inventive genius.
- ❖ To secure for inventors awards for inventing.
- ❖ To provide inventors a monopoly for commercial exploitation of the invention.
- ❖ Maintain flow of inventions.
- ❖ To enjoy exclusive rights over the invention.
- ❖ To ensure commercial returns to the investor for the time and money spend in generating a new product.

What is Patent?

- A patent is an exclusive right granted by the state for an invention to the inventor.
- The applicant is required to disclose the invention to the public by providing a detailed, accurate and complete written description of the invention in patent application. (Protection+ disclosure)
- It Gives Owner exclusive rights.
- The Patents under the Act are granted by the Controller to the Inventor(s) for a period of 20 years.
- Unity of Invention. (One Invention in one patent)

What can be Patented?

- A Patent should be:

Novel

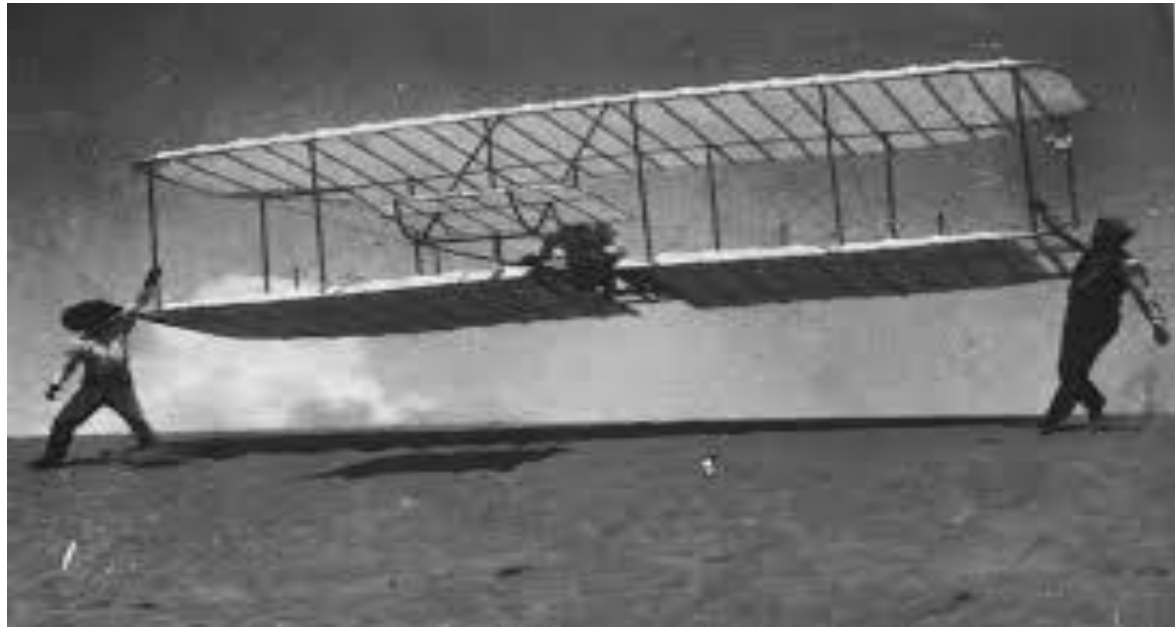
It should be 'New', 'Original' and 'Unusual'.

Useful

It should be Useful to the industry.

Non-obvious

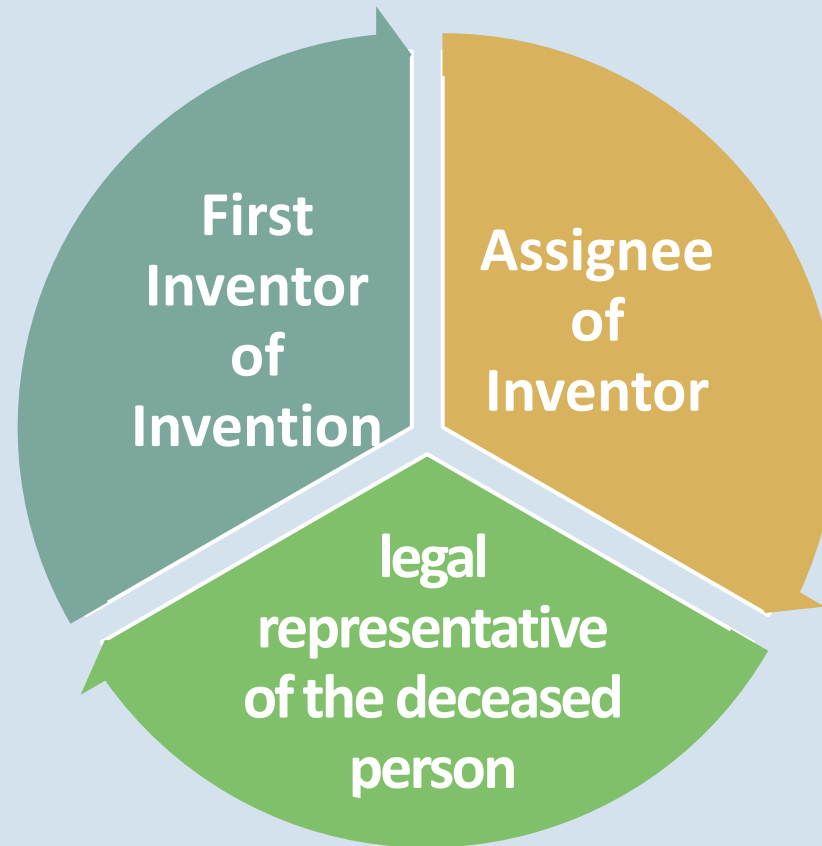
It should be non-obvious to a person skilled in that art.



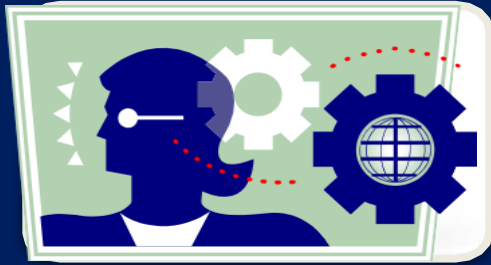
What cannot be patented?

- ☐ **Frivolous** Invention
- ☐ Inventions contrary to well established natural laws contrary to **Public order or morality**.
- ☐ Inventions related to **atomic energy** causes serious prejudice to health or human, animal, plant life or to the environment.
- ☐ Mere discovery of **scientific Principle or formulation** of abstract theory or discovery of any living thing or discovery of non- living substance occurring in nature.
- ☐ Patent on **Plant, animals & naturally** occurring microorganisms.
- ☐ Any Process **for medicinal, surgical, curative , diagnostic therapeutic** or other treatments of human beings or similar treatments of animals to render them free of disease.

Who can make application of patent?



TYPES OF PATENT



1. Utility Patent:

patents on inventions which function in a new way or to provide a new result



2. Design Patent:

patents on the aesthetic design or ornamentation of something that already exists; no change for functionality of the object, only gives it a novel appearance



3. Plant Patent:

patents on types of plants that may be reproduced by grafts and cuttings

Is A Patent Granted In One Country Enforceable In Other Countries?

- No, there is nothing like a global patent or a world patent. Patent rights are essentially territorial in nature.
- Granting a patent in one country of the Union does not force other countries to grant the patent for the same invention.
- The refusal of the patent in one country does not mean that it will be terminated in all the countries.

Rights of Patentee

1. Right to **exploit** the patent.

The patentee has a right to prevent 3rd parties, from exploiting the patented invention.

2. Right to **grant license**.

The patentee has a power to assign rights or grant license.

3. Right to **surrender**.

The patentee is given the right to surrender the patent by giving notice in prescribed manner to the controller.

4. Right to sue for **infringement**.

A patentee is given the right to institute proceeding for infringement of the patent in a district court .



Copyright Act, 1957

The Copyright Act, 1957 which has been amended in 1983, 1984, 1985, 1991, 1992, 1994, 1999 and 2012

OBJECT OF COPYRIGHT LAW

To encourage **authors, composers and artists** to create original works by granting them **exclusive right** to make copies & sell them number of Years.

What is Copyright?

Copyright is a right given by the law to creators of literary, dramatic, musical and artistic works and producers of cinematograph films and sound recordings for a limited period of time.

FOR COPYRIGHT PROTECTION

- The Work Must be **Original**.
- The work must be **fixed** or Presented in a tangible form such a writing, film, or Photography.
- Created by any **qualified Person**.

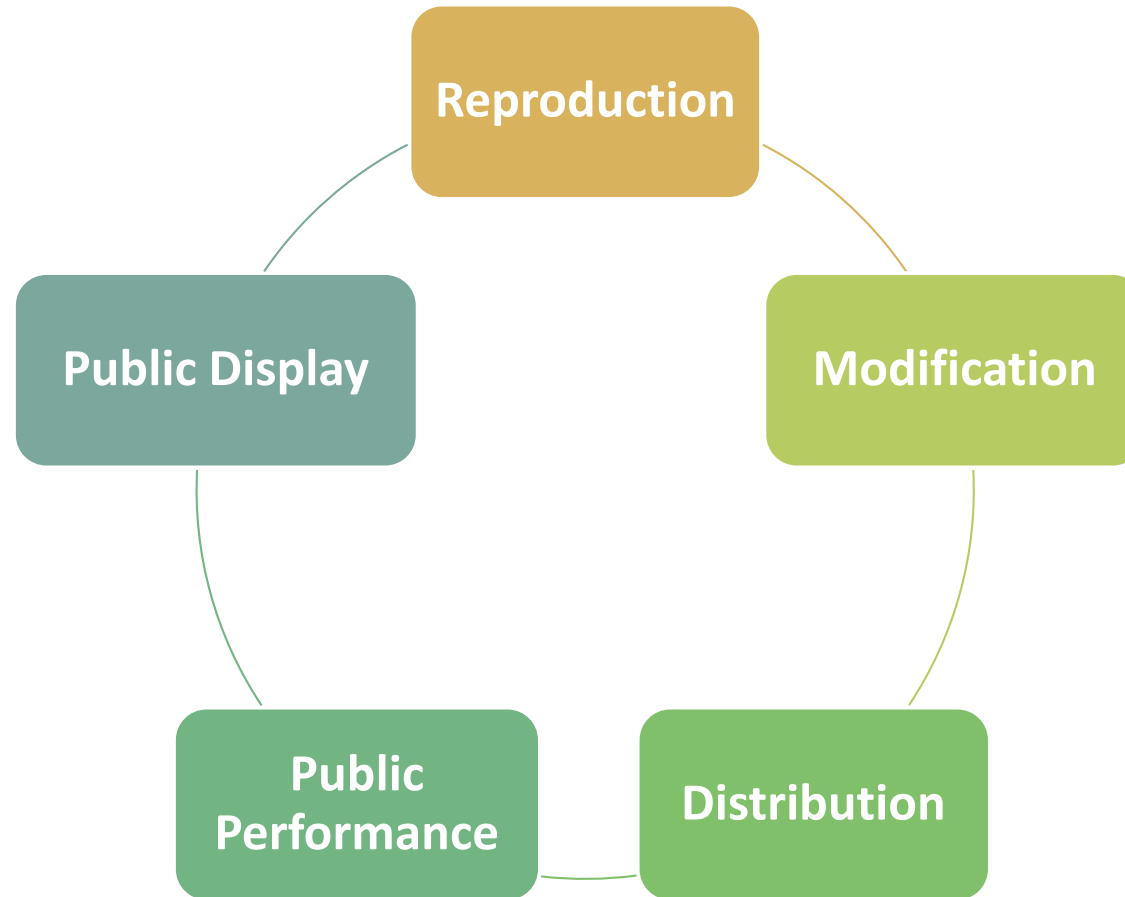
Copyright Protect Works

Artistic	Literary	Musical	Dramatic
- paintings • illustrations • sculptures • graphics • cartoons • photographs • drawings • maps • diagrams • buildings • models of buildings	• novels • textbooks • newspaper and magazine articles • short stories • journals • poems • song lyrics • instruction manuals • computer software • websites • Ebooks	• melodies • sheet music • pop songs • advertising jingles • film score	• plays • screenplays • mime • choreography

Other Subject Matter

Films	Sound Recordings	Broadcasts
• cinematographic films • DVDs • television advertisements • music videos • interactive games • interactive films • online videos and films (eg YouTube, Vimeo, iTunes, Google Play, Netflix, Stan, etc)	• vinyl music • CD • DVD • cassette tapes • digital recordings (eg MP3/MP4) • podcasts • digital music (eg iTunes, Spotify, Sound Cloud, Apple Music, etc) • audiobooks	• free to air or pay radio & TV

Copyright in Essence of Bundle of Rights



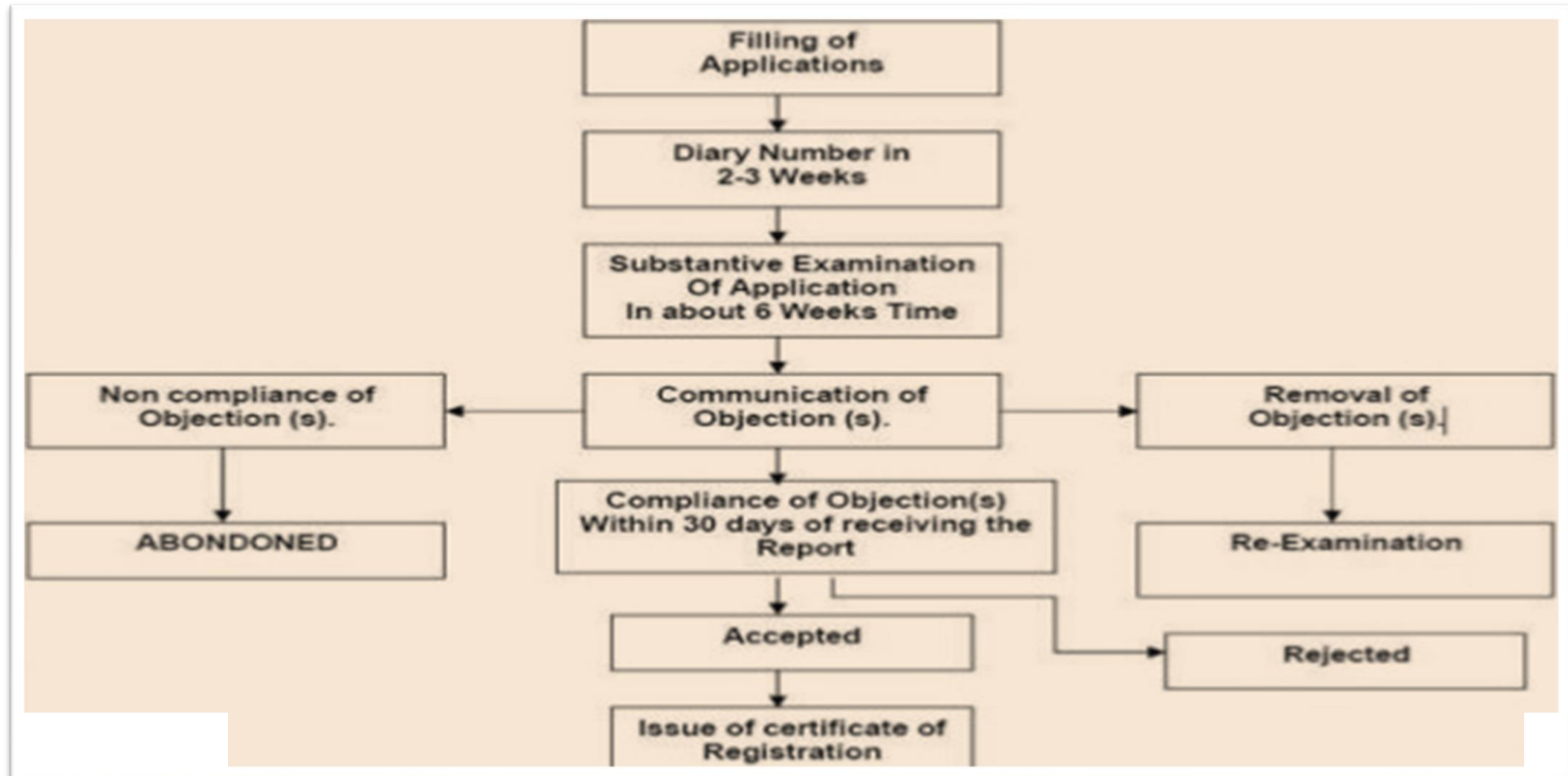
Who is Author?

literary or dramatic work	The Author of the work
Musical work	The composer
Cinematograph film/sound recording	The producer
Photograph	The photographer (The person taking photograph)
Artistic work other than photograph	The Artist
Literary, dramatic, musical or artistic work which is computer-generated	The person who causes the work to be created.

Term of Copyright

Copyright Relating to	Term
Literary, Musical or Artistic Work (Other than Photograph) Published	Life time of Author + 60 Years after the year of Author's death
Work published anonymously/ pseudonymously	60 Years after the year in which work is first published.
Identity of author disclosed before the expiry of the said period	60 Years following the year in which author dies
Photographs, Cinematograph Films, Sound Recording, Govt. Works	60 Years after the year of publication

Copyright Registration In India



Infringement of Copyright

A copyright is infringed when a person, without license from the owner, does something, the exclusive right of which is given to owner.

Infringing copy means-In relation to	
literary, dramatic, musical artistic work	a reproduction thereof
cinematographic film	a copy of the film
sound recording	any other sound recording embodying the same sound recording
programme or performance in which the broadcasting reproduction or performer's rights subsist	the sound recording or the cinematographic film of such programme or performance.

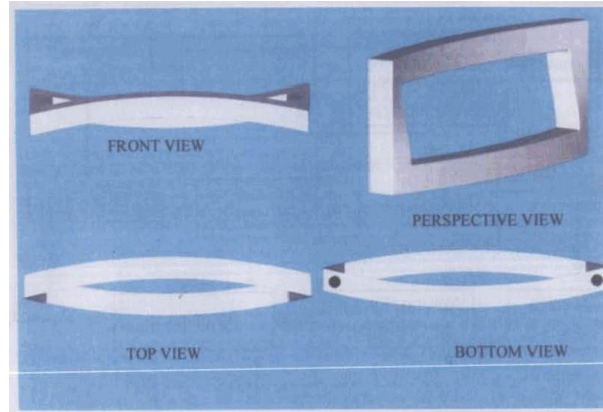
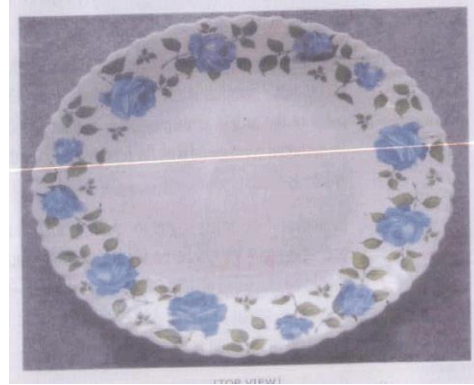
INDUSTRIAL DESIGN



What is Industrial Design?

- A system to offer **protection to the ideas of the designing community.**
- Industrial design play an Important role in the trading of consumer goods or Products.
- Any new or original idea applied to an article whose pattern, shape or configuration makes an appeal to the eye forms an industrial design.
- Protection of an **Industrial Design is governed by the Designs Act of 2000.**





IF YOU HAVE A DESIGN WHICH IS ATTRACTING, FILE INDURSTAIL DESIGN



PHARMA DESIGN

Design Number	209518
Class	09-07
1)BILCARE LTD 1028, SHIROLI, RAJGURUNAGAR, PUNE- 410505, MAHARASHTRA,INDIA.	
Date of Registration	10/04/2007
Title	PHARMACEUTICAL PACKAGE
NA	



While Patents Deals with how the article “works” **(Functional Aspects)**

Design Deals with how the article “Looks” **(Aesthetic Aspect/ Appealing to Eye)**

The design act calls right “ Copyright in the design” through copyright deals with the “artistic work” in two dimension. The design act deals with such work in **Three Dimension.**

Glass staircases in Apple's Shop- may qualify for both **PATENT & DESIGN**



GEOGRAPHICAL INDICATION

What is Geographical Indication?

- ❖ A geographical indication (GI) is a *name or sign* used on certain products which *corresponds to a specific geographical location or origin* (e.g. a town, region, or country).
- ❖ The *use of a GI may act as a certification* that the product possesses *certain qualities*, is made according to *traditional methods*, or enjoys a certain *reputation, due to its geographical origin*

What can be Geographical Indication?

- ❖ Agricultural Product
- ❖ Food Stuff
- ❖ Wine & Spirit Drink
- ❖ Handicraft
- ❖ Clothing
- ❖ Industrial Product



Geographical Indication tags India



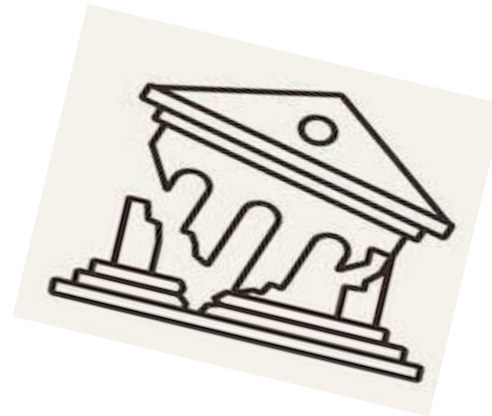
CONCLUSION

Technological advancement made the job of the CREATOR easy.

.....it also made the job of the COPY-ER easy.

Create yourself, rather than using other's creations.

ANY QUESTIONS?



*Thank
you*



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CONTACT US

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Independent Director
(IICA-MCA)

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You can also Connect through

