



WELCOME YOU ALL FOR SESSION ON



IPR & It's Role in Research and Innovation



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PURPOSE

Provide a general awareness and
Introduction on IPR, its provisions

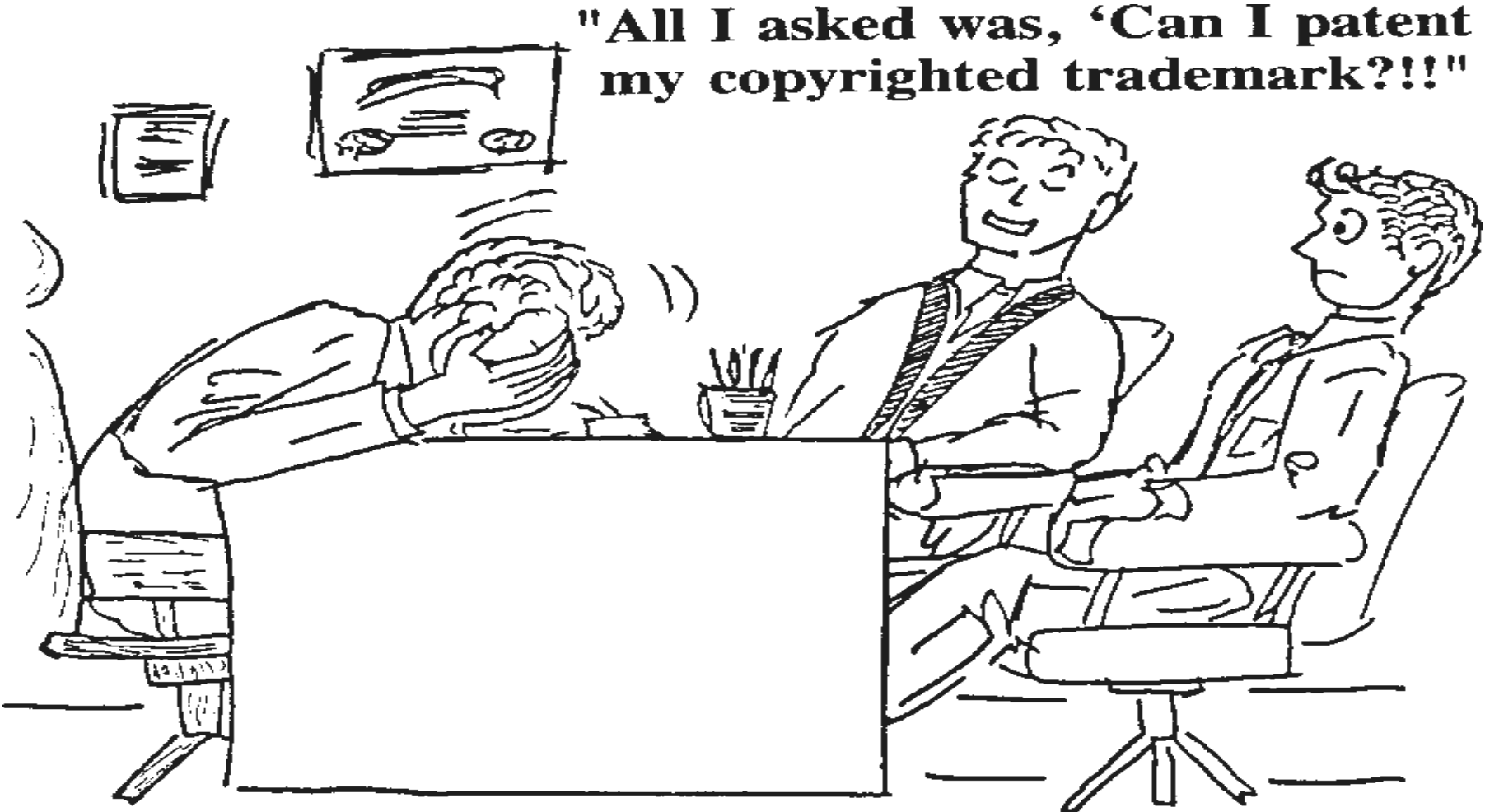
WHY THIS WEBINAR?

- ❖ 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

- ❖ TRADEMARK
- ❖ PATENT
- ❖ COPYRIGHT
- ❖ INDUSTRIAL DESIGN
- ❖ GEOGRAPHICAL INDICATION
- ❖ TRADE SECRETS

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



What is IP?

- ❖ Intellectual property is a new category of property.
- ❖ IP is handiwork of **CREATIVE MIND**.
- ❖ It takes the form of an inventive solution or a means to harness an opportunity or overcome a problem.

THINK CREATE INSPIRE



INTELLECTUAL PROPERTY

INDUSTRIAL PROPERTY

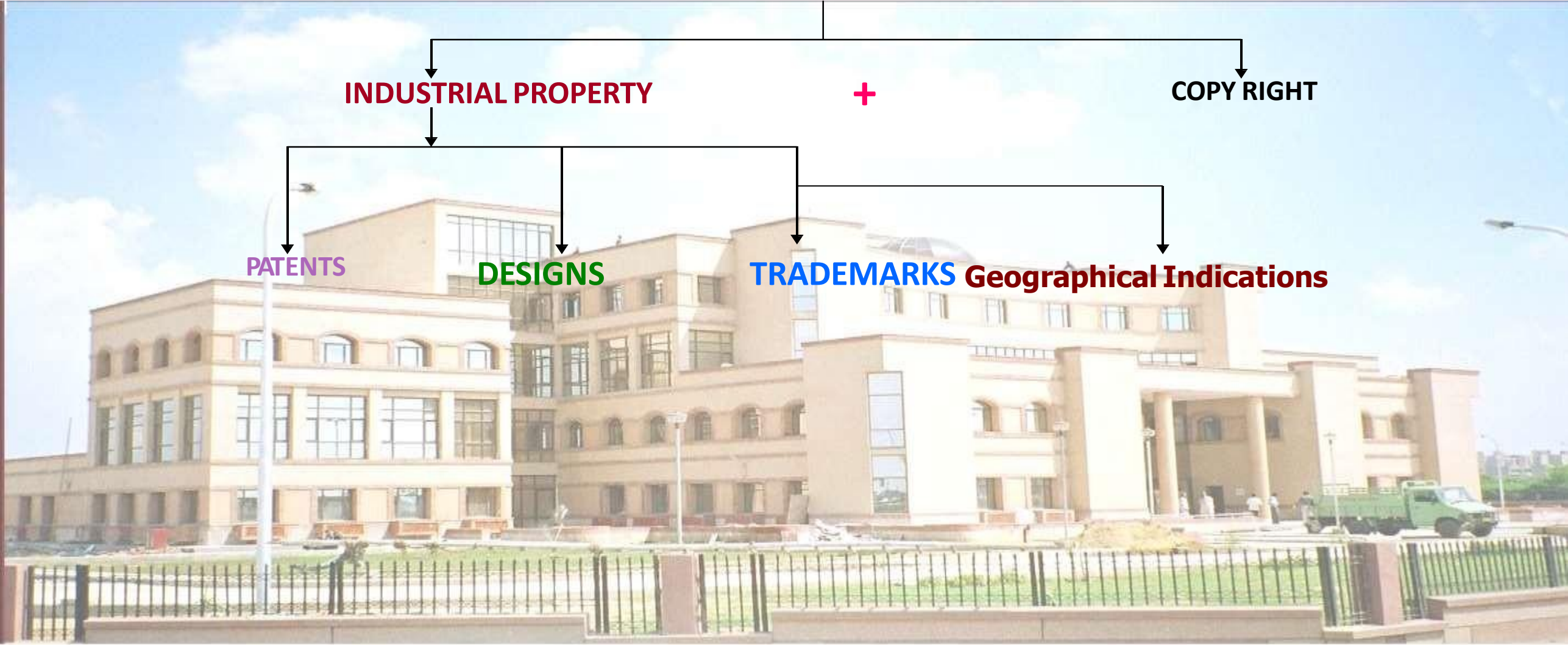
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COPY RIGHT

PATENTS

DESIGNS

TRADEMARKS **Geographical Indications**



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.



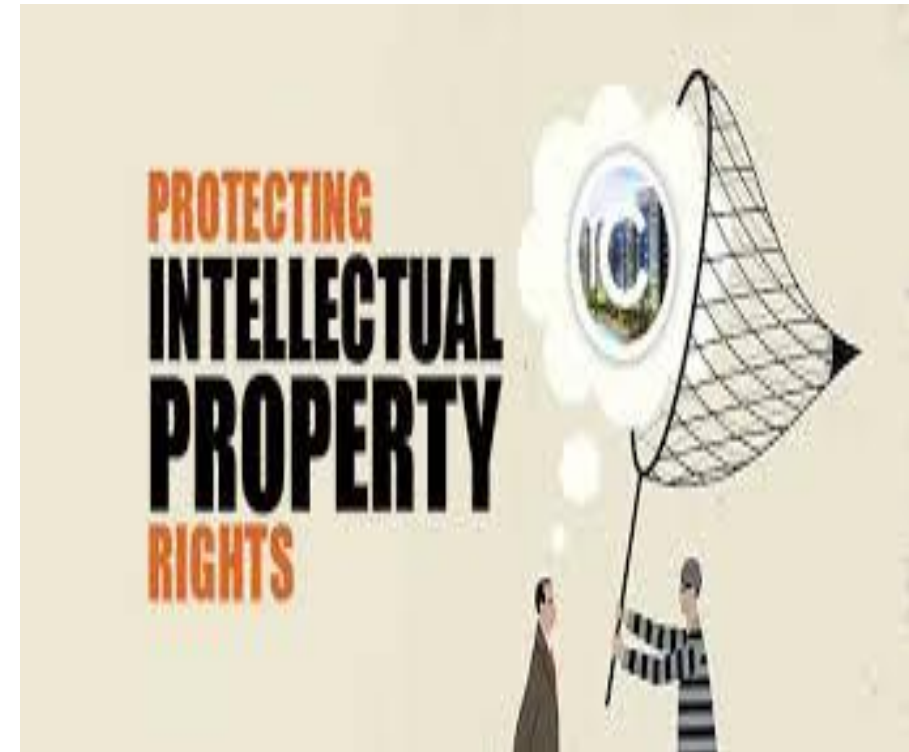
How would you feel if someone copied your poem without your permission and got praised by the teacher?



Now, imagine how an Intellectual Property owner feels when someone copies their novel, invention or trademark without their permission and makes money from it?

Why Intellectual Property Required?

1. To Protect your own unique creativity and Invention.
2. To get an economic return on funding Invested in Research & development.
3. To get your reward or recognition as it is the fruit of your hard labor, effort & time.
4. To own your invention & creative works.
5. To create an intellectual asset for licensing or selling.
6. To prevent someone from using your inventions.



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**.



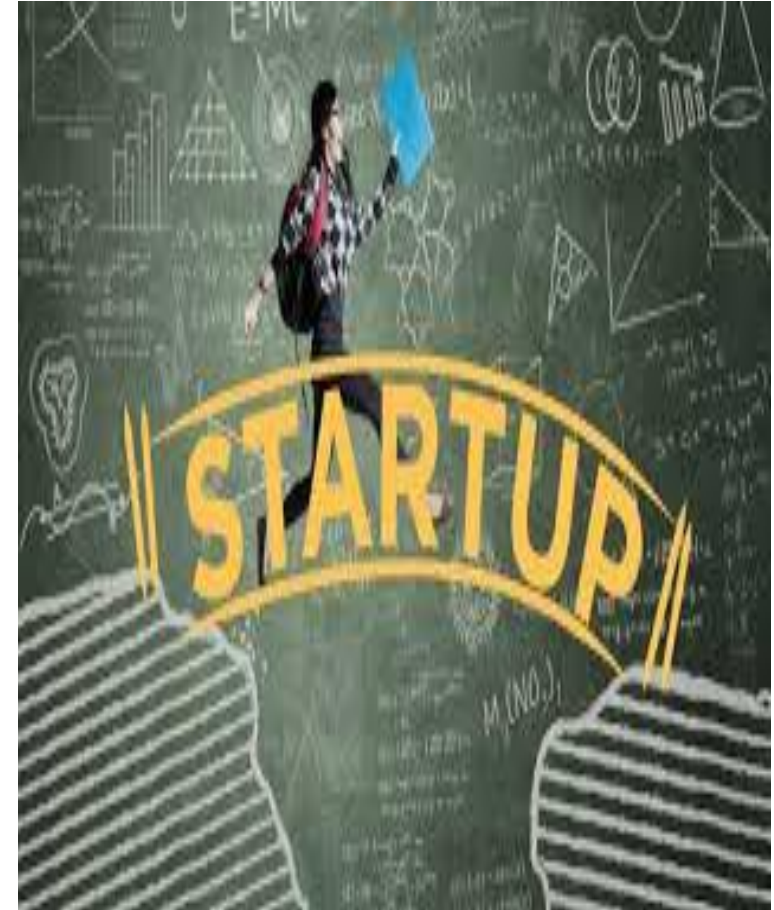
START UP & IPR

Startups have been recognized as a powerhouse of innovation, technology, and ideas.

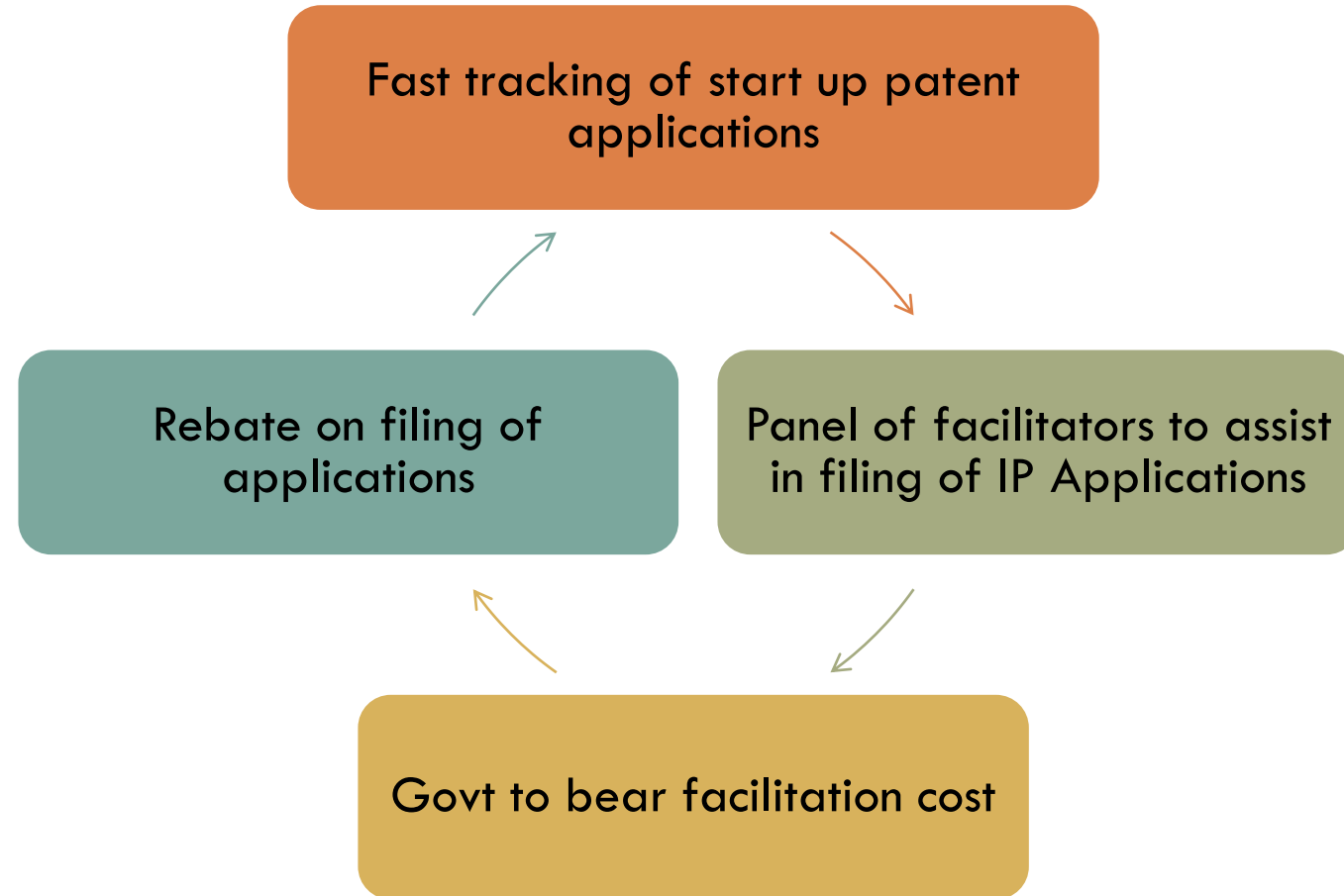
The Government of India has started the scheme for facilitating **startups Intellectual Property Protection (SIPP)** for their innovation and creativity and promotes awareness and encourages IPR protection amongst startups.

Intellectual Property Rights are also an important reason behind the success of the Indian startup ecosystem.

Investments made in technology that give a startup an advantage over incumbents and others are always significant.



START UP INDIA BENEFITS



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

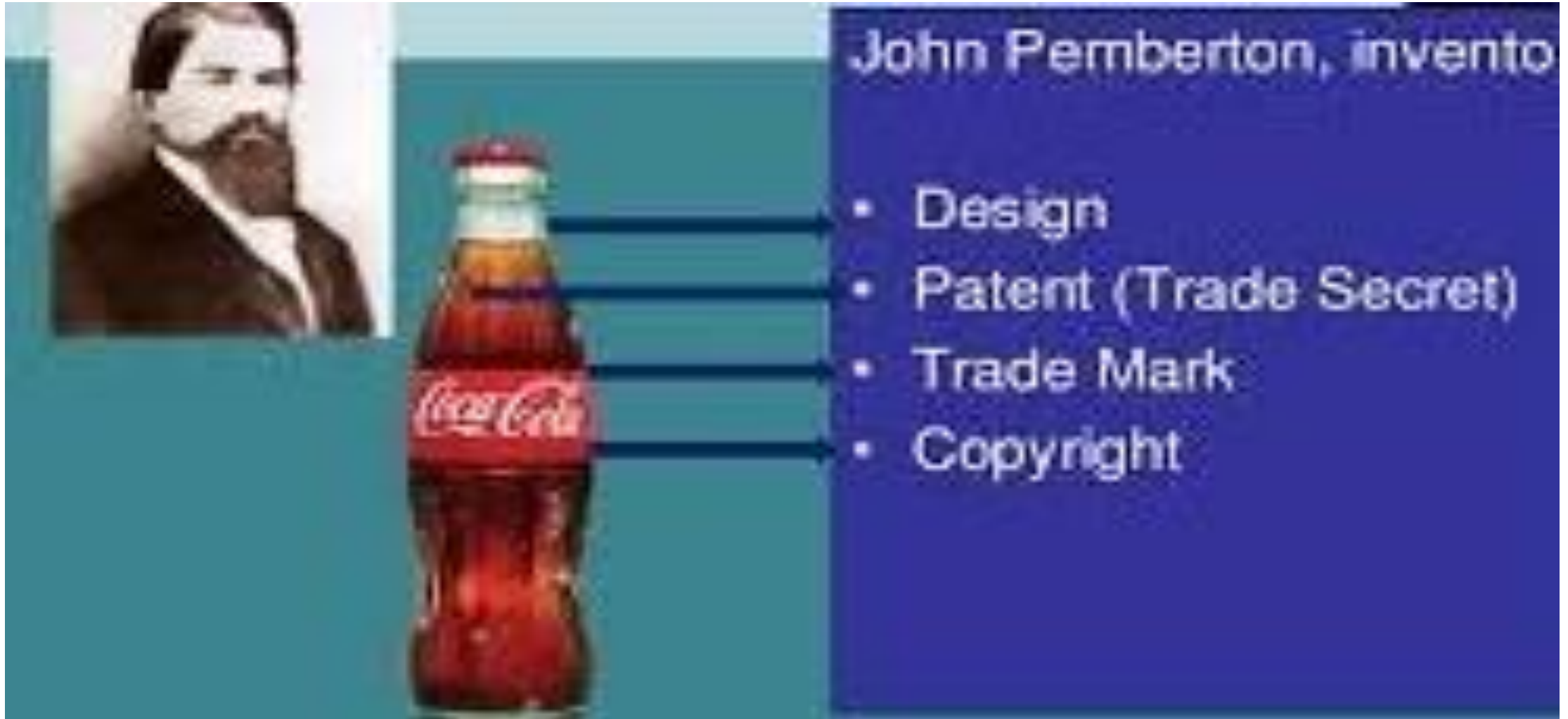


Confidential Business
Information

Each type of Protection & What it Protects?

- Trademark....Protect....**Identifying signs & symbols**
- Patents (utility/design)..... Protect.....**Inventions**
- Copyrights.....Protect.... **Creative Expressions of creators**
- Industrial DesignsProtect..... **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 ?



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

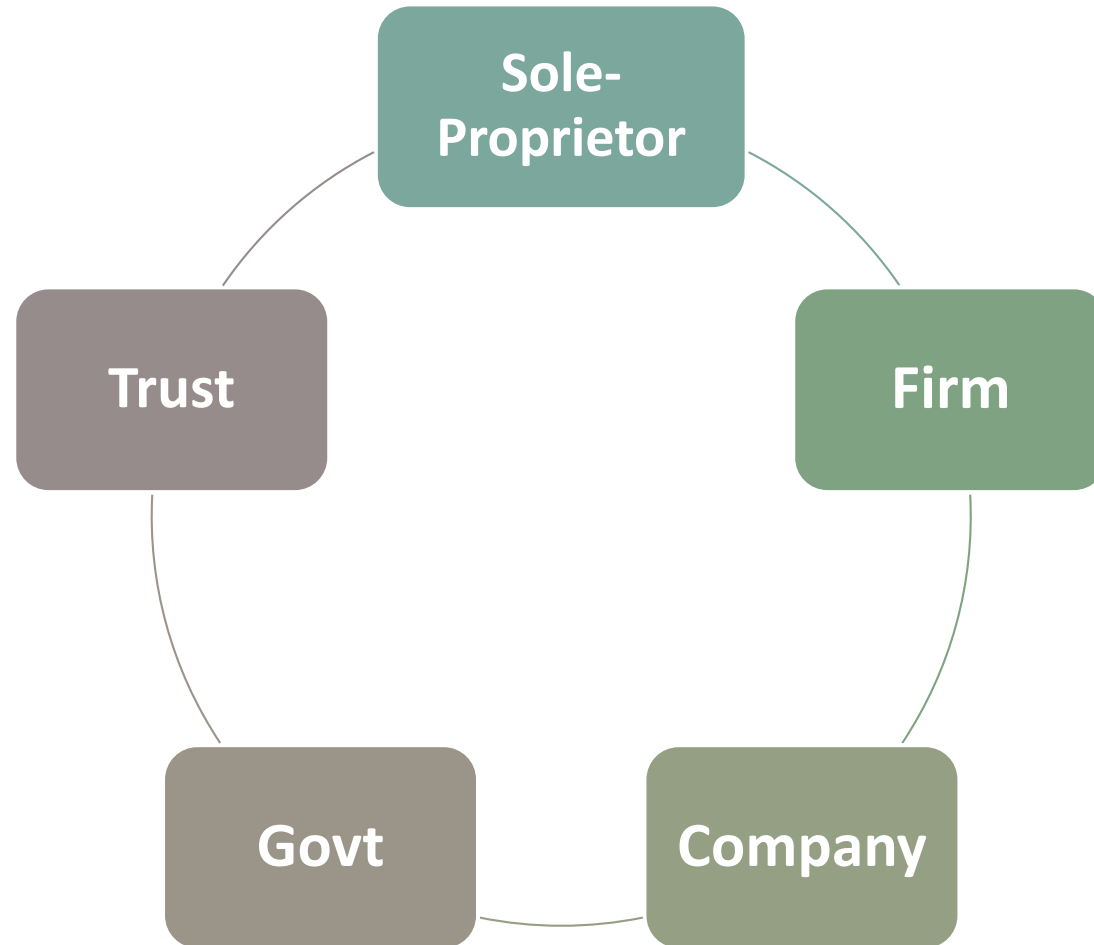
(for an **Unregistered Service mark**, that is, a mark used to promote or brand services)
















































(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

Types of Trademark



WORD MARK



COLLECTIVE MARK



CERTIFICATION MARK



SERVICE MARK



SOUND MARK



LOGO MARK



THREE-DIMENSIONAL MARK



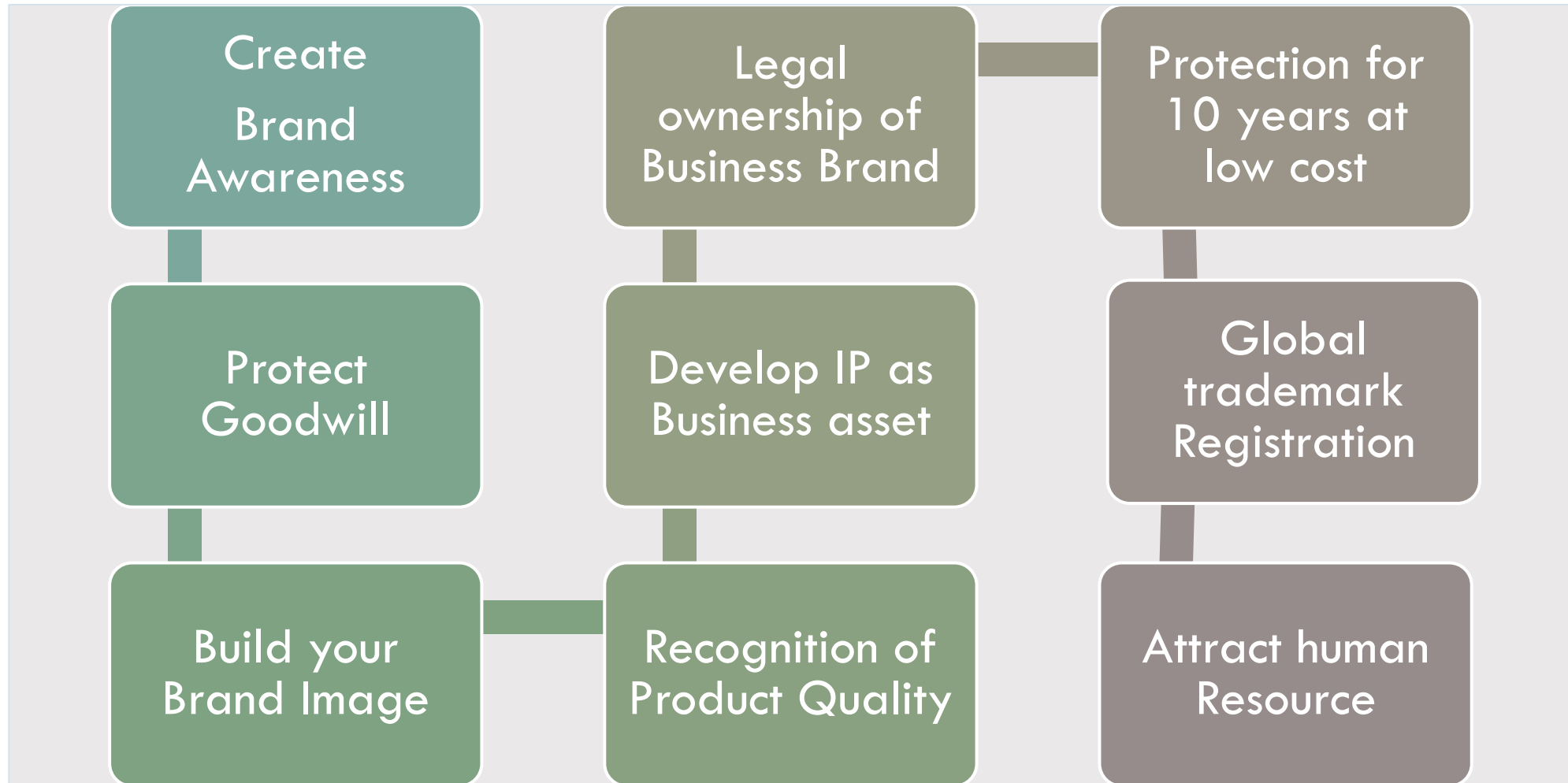
SMELL MARK



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



How do I register a trademark?

- ✓ You can file a trademark application at the Indian Trademarks Registry.
- ✓ www.ipindia.nic.in is the website of the Indian Trademark Registry which contains all the information you need.
- ✓ Your application must contain your trademark, your name and address, and the goods or services for which you use or will use your trademark.
- ✓ The Trademarks Registry will examine your application.
- ✓ After clearing the examination stage, your trademark will be published in the Trademarks Journal.
- ✓ If no one challenges (or “opposes”) your trademark application, your trademark will be registered for 10 years.
- ✓ You can keep renewing your trademark every 10 years, forever!

The word cloud features the word "Patent" in the largest, dark red font at the center. Other prominent words include "Opposition" in black, "Innovations" in purple, and "Infringement" in red. Smaller words include "Office", "Post-Grant", "Licensing", "Litigation", "Advising", "Portfolios", "Landscaping", "Invalidity", "FTO", "Technology-Transfer", "Action", "Training", "Appeals", "Validity", "Prosecution", "Claims", "Drafting", "Response", "Examination", "Pre-Grant", "IPR", "PCT", "Search", "Rectification", "EPO", "IPTO", "Patent-journal", "USPTO", "Report", "Prior-Art-Search", "Specification", "Publication", "IPAB", "Watch", "Office", "Post-Grant", "Infringement", "Licensing", "Litigation", "Advising", "Portfolios", "Landscaping", "Invalidity", "FTO", "Technology-Transfer", "Action", "Training", "Appeals", "Validity", "Prosecution", "Claims", "Drafting", "Response", "Examination", "Pre-Grant", "IPR", "PCT", "Search", "Rectification", "EPO", "IPTO", "Patent-journal", "USPTO", "Report", "Prior-Art-Search", "Specification", "Publication".

Patent

Opposition

Innovations

Infringement

Office

Post-Grant

Licensing

Litigation

Advising

Portfolios

Landscaping

Invalidity

FTO

Technology-Transfer

Action

Training

Appeals

Validity

Prosecution

Claims

Drafting

Response

Examination

Pre-Grant

IPR

PCT

Search

Rectification

EPO

IPTO

Patent-journal

USPTO

Report

Prior-Art-Search

Specification

Publication

IPAB

Watch

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

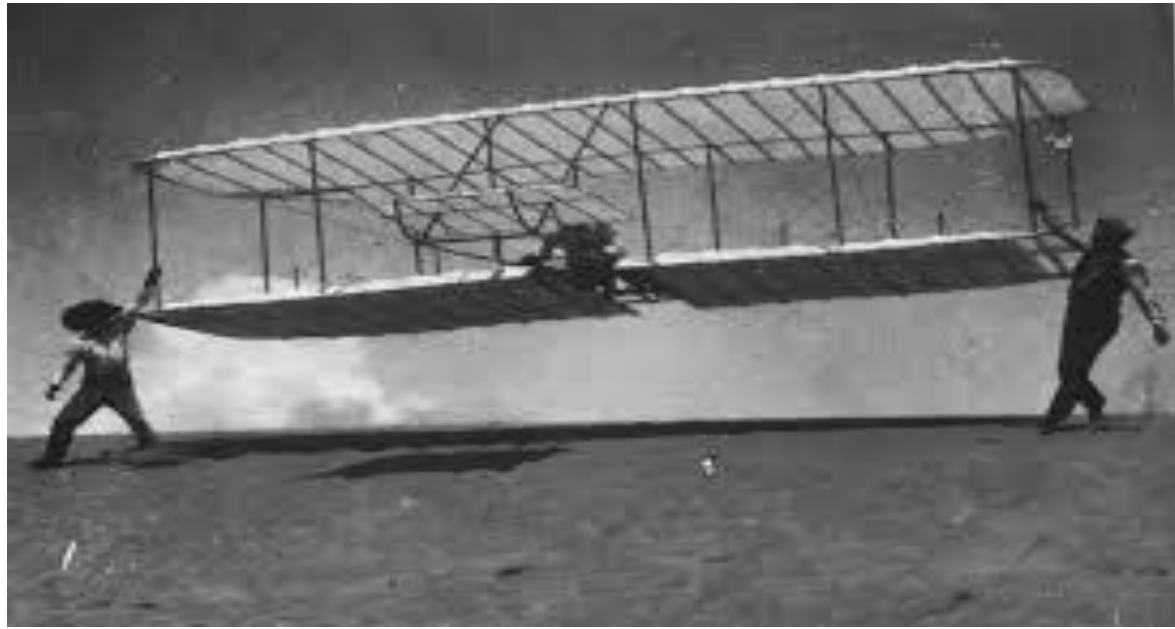
It should be 'New', 'Original' and 'Unusual'.

Useful

It should be Useful to the industry.

Non-obvious

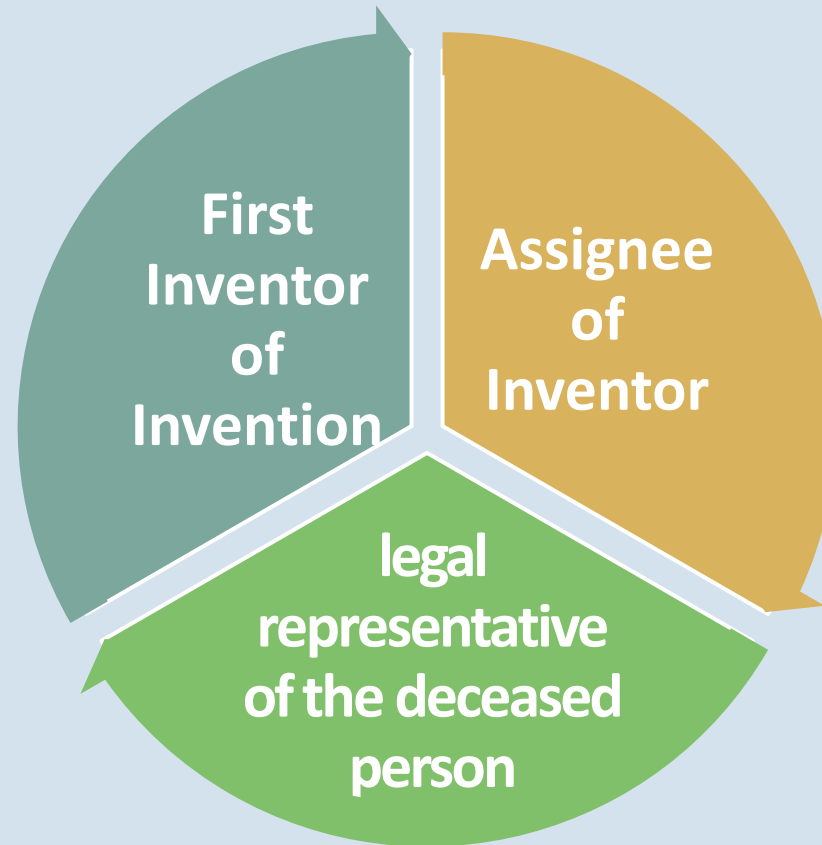
It should be non-obvious to a person skilled in that art.



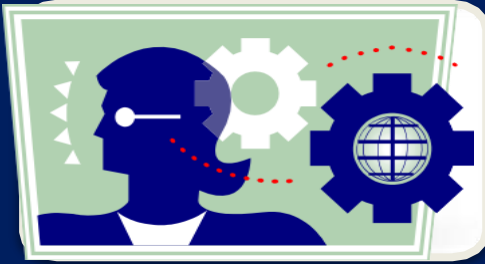
What cannot be patented?

- 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.



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**.

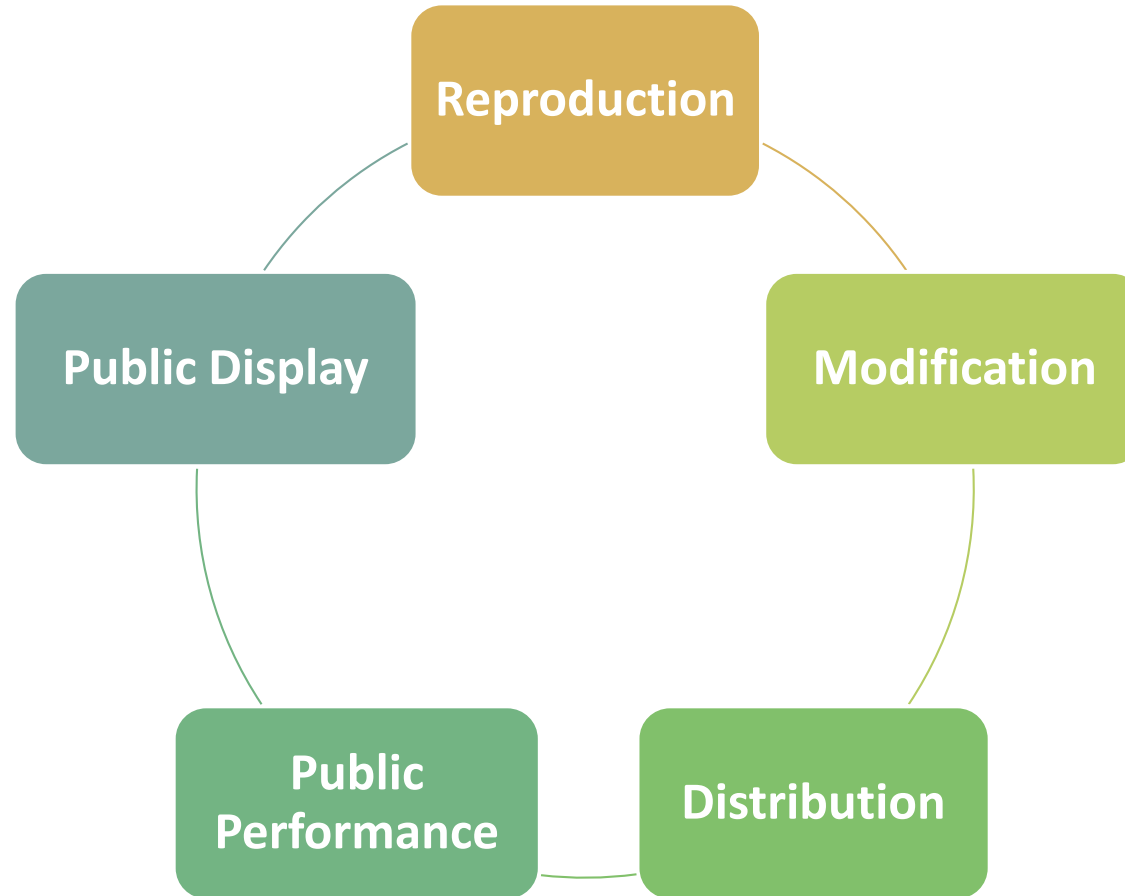
Copyright Protect Works

Artistic	Literary	Musical	Dramatic
<p>paintings</p> <ul style="list-style-type: none">• illustrations• sculptures• graphics• cartoons• photographs• drawings• maps• diagrams• buildings• models of buildings	<ul style="list-style-type: none">• novels• textbooks• newspaper and magazine articles• short stories• journals• poems• song lyrics• instruction manuals• computer software• websites• Ebooks	<ul style="list-style-type: none">• melodies• sheet music• pop songs• advertising jingles• film score	<ul style="list-style-type: none">• plays• screenplays• mime• choreography

Other Subject Matter

Films	Sound Recordings	Broadcasts
<ul style="list-style-type: none">• cinematographic films• DVDs• television advertisements• music videos• interactive games• interactive films• online videos and films (eg YouTube, Vimeo, iTunes, Google Play, Netflix, Stan, etc)	<ul style="list-style-type: none">• vinyl music• CD• DVD• cassette tapes• digital recordings (eg MP3/MP4)• podcasts• digital music (eg iTunes, Spotify, Sound Cloud, Apple Music, etc)• audiobooks	<ul style="list-style-type: none">• 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

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.

How do I protect my copyright?

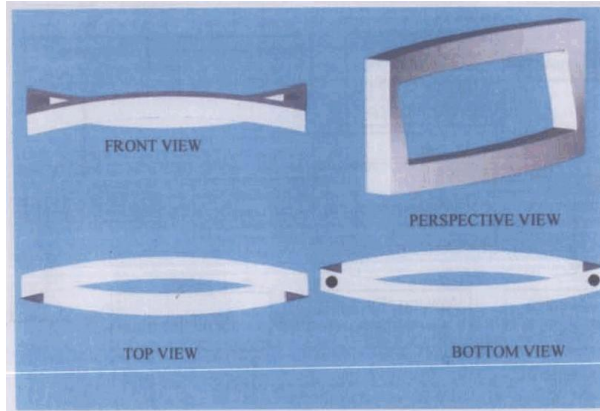
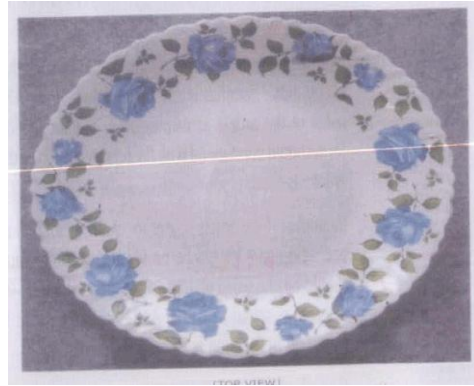
- ✓ Your copyright will arise in a work as soon as you create it. So, there is no legal need to register it.
- ✓ However, having a copyright registration is a strong proof that you are the actual owner of the work.
- ✓ You can file an application to register your copyright at <http://copvright.gov.in/>.
- ✓ If no third person objects to your application and your application passes the examination stage, the Copyright Office will grant copyright registration for your work.

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



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



Some Well Known GI

Tejpur Litchi



Gir Kesar Mango



Kangra Tea



Malabar Pepper



Nagpur Orange



Nashik Grape



Some Well Known GI

Madhubani Paintings



Surat Zari Craft



Kashmir Pashmina



Chanderi Fabric



Banshree Shari



Sangreri Handblock



Nature of Geographical Indication

- ❖ Like all IPR ,a GI is an intangible asset ,an identifiable nonmonetary resource which create a legal claim to future benefits through special rights & privilege to it.
- ❖ GIs **may** not be **sold, transferred, licensed, rented or exchanged**, since they are either collectively owned (certification marks) or controlled by the State.
- ❖ The useful life of this asset is indefinite.
- ❖ Once protected, the production of GI-labeled products is always geographically confined to the region, locality or territory that provided the good with its special attributes

TRADE SECRETS

What is Trade Secrets?

- ❑ A Trade secret is the legal term for confidential business information. It can include any information that is valuable to its owner and that the owner want to keep secret.
- ❑ It may include recipes, formulas, special processes, devices, methods, techniques, business plan, research and development information, etc.



Financial
information

scientific
information

TRADE
SECRET

Commercial
information

Technical
information



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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