

# INTRODUCTION TO IPR

## UNIT- 1



# INTELLECT + PROPERTY + RIGHT

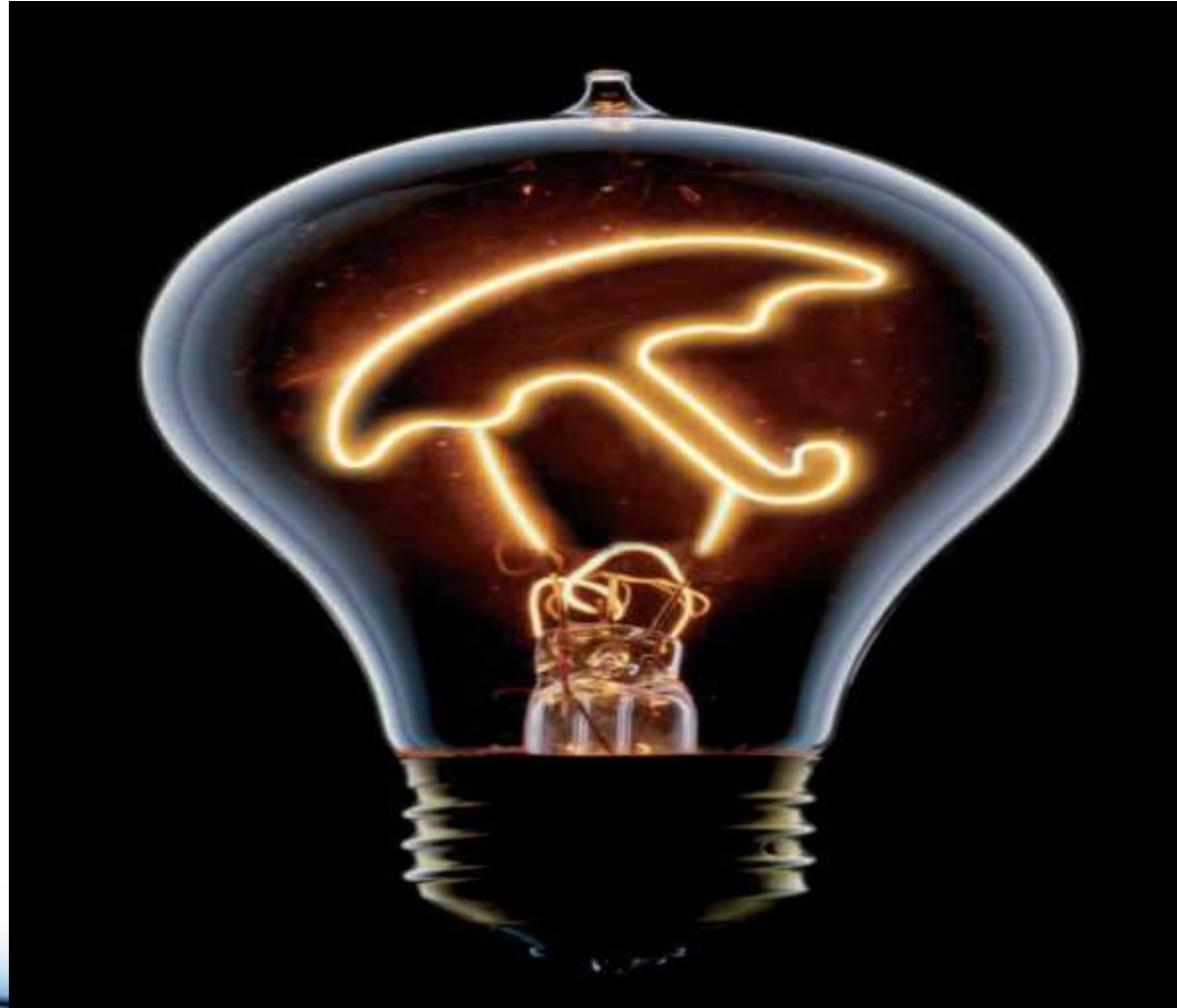
# What are Intellectual Properties?

- *Intellectual property (IP) refers to **creations of the mind:***

# What are Intellectual Property Rights?

- *Intellectual property rights (IPR) refers to **legal rights which result from your intellectual activity.i.e product of human creativity.***

# IDEA



# Think Away From The Box



Generate Ideas.....  
And Own Them.....IPR !

# IPR gives following rights:

**PATENT**

**COPYRIGHT**

**TRADEMARK**

**TRADE SECRETS**

**GEOGRAPHICAL INDICATIONS**

**DESIGN**

**SEMICONDUCTOR INTEGRATED CIRCUIT LAYOUT**

**PROTECTION OF NEW PLANT VARIETY**

## •Industrial Property

**PATENT**

**TRADEMARK**

**TRADE SECRETS**

**GEOGRAPHICAL INDICATIONS**

**DESIGN**

**SEMICONDUCTOR INTEGRATED CIRCUIT LAYOUT**

**PROTECTION OF NEW PLANT VARIETY**

## •Copyright



# PATENT

Idea → Innovation → Invention → PATENT

# PATENTS



## Definition:

A patent is an exclusive rights given to an individual for an Invention that is a product or a process.

It is covered under the Act called the **Patents Act, 1970** [Amended by **Patents Act, 2005**].

# PATENTS



## Example: Tetrapacks



# Protection for patent

**Conditions:** The invention must be:

- ✓ **NEW (Novel)**
- ✓ **USEFUL**
- ✓ **NOT OBVIOUS**

**Rights conferred:** Exclusive rights

**Term of reg :** Protection for 20 years from the filing date.

**Publication:** After 20 yrs once patent expires Invention and its technical details are disclosed to the public for exploitation and to promote further creativity and innovation in others.

# COPYRIGHT

Idea → Expression → COPYRIGHT

# COPYRIGHT



## Definition:

It is a right which Grants protection to the unique expression of Ideas.

The **Indian Copyright Act,1957** governs the system of copyrights in India.

**[Amended in 1982, 1984, 1992, 1994 & 1999]**

# What is covered by copyright?

**Literary**



**Artistic**



**Dramatic**



**Musical**



**Sound Recording**



**Films**



# Protection for Copyright

Protects the ***form of expression*** rather than the subject matter of the writing

Term of registration: Protection is for life of author plus 60 yrs after creators death.



# Trademark

Idea → Quality + Identity → TRADEMARK

# Trademark

## Definition:

A **trademark** is a word, phrase, symbol, logo shape, colour, design, or combination of these that identifies and distinguishes the source of **goods** of one party from those of others.

It is covered under the Act called the **Trade Marks Act,1999**

The Act came into effect on **September 15, 2003**.  
It replaced the **Trade and Merchandise Marks Act,1958**.



Name

Logotype

Symbol

Slogan

Shape

Color



# Different Symbols are :

- TM** Marks used to identify good or product
- SM** Marks used for identification of services
- ® Registered trademark



# Protection for Trademark

Trademark is ***valid*** for 10 years from the date of application which may be renewed for further period of 10 years on payment of prescribed fees.

Service mark Rights are reserved exclusively for owners for 17 year & it can also be renewed.

# Tradeseecret

**Idea → Keep Confidential  
No Disclosure**



} → **TRADE SECRETS**

# Tradeseecret

## Definition:

A trade secret is a formula, pattern, physical device, idea, process, or compilation of information which is not generally known or reasonably ascertainable, by which a business can obtain an economic advantage over competitors or customers.

# Tradeseecret

Trade secrets may include:

- sales methods
- distribution methods
- consumer profiles
- advertising strategies
- lists of suppliers and clients
- manufacturing processes



# Famous Trade Secrets

Formula for Coca-Cola



The Big Mac Special Sauce



KFC Chicken Recipe



WD-40 Formula



# PROTECTING A TRADE SECRET

Some of the ways to protect a trade secret are as follows:

- Restrict access to the information (lock it away in a secure place, such as a bank vault).
- Limit the number of people who know the information.
- Have the people who know the trade secret agree in writing not to disclose the information (sign non-disclosure agreements).
- Have anyone that comes in contact with the trade secret, directly or indirectly, sign non-disclosure agreements.
- Mark any written material pertaining to the trade secret as proprietary.

# GEOGRAPHICAL INDICATIONS



# GEOGRAPHICAL INDICATIONS

## Definition:

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)

Geographical indications are intended to designate product quality, highlight brand identity, and preserve cultural traditions.

Often food products. Eg: Fruits, Tea, Rice, Wheat, But not limited to agro products, extended to any product. E.g: Kolhapur Chappals, Solapur chaddars, Kullu Shawls, Kanjeevaram Sarees, Paithani Sarees etc.

# Geographical Indications in India

- In India the Geographical Indications of Goods (Registration and Protection) Act, 1999 came in force with effect from September 2003.
- The salient features of the Act defines Geographical Indication, provides a mechanism for registration of GIs, establishes a GI Registry, elaborates the concept of authorised user and registered proprietor, higher level of protection for notified goods and remedies for infringements.

# **Geographical Indications in India**

## **Protection**

- **To qualify for protection an indication must:**
  1. **Identify the good and its area of geographical origin.**
  2. **Possess a given quality, reputation or other characteristics**
  3. **Is essentially attributable to its area of geographic origin.**
- **Term of Registration:**

**GI are protected for a period of 10 years and renewed for period of 10 years on payment of Renewal fee.**

# DESIGN

Idea → Appearance → DESIGN

# DESIGN

## Definition:

A design is the protection of the *ornamental* or *aesthetic* aspect of a product.

A design makes a product attractive and appealing for the consumers.

What can be registered as a design?

The look of the product or part of the product *but* not the function or idea.

Designs are Protected under **Designs Act 2000.**



# INDUSTRIAL DESIGN

- **Industrial designs is relevant to a wide variety of products of industry, fashion and handcrafts from technical and medical instruments to watches, jewellery, from house holds products, furniture and electrical appliances to cars and architectural structures, textile.**
- **Industrial design is also important in relation to packaging containers and get up of products.**

# Registration

## To qualify for protection Design must:

- Be New or Original
- Be Distinguishable from known designs
- Be applied to an article
- Not be disclosed to public in any form
- Appeal to eye
- Not comprise of obscene matter
- Not be contrary to public order or morality

## Term of Registration

Initial term of protection for 10 years, extendable by 5 years on request on payment of fees.

# SEMICONDUCTOR INTEGRATED CIRCUIT LAYOUT DESIGN

# **SEMICONDUCTOR INTEGRATED CIRCUIT LAYOUT**

WHAT IS SEMICONDUCTOR INTEGRATED CIRCUIT?

- **A product having transistors**
- **Circuitry elements inseparably formed on a semiconductor material**
- **Insulating material inside the semiconductor material**
- **Designed to perform an electronic circuitry function.**
- **SICLD is protected under the Semiconductor Integrated Circuits Layout-design Act, 2000**

# **SEMICONDUCTOR INTEGRATED CIRCUIT LAYOUT**

**To qualify for protection Design must:**

- **Should be original**
- **Creator's own intellectual efforts**
- **Not commonly known**
- **combination of elements and interconnections provided such combination taken as a whole is the result of its creator's own intellectual efforts.**

**Term of Registration:**

- **Protection is for 10 years then later on it can be renewed from time to time.**



# Protection of plant variety and Farmers rights

# PLANT VARIETY PROTECTION AND FARMERS RIGHTS

Plant variety protection provides legal protection of a plant variety to a breeder in the form of Plant breeder's rights.

Plant Breeder's Rights are intellectual property rights that provide exclusive rights to a breeder of the registered variety.



# THE PLANT VARIETY PROTECTION AND FARMERS RIGHTS ACT 2001

- a sui generis system, is an attempt by the Indian Government to recognize and protect the rights of both commercial plant breeders and farmers in respect of their contribution made in conserving, improving and making available plant genetic resources for development of new plant varieties and to encourage the development of new plants varieties.
- Protection of the plant varieties under the Act accelerates agricultural development and stimulates investment for research and development for the development of new plant varieties which in turn facilitates the growth of the seed industry and ensures the availability of high quality seeds and plant in material to the farmers.



# CRITERIA FOR PROTECTING A PLANT VARIETY

The plant variety must be:

- **Distinct:** A variety should be clearly distinguishable by at least one essential characteristic from existing or commonly known varieties in any country at the time of filing of the application.
- **Uniform:** A Variety must be sufficiently uniform in its essential characteristics.
- **Stable:** Essential characteristics of a variety must be stable after repeated propagation or in the case of a particular cycle of propagation at the end of each cycle.

## DURATION OF PROTECTION FOR A REGISTERED PLANT VARIETY

- Trees and Vines: 18 Years
- Other crops: 15 Years.
- Extant Varieties: 15 Years from the date of notification of that variety by the Central Government under Seed Act, 1966.



THANK  
YOU