Indian Perspective

Intellectual Property Rights

Presented by: SANGRAM ROUTRAY
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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.
What Are 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.
Continued……

• Intellectual property rights as a collective term includes the following independent IP rights:
  • Patents
  • Copyrights
  • Trademarks
  • Registered (industrial) design
  • Geographical indications, and
  • Protection of undisclosed information
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 Word Intellectual Property Organisation (WIPO), Paris Convention, Patent Cooperation Treaty and Budapest Treaty.
Patents In India


• Patent Offices, under the Department of Industrial Policy & Promotion, Ministry of Commerce & Industry.

• Patent Offices are located at Kolkata, Mumbai, Chennai and Delhi to deal with the applications for patents.

• Patent Information System (PIS) & Intellectual Property Training Institute (IPTI) located at Nagpur.
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 ornamental or aesthetic aspects of an article which may consist of 3D or 2D features, such as shape or surface, patterns, lines or color.

• It makes an article attractive and appealing; hence, they add to the commercial value of a product and increase its marketability.

• Any technical features of the article not protected by it.
Continued…..

• Applicants can file a single international application either with WIPO or the national or regional office of a country party to the treaty.

• The design should be new or original, not previously published or used in any country before Registration.

• Total term of a registered design is 10 years + 5 years Extended Period.
Geographical Indication

• A sign used on goods that have a specific geographical origin and possess qualities or a reputation due to that place of origin.

• Registration of a GI: 10 years & renewable.

• The Geographical Indication of Goods (Registration and Protection) Act came into being in 2000.

• Imprisonment for a term between 6 months to 3 years and a fine between 50000 rupees to 2 lakh rupees in Act.
Law Applicable In India

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.


- 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.
Case Studies

• Bangalore Aug 10, 2003: Banashankari police arrested three software engineers for illegally copying software from a company they were working for.

• Chennai, February 2000: Pirated software worth Rs.1.11 crore (US$ 253,200) was seized by the Chennai police. A total of 6 employees were arrested which included the Managing Director of one outlet and proprietors of each of the outlets.
Facts

• In India, small and medium scale Industries are the ones who come out with maximum(90%) innovations.

• B.E students who do projects in their respective discipline, can register their projects under IPR if its really innovative.

• As soon as the duration of the protection through IPR is over, it becomes a public domain.

• Many companies use this IPR as a weapon to compete with the other players in the market.
Facts Continued…

• IPR is given to a product, only when its used for commercial purpose.

• These are some of the companies with their patents :-

<table>
<thead>
<tr>
<th>COMPANY</th>
<th>NO. OF PATENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Toyota</td>
<td>99,999+</td>
</tr>
<tr>
<td>GM</td>
<td>11,000</td>
</tr>
<tr>
<td>Honda</td>
<td>97,000+</td>
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<tr>
<td>Renault</td>
<td>23,000+</td>
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<tr>
<td>Daimler Benz</td>
<td>7,000+</td>
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<tr>
<td>Land Rover</td>
<td>2,100+</td>
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<tr>
<td>Volkswagen AG</td>
<td>16,000+</td>
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<tr>
<td>Porsche AG</td>
<td>12,000+</td>
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<tr>
<td>General Electric/GE</td>
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<tr>
<td>SONY</td>
<td>20,873</td>
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<tr>
<td>Ford/Ford Global</td>
<td>8,888</td>
</tr>
<tr>
<td>IBM</td>
<td>99,999+</td>
</tr>
</tbody>
</table>
CONCLUSION

• Intellectual property rights reward creativity and human endeavor, which fuel the progress of humankind.

• Understanding the country’s IP Rights and following the best practices can drastically reduce the risk of losing the company’s intellectual property.

• Indian government has initiated various steps towards Intellectual Properties Rights Protection.