



SNS COLLEGE OF TECHNOLOGY



Coimbatore-35.

An Autonomous Institution

**Accredited by NBA– AICTE and Accredited by NAAC – UGC with ‘A+’ Grade
Approved by AICTE, New Delhi & Affiliated to Anna University, Chennai**

COURSE NAME : 19GET201 PROFESSIONAL ETHICS & HUMAN VALUES

IV YEAR/ VII SEMESTER

UNIT – III Responsibilities and Rights

Topic: Intellectual Property Rights (IPR)

S DHARANI

Assistant Professor

Department of Food Technology



Introduction to Intellectual Property



- Intellectual Property refers to creation of mind i.e. inventions, industrial designs for article, literary & artistic work, symbols etc. used in commerce.
- Two categories: Industrial property & Copyright.
- Industrial property: Trademarks, Patents etc.
- Copyright covers Artistic works, Literary works etc..



Intellectual Property Rights

- Rights which can be used for protecting different aspects of an inventive work for multiple protection.
- Outlined in Article 27 of the Universal Declaration of Human Rights.
- IPR are largely territorial rights except copyright, which is global in nature.
- IPR can be assigned, gifted, sold and licensed like any other property.

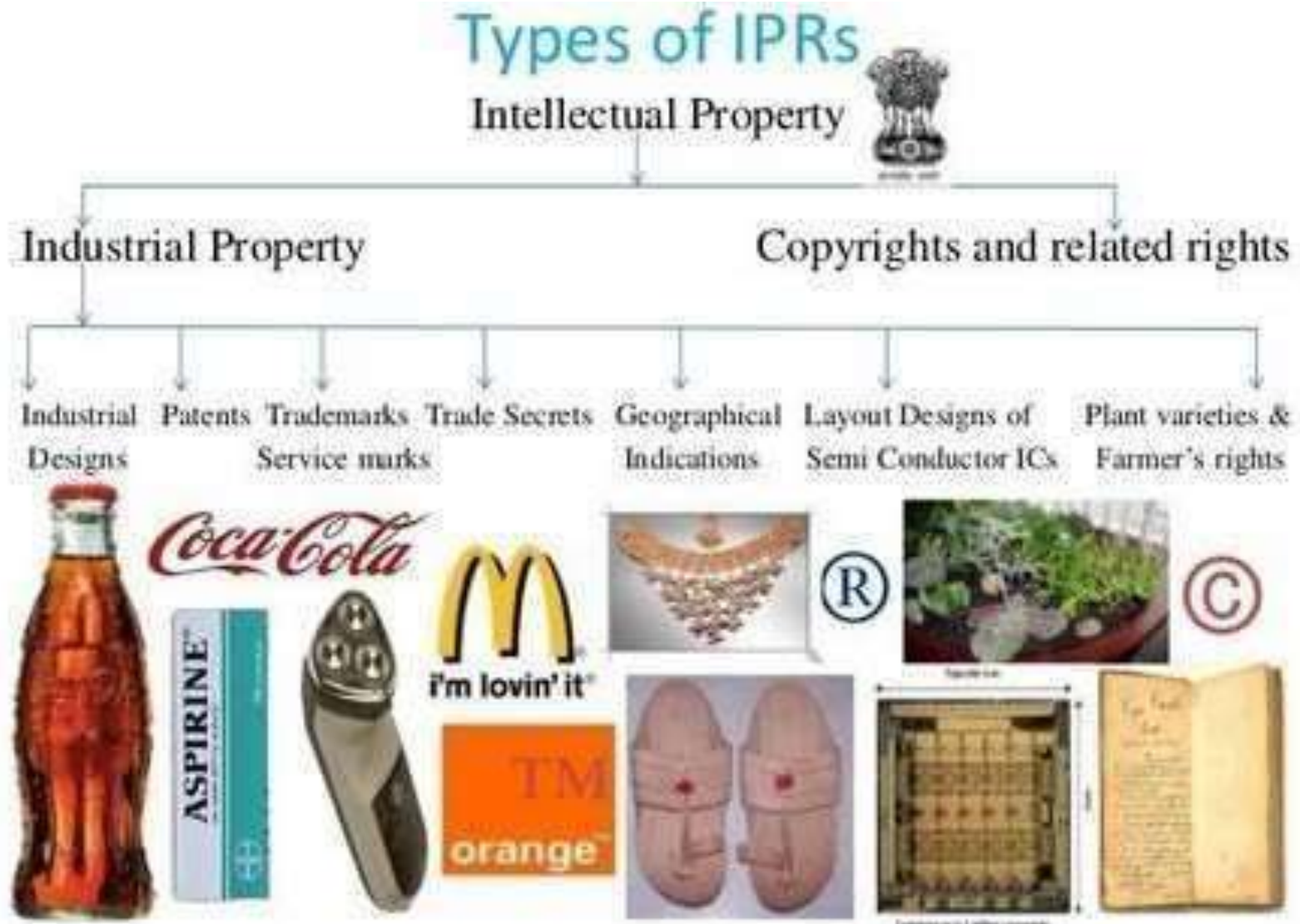
Intellectual Property (IP) is any creations of human mind. Like tangible property, their creation has a value and, as with all property, it needs to be protected.

Intellectual Property Rights (IPR) gives them this protection, as well as helping them exploit and control their IP.

“The exclusive right granted by State, to prevent others from using, manufacturing, distributing - inventions, processes, applications, new and original designs, trademarks, new plant varieties, data bases and artistic and literary works”. Such a person is known as ‘rights owner’ or ‘rights holder’.



IPR - Types





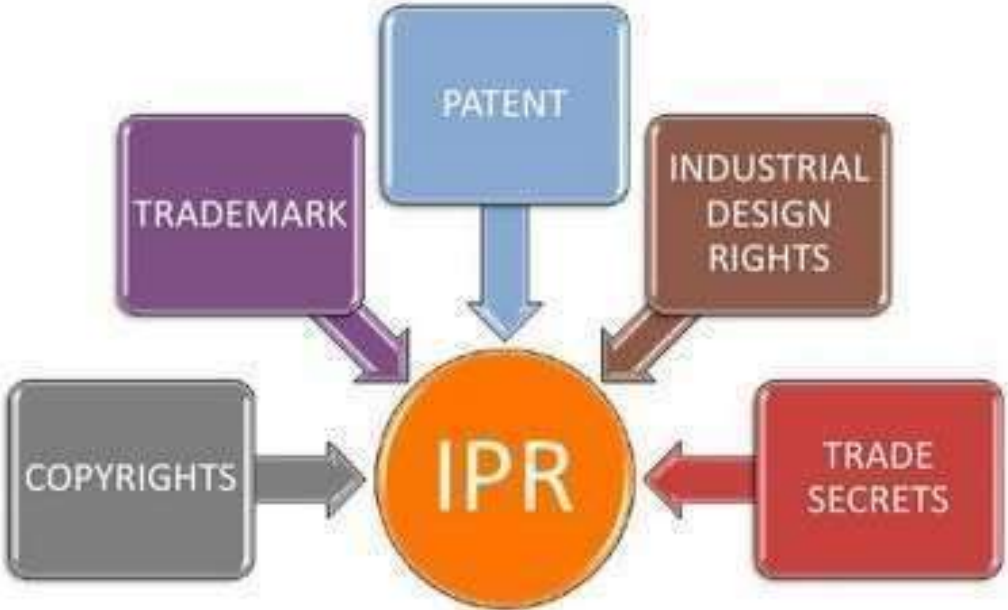
Intellectual Property Rights

REGISTERED

- Patents
- Trade Marks
- Design rights

UNREGISTERED

- Copyright
- Unregistered Design rights
- Common law trade marks
- Database rights
- protection for know how under laws dealing with confidential information and trade secrets
- Plant varieties
- Geographical Indications
- Design of Integrated Circuits
- 'Passing off' trade legislation (Domain names)





Patent



Patent

- A right granted by the government
- To prevent others from selling, making or using your invention
- For a period of Time (around 20 years)



What to patent

- Man-Made
- Process or method
- Designs
- Structure
- (Software Programs!!!)



Why Patent an Invention

- Exclusive Control
- Prevent others from copying it
- Commercialize the invention
- Demonstration of talent





Patent



- Under the Indian Patent Law, a “Patentable invention” must be,-

- a new product or process;
- non-obvious;
- useful; and
- capable of industrial application.

You need a patent if:

- You have invented a product you want to market yourself or sell to a manufacturer.
- You believe someone else could sell the product by copying your inventions.

Patent application must include:

- In-depth description of invention.
- Drawing of invention.
- Completed “Declaration for Patent Application.”
- Notarized statement from inventor.
- Filing fee to Patent & Trademark Office.



Trademarks

- Trade Marks Act, 1999 defines TM as a mark capable of being *represented graphically and which is capable of distinguishing the goods or services of one person from those of others and may include shape of goods, their packaging and combination of colours.*
- Mark includes “*Device, brand, heading, label, ticket, name, signature, word, letter, numeral, shape of goods, packaging, combination of colours, and any combination thereof.*”
- **Brand** refers to a name, term, sign, symbol, or design, or a combination of them, intended to identify the goods or services of one seller or group of sellers and to differentiate them from those of competitors. E.g. McDonald for restaurants, Cycle brand agarbattis, etc.
- **Brand Name** is that part of a brand which can be vocalized-the utterable.
- **Brand Mark** is that part of a brand which can be recognised but is not a utterable, such as symbol, design or distinctive colouring or lettering.
- **Device** refers to pictorial representations – e.g. animals, birds, landscape buildings, etc.
- **Letter** as a mark is the identity created out of letterforms and has its inbuilt strength of distinctiveness and individuality – e.g. IBM, GM, ELBEE, 3M etc.



5/29/2014

Madhusudan Raw D.V.

11



Patents vs Trademarks



Patents

- An exclusive right granted by a country to the owner of an invention to make, use, manufacture and market the invention
- The patent right is territorial in nature.
- Patents provide incentives to individuals by recognizing their creativity & these incentives encourage innovation.
- India is a member-state of World Intellectual Property Organisation (WIPO), Paris Convention, Patent Cooperation Treaty and Budapest Treaty.

Trademarks

- A distinctive sign that provides to the owner of the mark by ensuring the exclusive right to use it to identify goods or services.
- Well-known, Associated trademarks, Service marks, Certification Trademarks, Collective Marks.
- Term of Registered Trademark: 10 years and Renewable.
- To register a trademark: appropriate national or regional trademark office. WIPO administers an international registration system for trademarks.



Industrial Designs



- The laws governing designs are the Designs Act of 2000 and the Designs Rules of 2001. In India designs are defined as follows:
- *'A design refers to the features of shape, configuration, pattern, ornamentation or composition of lines or colors applied to any article, in two or three dimensional (or both) forms'. (Design Office, Kolkata: Guidelines for Registration)*
- Designs are valid for a maximum of ten years, renewable for a further five years.
- The 'right of priority' for previous filings of designs overseas requires filing in India within six months of an overseas filing.



Copyrights



- **Copyright** is a legal concept, enacted by most governments, that grants the creator of an original work exclusive rights to its use and distribution.
- A right, which is available for creating an original literary or dramatic or musical or artistic work.
- In India, The Copyright Act, 1957 as amended in 1983, 1984, 1992, 1994 and 1999 is available.
- Registration can be done at the Office of the Registrar of Copyrights in New Delhi.
- Protection for the expression of an idea and not for the idea itself.
- The owner may assign to any person the copyright.
- Giving owner, incentives in the form of recognition and fair economic reward increases their activity.
- The work is open for public inspection once the copyright is registered.
- A provision of 'fair use' in the law, which allows copyrighted work to be used for teaching and research and development.



Copyrights



- Copyright is a bundle of rights consisting of 1) economic rights and 2) moral rights.

ECONOMIC RIGHTS:

(a) In the case of a literary, dramatic or musical work, not being a computer program, the right consists of :-

- 1) to reproduce the work in any material form incl. the storing of in any medium by electronic means;
- 2) to issue copies of the work to the public ;
- 3) to perform the work in public, or communicate it to the public;
- 4) to make any cinematographic film or sound recording in respect of the work;
- 5) to make any translation of the work;
- 6) to make any adaptation of the work;
- 7) to do, in relation to translation or adaptation of the work, any of the acts specified in relation to the work in sub-clauses (1) to (6)

(b) In the case of computer program,-

- 1) to do any of the facts specified in clause (a);
- 2) to sell or give on hire, or offer for sale or hire any copy of the computer program, regardless of whether such copy has been sold or given on hire on earlier occasions;

(c) in the case of an artistic work,-

- 1) to reproduce the work in any material form incl. depiction in two dimensions of a three dimensional work;
- 2) to communicate the work in public;
- 3) to issue copies of the work to the public;
- 4) to include the work in any cinematographic film;
- 5) to make adaptation of the work;
- 6) to do in relation to an adaptation of the work, any of the acts specified in relation to the work in sub-clauses (1) to (4).

(d) in the case of cinematographic film,-

- 1) to make a copy of the film, incl. a photograph of any image forming part thereof;
- 2) to sell or give on hire, or offer for sale or hire, any copy of the film, regardless of whether such copy has been sold or given on hire on earlier occasions;
- 3) to communicate the film to the public.



Copyrights



(e) in the case of a sound recording,-

- 1) to make any other sound recording embodying it;
- 2) to sell or give on hire, or offer for sale or hire, any copy of the sound recording regardless of whether such copy has been sold or given on hire on earlier occasions;
- 3) to communicate the sound recording to the public.

MORAL RIGHTS:

- 1) the right to decide whether to publish or not to publish the work;
- 2) the right to claim authorship of a published or exhibited work;
- 3) the right to prevent alteration and other actions that may damage the author's honour or reputation – the right of integrity;
- 4) to restrain or claim damages.

TERM (Period) OF COPYRIGHT

- In the case of any literary, dramatic, musical or a artistic work (other than a photograph), life time of the author + 60 years.
- In the case of photograph, cine films, sound recording and Govt. Work, 60 years from the beginning of the calendar year next following the year in which the work is first published.
- In the case of broadcasters/performers, reproduction right shall subsist until 25 years from the calendar year next following the year in which the broadcast/performance is made.

