

# Overview on Intellectual Property Right (IPR)



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# Agenda

- **Introduction**
- **IPR**
  - **Patent**
  - **Trademark**
  - **Copyright**
  - **GI Tag**



- Mr X
- An entrepreneur decides to open a Company
- What is the Name ? Logo? of a company



AS SOON AS HE STARTED THE COMPANY HE RECEIVED A **TRADEMARK STRIKE**

COURT VERDICT: MR X SHOULD IMMEDIATELY CHANGE THE NAME & LOGO OF A COMPANY



- Mr Y
- An artist decides to make a short film.
- He has a good story.
- Made the film
- The film is based on “INDIAN SWAG”
- So he added a Song “Swag se Kareng Sabka Swagat”



While releasing the film, he received

Mr Y cannot release the film as he added song which is copyrighted



COURT VERDICT: MR Y cannot upload as he added song which is copyrighted

- Mr Z
- EXPLORER
- Discovered a New Island.
- PATENT IT.

.

**AS HE FOUND SOMETHING NEW**

While Patenting his discovery he received a  
**PATENT STRIKE.**

**Authority claimed that: MR Z cannot patent as it is  
discovered**



- Mr Mangaroo
- From : Malihabad, Lucknow
- Profession : Trader
- Sells : Ordinary Mango in the name of **GIR PISTTA MANGO** in every states.



**He broke the rules of GEOGRAPHICAL  
INDICATOR TAG**

**Mr Mangaroo held under the imprisonment for one year  
and paid penalty of Rs 50000**





Trademark



Copyright



Patent



GI Tag

**4 Problems**

**One Solution**



**Study Intellectual Property**

# Let us begin!



**I P R**

# WIPO

- WIPO (World Intellectual Property Organization) was established in 1967.
- It is a specialized agency of the United Nations.
- It promotes the protection of IP throughout the world.
- Headquarter is in GENEVA, SWITZERLAND.
- 193 NATIONS AS MEMBER.
- World IPR Day (April 26)

# INTRODUCTION

- What do you mean by “Intellectual Property” and Intellectual Property Rights?
  - Creative efforts from the human
  - Such creation cannot be measured

## **Property Rights**

- Rights given to person over the creation of their minds.
- Creator have an exclusive right over the use of his/her creation for a certain period of time.

# Intellectual Property

- ✓ Patent?
- ✓ Copyright?
- ✓ Trademark?
- ✓ Geographical Indicator Tag ?

<b>INTELLECTUAL PROPERTY</b>	<b>PROTECTED</b>
1. Invented by Mankind	<b>PATENT</b>
2. LITERARY (Books), ARTIST WORK FILMS, SOUND RECORDING	<b>COPYRIGHT</b>
3.NAME, LOGO, SLOGAN of a Product	<b>TRADEMARK</b>
4. The Production of Goods to a Particular Region/Place/Country	<b>GEOGRAPHIC AL INDICATOR TAG</b>

# What is Patent?

- **Definition:**

- A patent describes an invention for which the inventor claims the exclusive rights.



- **INVENTION PATENTABLE IF**

- **NEW (NOVEL)**
- **USEFUL**
- **NOT OBVIOUS**
- **PERTAINS TO PATENTABLE**

# Patentable Subject Matter

## ● **Invention**

- Relates to a Process or Product or Both.
- Involves an invention step.
- Be capable of industrial application.
- A Machine.

# Life and Duration

- Term of the patent is 20 years from the date of filling for all types of inventions.
- The date of the patent is the date of filling the application for patent.
- The term of the patent is counted from this date.

# Fees For Filing Patent

- The government fees for filling a patent application in India is Rs 750/-for individuals and Rs 3,000/- for legal entities.
- No fees for 1<sup>st</sup> and 2<sup>nd</sup> year
- Renewable fee, on yearly basis, is required to be paid 3<sup>rd</sup> to 20<sup>th</sup> for keeping the patent in force.
- Patent lapses if renewable fee is not paid within the prescribed period.

# Patent Holders in India

- The list of top 10 patents holders in India comprises only **Pharmaceutical and Bio-Tech** companies.
- In India, 184 patents are held by the CSIR followed by RANBAXY.

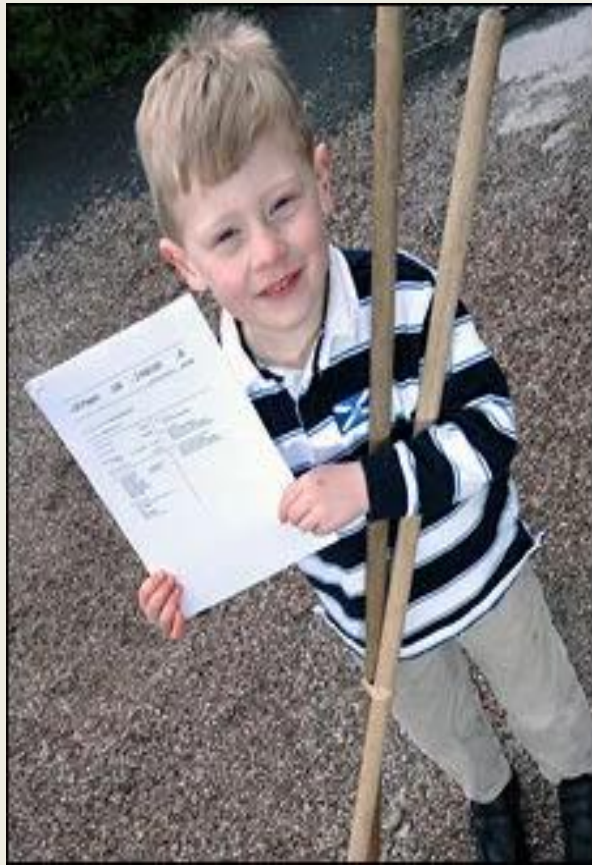
# Youngest Patent Holder in India



- **JAIPUR:**

Nine year old boy here has invented a game of six player circular chess. The Hridayeshwar Singh Bhati has got the design patented his name.

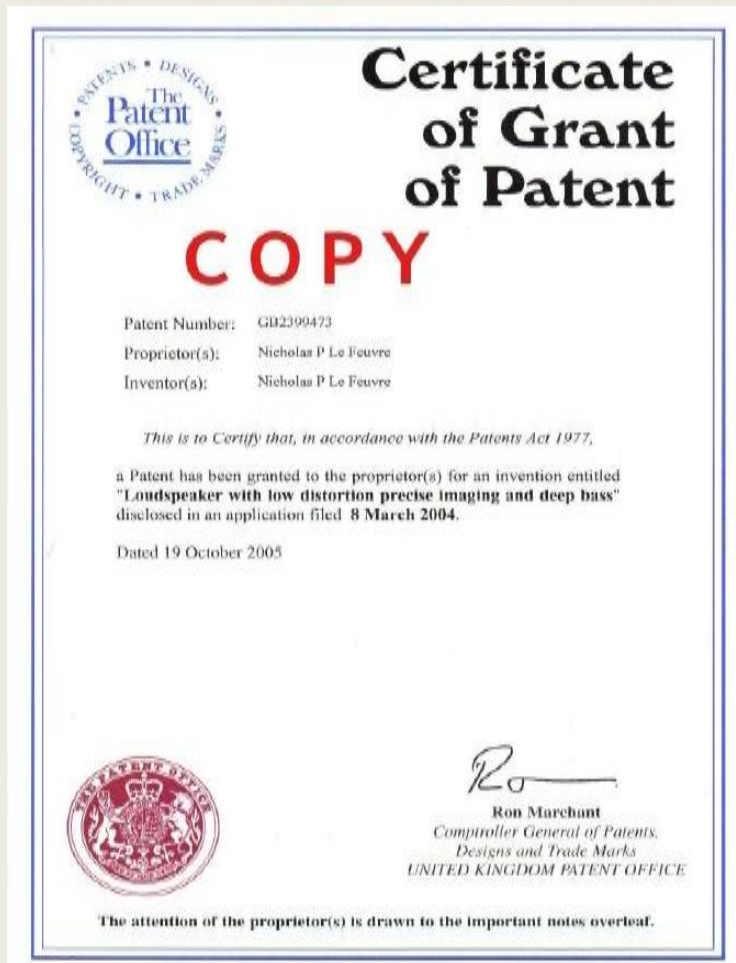
# Youngest Patent Holder in World



- *A boy of five is thought to be the UK's youngest person to patent an invention after coming up with a **labour-saving broom** to help his father sweep leaves.*

***Sam Houghton**, of Buxton, Derbyshire, was just three when he came up with a **double-headed broom** to collect large debris and fine dust simultaneously.*

# What does a Patent look Like?



# TRADEMARK

- It is covered under the Trade Marks Act, 1999.
- The Act came into effect on September 15, 2003. It replaced the Trade and Merchandise Marks Act, 1958.
- It extends to the whole of India.
- It shall come into force on such date as the Central Government may published, by notification in the official Gazette.

# Trademark

- **Trademark:**

- A symbol, logo, word, sound, color, design, other device that is used to identify a business or a product in commerce.

- **Different symbols are:**

- <sup>TM</sup> for the unregistered trademark
- <sup>SM</sup> for the unregistered service trademark
- ® for the registered trademark

# Registration Procedure

- Application for Search
- Application for Registration
- Examination of Trademark
- Advertisement of Trademark
- Filing of opposition.
- Certificate Issued

# Duration and Fees of 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 years and it can also be renewed.
- The govt. fees is Rs 2,500 for each class of goods or services.

# Application of Trademark

- A trademark is a sign (USED ON) or in connection with the **marketing** of goods or **services**.
- “Used on” the goods means that it may appear not only on the goods themselves but on the **container or wrapper** in which the goods are when they are sold.

# Trademark Vs. Registered Trademark



# QUIZ TIME

- What's common between the Taj Mahal Palace Hotel, Eiffel Tower, Sydney Opera House and Empire State Building?

# They are all registered under **Trademark**

- Fact
  - First building in INDIA to get Trademark.
- What does this means?
- Cannot be used for the commercial purpose.



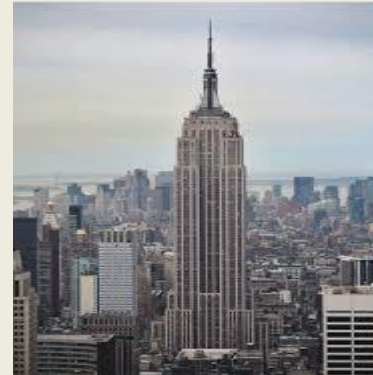
# OTHER BUILDINGS IN THE WORLD



Eiffel Tower



Sydney Opera House



Empire State Building

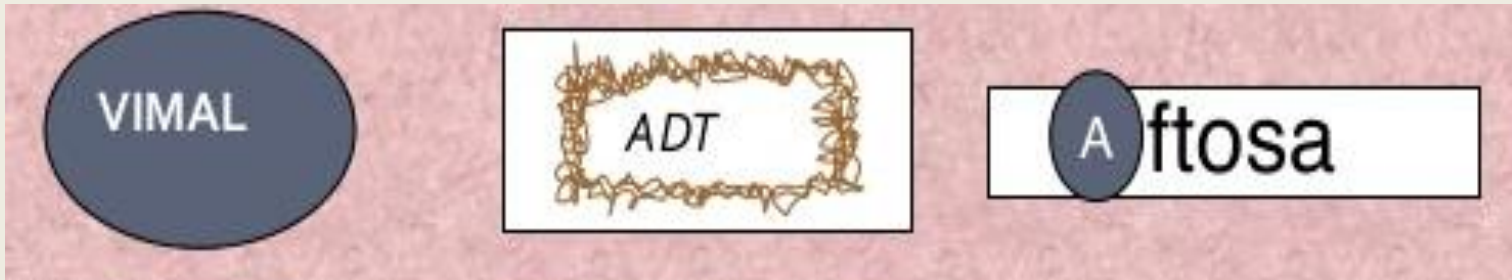


# Specify font, size, proportion and placement

- **Correct Use:**



- **Incorrect Use:**



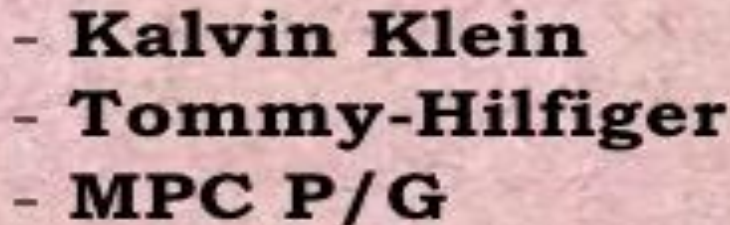
# Do Not Change Spelling

- **Correct Use:**

A blue rectangular box containing three lines of text in a bold, black, serif font. The text lists three examples of correct spelling: Calvin Klein, Tommy Hilfiger, and MPC POTTERIES GWALIOR.

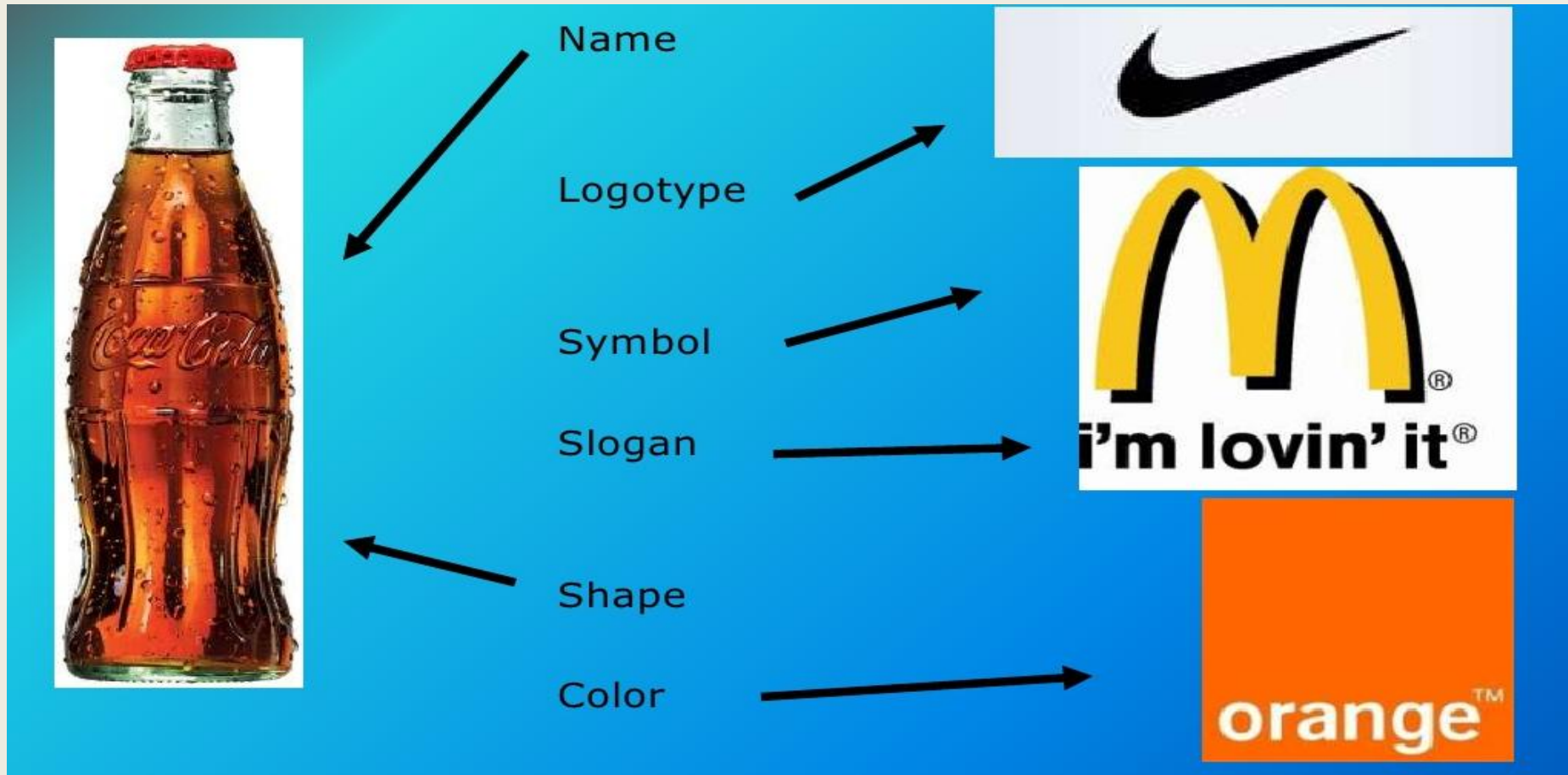
- Calvin Klein  
- Tommy Hilfiger  
- MPC POTTERIES GWALIOR

- **Incorrect Use:**

A pink rectangular box containing three lines of text in a bold, black, serif font. The text lists three examples of incorrect spelling: Kalvin Klein, Tommy-Hilfiger, and MPC P/G.

- Kalvin Klein  
- Tommy-Hilfiger  
- MPC P/G

# Trademarks



# Copyright

- The Indian Copyright Act, 1957 governs the system of copyrights in India [Amended in 1982, 1984, 1992, 1994 & 1999].
- Meaning:
  - It is a right which grants protection to the unique expression of ideas.

# Original

- The term “Original” in the copyright law means that the work originated with the author.
- There is no requirement for novelty or uniqueness as there in patent law.
- Copyright law protects the expression of an idea. Not the idea itself.

# Covered by Copyright

**Literary**



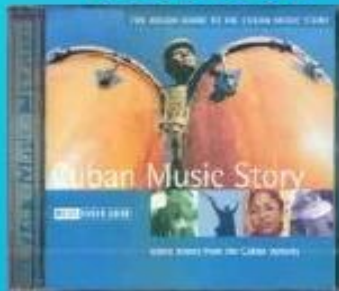
**Films**



**Dramatic**



**Musical**



**Artistic**



**Sound Recording**



# Not Covered by Copyright

- Ideas
- Facts
- Recipes
- Works lacking originality
- Names, titles or short phrases

# Copyright Issues

- **MAGADHEERA**

- Released: July 2009
- Protagonist : Ramcharan & Kajal Agrawal
- Director : S.S Rajamauli



- **RAABTA**

- Released : June 2017
- Protagonist : Sushant Singh Rajput & Kirti Sanon
- Director : Dinesh Vijan



# Issues

- **About Case** : in relation with copyright Infringement.
- The producers of MAGADHEERA were claiming that RABBITA IS COPIED from MAGADHEERA.
- **Reason**: It Portrait is the same story.
- **About Story**: Both the films involves the same concept. i.e they find each other in the second life by Reincarnation
- **Parallel Visualization**



# Defense of RABBATA

- **“No one can claim Copyright in IDEAS & PLOT”**
- Reincarnation (the second birth) is free from copyright, just on this case the makers of Magadheera can't claim copyright infringement.
- As there are many movies which had the same concept OM SHANTI OM, KARZ, KARAN ARJUN.
- **WON BY: RABBTA**
- The court supported the credible approach of RABBTA and there by in their verdict they said that an idea free copyright & parallel visualization is just is an expression.

# Registration Procedure

- Register a copyright by completing a simple application form, along with the appropriate fee.
- Need not send a copy of your work.
- It may appear with the same title, but if each work has been created independently, each will have its own copyright protection.

# Duration of Copyright

- Author's lifetime +50 years from the calendar year in which the author dies.
- 50 years for films and sound recordings.
- 25 years for typographical arrangements of a published edition
- Copyright protection always expires on December 31 of the last calendar year of protection.

# What is “Fair Use”

- Gives permission to use copyrighted materials if certain criteria are met.
- Protects freedom of speech.
- Promotes public benefits like education.

# How much can I use?

- Photos and Images – up to 5 works from one author; up to 10% of 15 works, which ever is less, from a collection.
- Database information- up to 10% or 2500 fields or cells entries, whichever is less.

# GEOGRAPHICAL INDICATOR TAG

- A GI tag
  - A particular item has originated from a particular region/place/country only
- Why is GI-tag important?
  - When a product is given GI status, its price increases in international market (because consumers in first world prefer such items.
  - It boosts exports.



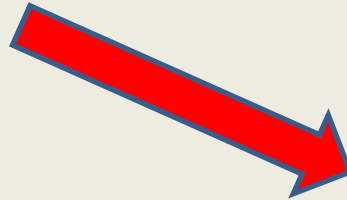
## How it differs from Trademark?

# COMMON TAG

- Darjeeling TEA was the first Indian product to get GI Tag.




- Recently West Bengal gets the GI Tag for Rasogolla



# COVID MESSAGE

- **Stay safe at Home**
- **Be kind to your family**
- **Wash your hands frequently**
- **Maintain social distancing**
- **Avoid touching eyes, nose and mouth**
- **If you have fever, cough and difficulty breathing, seek medical care early**



Thanks  
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