

# **"INNOVATING FOR BETTER FUTURE"**

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## **WHAT IS INTELLECTUAL PROPERTY**

- Twenty first century, Is the century of **knowledge**. The main purpose of intellectual property law is to encourage the creation of a wide variety of intellectual goods for consumers. To achieve this, the law gives people and businesses property rights to the information and intellectual goods they create, usually for a limited period of time. Because they can then profit from them, this gives economic incentive for their creation. The intangible nature of intellectual property presents difficulties when compared with traditional property like land or goods. Unlike traditional property, intellectual property is indivisible – an unlimited number of people can "**consume**" an intellectual good without it being depleted. Additionally, investments in intellectual goods suffer from problems of appropriation – while a landowner can surround their land with a robust fence and hire armed guards to protect it, a producer of information or an intellectual good can usually do very little to stop





## LET'S KNOW MORE ABOUT IT'S TYPE BY TAKING AN EXAMPLE OF A PEN!

- In simple words let's take an example of a **pen**. We all are using pen in our daily life. A special symbol, design or name that a company puts on its pen and that cannot be used by any other pen company this is called its **trademark**. In simple words **trademark** is a recognizable sign, design or expression which distinguishes products or services of a particular trader from similar products or services of other traders.



- In that pen the brand name or we can say the script design



is used that is called **copyright**. In simple words A **copyright** gives the creator of an original work exclusive rights to it, usually for a limited time. **Copyright** may apply to a wide range of creative, intellectual, or artistic forms, or "works". **Copyright** does not cover ideas and information themselves, only the form or manner in which they are expressed.

- The smoothness of pen when writing is called the invention and the dissent look, shape and size of pen which make it differ from other is called its **design**.



- The word “**Patent**” we are already aware of this word. The simple meaning of patent is the exclusive right granted by a government to an inventor to manufacture, use, or sell an invention for a certain number of years. Generally speaking, a patent provides the patent owner with the right to decide how or whether the invention can be used by others. In exchange for this right, the patent owner makes technical information about the invention publicly available in the published patent document. An invention is a solution to a specific technological problem, which may be a product or a process and generally has to fulfil three main requirements: it has to be new, not obvious and there needs to be an industrial applicability. To enrich the body of knowledge and stimulate innovation, it is an obligation for patent owners to disclose valuable information about their inventions to the public.



- We all take medicine that drug which can treat a deadly disease can be consider as a **new invention**. The



substance can also be taken and can be seen in the process which is very important that **before making a discovery it is necessary to know that the discovery must be new.**

- With this we all came to know that a single pen which we put in our pocket in our daily life is also an example of **intellectual property**. Just assume how much contribution done in just a single pen. When we use a pen, we never mind about the contribution in its **design, shape, script** and **brand identification** by many people behind it. So, in simple words we can say an invention, idea, design etc. that somebody has created and that the **law prevents** other people from copying is known as **intellectual property**.



## Objectives of Granting IPR

1. It helps in protecting the **ownership** and originality of the individuals' creation.
2. It provides **recognition** to the concerned person or authority.
3. It allows owners of intellectual property to have **financial benefits** from the property they have created.
4. They are provided financial incentive for the creation of and also to incur the **cost of investment** in intellectual property.
5. Such rights **motivate individuals'** creativity and thus also contribute to economic growth.



6. It can also offer some **economic aid** to the holder of the right, through the **monopoly** of their creations.
7. It improves the financial status of the individual as well as of the economy of the country.
8. To enhance the performance levels of institutions.
9. To create competition among the researchers and institutions for quality of research.

## TRADE SECRET

- When an individual organization owning and intellectual property does not disclose the property to anyone and keep it as a closely guarded **secret**, it is called a Trade Secret. Trade secret may relate to formulae, processes or materials. The **best guarded secret** of the modern time concerns the formulation of **Coca Cola**. (**Merchandise 7X**, the "secret ingredient" or "secret formula" in Coca-Cola). The ingredient has remained a secret since its invention **in 1886 by John Pemberton**.



## Trade secrets offer following advantages

- They are for **unlimited duration**.

- It is not necessary to satisfy the rather stringent requirement for protection under patents.
- The cost of **filing, contesting** and **enforcing** patent is saved.



## Drawbacks of trade secret

- Maintaining a trade secret itself a **costly affair**.
- It offers no protection from **independent innovation** invention.
- **Non-disclosure** of the invention, innovation does not give others a chance to improve upon the original invention.
- It cannot be applied to many inventions example **equipment designs, plant varieties, books** etc.



## Trade Mark

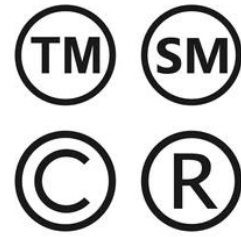
- A “**Trade Mark**” [TM] is defined under **Section 2(zb)** of the **Indian Trademarks Act, 1999** as “Mark capable of being represented graphically and which is capable of distinguishing the goods or services of one person from



those of others and may include a shape of goods, their packaging, and combination of colours.”<sup>8</sup> Simply put, a

trademark may include a **device, brand, heading, label, ticket, name, signature, word, letter, numeral, shape of goods, packaging or combination of colours or any such combinations**.

The only qualification for a trademark being its capacity to distinguish the goods or services of one person from that of another. For example, one can identify the products of **Reebok/LG/Whirlpool/Godrej** through their logo, which is embossed on their products. Another example can be the logo of NGOs like WHO, UNICEF and so on which differentiates these institutions with each other.



## PATENT

INTELLECTUAL  
PROPERTY

- Patents are rights related to new discoveries. Patents are used to protect new product, process and apparatus.
- A patent is the **right granted by a government** to an inventor to exclude others from **imitating, manufacturing, using or selling** the invention in question for commercial use during the specific period.





## The Property Which Cannot Be Patented

- A scientific principle or an abstract theory.
- A discovery of new property or new use for known substance.
- A method of agriculture or horticulture.
- Inventions relating to Atomic Energy are not patentable.

## A Famous Example of Patent

- A patent entitled **BASMATI RICE** line and grain for a novel, high yielding, medium dwarf, photo insensitive rice having all the desirable features of basmati rice was awarded to **RiceTec Texas (USA) in USA on September 2, 1997**. These claims were challenged by India and the request for re-examination of the patent was filed on **April 28, 2000**.



## Limitations of a Patent

- There are 2 basic limitations of patent.

1. **Limitation of time** – A patent is valid for a specific period i.e., 15–20 years.
2. **Limitation of space** – A patent is valid only in the country of its award and not in other countries.

## Copyright

- It provides protection for specified period and only from reproduction of the copyright material. It, however does not **prevent another person from using** either the idea or the information contained in a Copyright material. Biotechnology Copyright protection is available for DNA sequences.
- It is a right that is provided to the owner of a literary or artistic work. It is an exclusive right to control the publication, distribution and adaptation of creative works.



## Duration / Term of Copyright

- The right lies with the owner cum copyright holder for a certain period of time. As time lapses, the work can be republished or reproduced by others. In the case of original **literary, dramatic, musical and artistic works**, the duration of copyright is the lifetime of the author or artist, and **60 years** counted from the year following the death of the author.
- In case of anonymous works, the right lasts for **95 years** after publication or **120 years** after the creation.



## What can be protected?

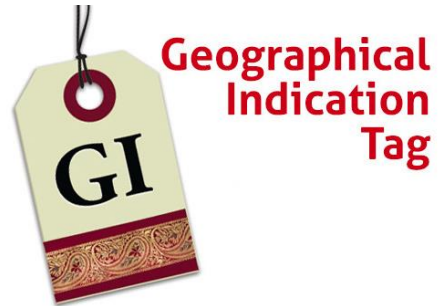
1. Literary or dramatic work.
2. A musical work.
3. An artistic work.
4. A cinematograph films.
5. A sound recording.
6. A photograph.
7. A computer-generated work.



## Geographical indication (GI)



- A geographical indication is a sign used on products that have a specific geographical origin and **possess qualities or a reputation** that are due to that origin.
- Geographical indications are “indications which identify a good as originating the territory of a member, or a region or a locality in that territory, where given quality, reputation or characteristics of the good is essentially attributable to its geographical origin.
- GI covers **Agricultural goods, Natural products, Manufactured products, Goods of Handicraft, and even Food products**, but they do not apply to intellectual properties.
- India has invented **the Geographical Indications of Goods Act (1999)** which came into force **on September 15, 2003**. **Darjeeling tea** was the first product to be **tagged with GI** in **2004-05** and **132** products including **Bikaneri bhujia** from Rajasthan, Banarasi brocades and **sarees** had become GI tagged up to **September 2010**.

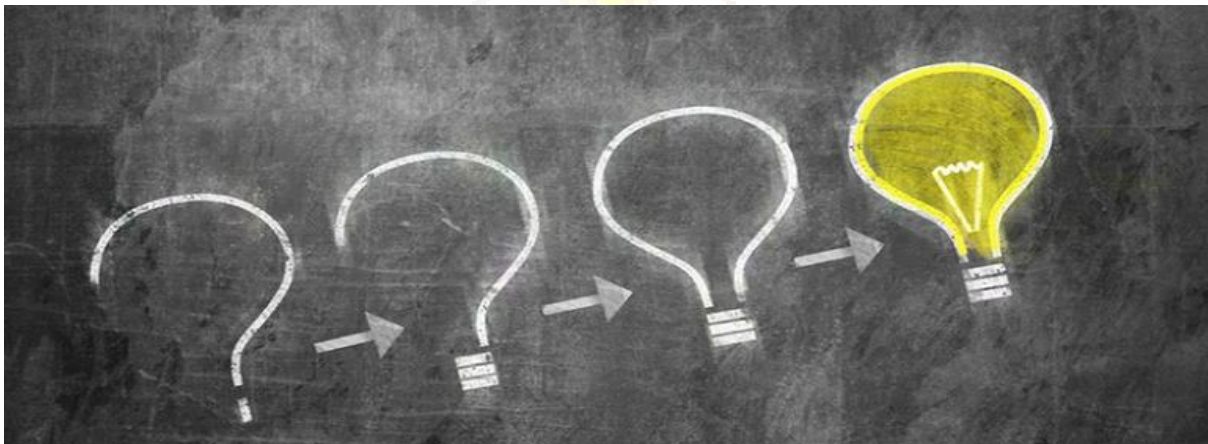


## Duration of GIs

- The registration of a GI shall be for a period of **Ten years** but may be renewed from time to time for an **unlimited period** by payment of the renewal fees.

## Conclusion

- Therefore, we can say that every year on **26 April World Intellectual Property Day** is observed to spread awareness about the role that intellectual property rights (**patents, trademarks, industrial designs, copyright**) play in encouraging **innovation** and **creativity**.



## Some Thought for World Intellectual property Day

✚ ***"Grant is the beginning of the Patent Game, not its end."***

✚ ***"A Patent is a Grant, but Inventorship is a Right"***

✚ ***"Inventors do not invent for financial gain; they invent simply because they love to invent."***

✚ ***"Most patentability requirements are concepts; they can be moulded to suit your invention"***

