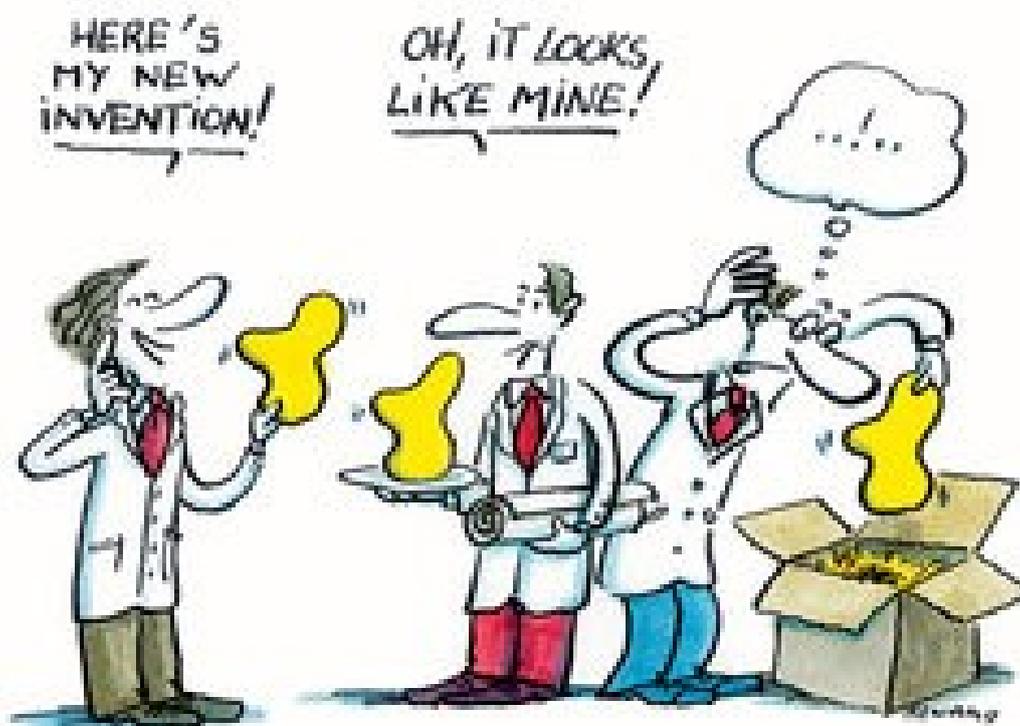
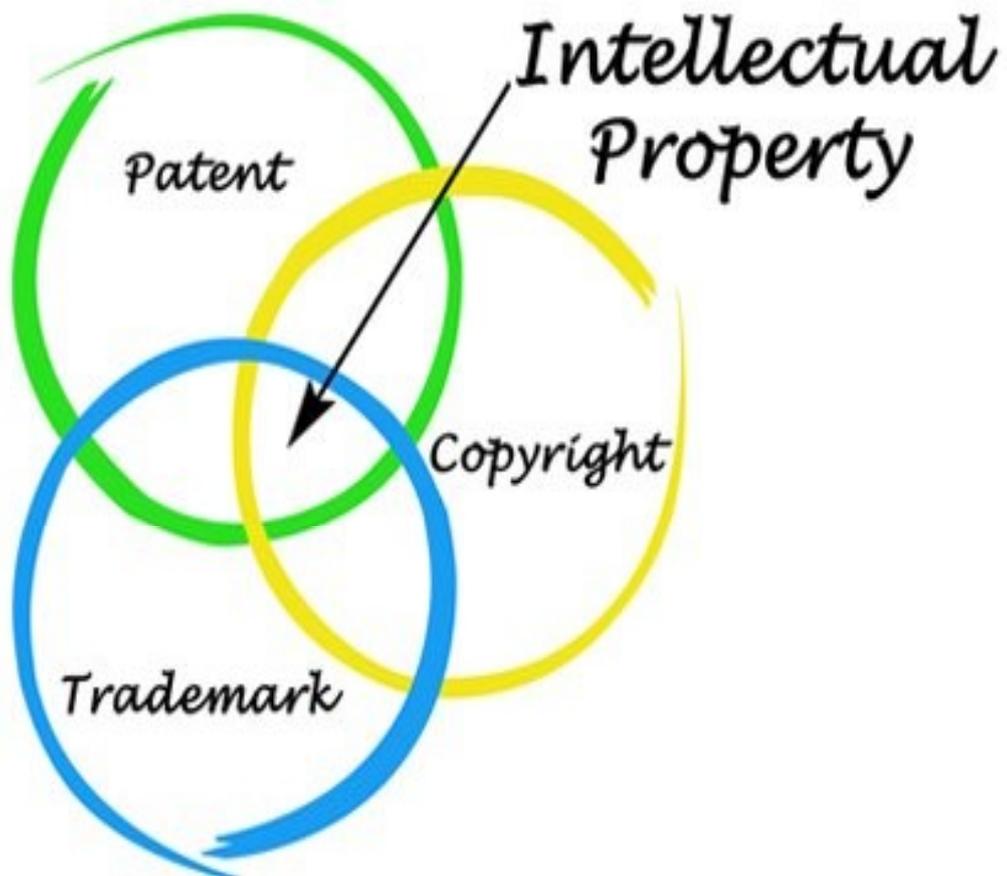


INTELLECTUAL PROPERTY RIGHTS





Intellectual Property

- Intellectual property refers to the protection of creations of the mind: inventions; literary and artistic works; and symbols, names and images used in commerce which have both a moral and a commercial value.
- Intellectual property is also a collection of ideas and concepts.
- IP confers on individuals, enterprises or other entities the right to exclude others from the use of their creations.
- Consequently, intellectual property rights (IPRs) may have a direct and substantial impact on industry and trade as the owner of an IPR may - through the enforcement of such a right - prevent the manufacture, use or sale of a product which incorporates the IPR.
- Intellectual property legal titles relates to the acquisition and use of a range of rights covering different type of creations. These may be industrial or literary and artistic.

•Intellectual property rights refer to the general term for the assignment of property rights through patents, copyrights and trademarks.

•These property rights allow the holder to exercise a monopoly on the use of the item for a specified period.

•It is also the rights given to persons over the creations of their minds. They usually give the creator an exclusive right over the use of his/her creation for a certain period of time.

•By restricting imitation and duplication, monopoly power is conferred, but the social costs of monopoly power may be offset by the social benefits of higher levels of creative activity encouraged by the monopoly earnings.

•Intellectual property rights are in different forms. WTO's TRIPs Agreement classifies intellectual property rights into following groups.

❖Copyright and related rights

❖Trademarks, including service marks

❖Geographical indications

❖Industrial designs

❖Patents

❖Layout- designs (topographies) of integrated circuits

❖Undisclosed information, including trade secrets

❖Control of Anti-Competitive Practices in Contractual Licenses.

Copyright and Rights related to Copyright :

- It includes literary and artistic works such as novels, poems and plays, films, musical works, artistic works such as drawings, paintings, photographs and sculptures, and architectural designs.

- The rights of authors of literary and artistic works (such as books and other writings, musical compositions, paintings, sculpture, computer programs and films) are protected by copyright, for a minimum period of 50 years after the death of the author.

- Also protected through copyright and related rights are the rights of performers (e.g. actors, singers and musicians), producers of phonograms (sound recordings) and broadcasting organizations.

- The main social purpose of protection of copyright and related rights is to encourage and reward creative work.

Patent:

- A patent is an exclusive right granted for an invention –a product or process that provides a new way of doing something, or that offers a new technical solution to a problem.

- A patent provides patent owners with protection for their inventions. Protection is granted for a limited period, generally 20 years.

- Patents provide incentives to individuals by recognizing their creativity and offering the possibility of material reward for their marketable inventions.

- These incentives encourage innovation, which in turn enhances the quality of human life.

- Patented inventions have pervaded every aspect of human life, from electric lighting (patents held by Edison and Swan) and sewing machines (patents held by Howe and Singer), to magnetic resonance imaging (MRI) (patents held by Damadian) and the iPhone (patents held by Apple).

Trademark:

- A trademark is a distinctive sign that identifies certain goods or an individual or a company.

- Its origin dates back to ancient times when craftsmen reproduced their signatures, or “marks”, on their artistic works or products of a functional or practical nature.

- Over the years, these marks have evolved into today’s system of trademark registration and protection.

- The system helps consumers to identify and purchase a product or service based on whether its specific characteristics and quality, as indicated by its unique trademark meet their needs.

- Trademark protection ensures that the owners of marks have the exclusive right to use them to identify goods or services, or to authorize others to use them in return for payment.

- The period of protection varies, but a trademark can be renewed indefinitely upon payment of the corresponding fees.

- Trademark protection is legally enforced by courts that, in most systems, have the authority to stop trademark infringement.

Geographical Indication:

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

- Most commonly, a geographical indication consists of the name of the place of origin of the goods.

- Agricultural products typically have qualities that derive from their place of production and are influenced by specific local geographical factors, such as climate and soil.

Who are responsible for administration of IPRs in the country?

- Patents, designs, trademarks and geographical indications are administered by the Controller General of Patents, Designs and Trademarks which is under the control of the Department of Industrial Policy and Promotion, Ministry of Commerce and Industry.
- Copyright is under the charge of the Ministry of Human Resource Development.
- The Act on Layout-Design of Integrated Circuits is administered by the Ministry of Telecommunication and Information Technology.
- Protection of Plant Varieties and Farmers' Rights Authority, Ministry of Agriculture administers the Act on Plant Variety.



INTELLECTUAL PROPERTY RIGHTS FOR STARTUPS

- Economic growth of a country is technology driven.
- One of the important factors for the growth of economy is the contribution made by new knowledge which results in the development of newer technologies.
- It is a very well recognized fact that knowledge alone is not sufficient to be successful in the market.
- It is the usable knowledge which is protected that will be successful commercially. In other words there is a close link between Industry (creation)-Trade (marketing) & IPR (protection). Intellectual property rights (IPR) is instrumental for encouraging and nurturing creativity and innovation for technological developments and commercialization developed technologies. Thus, to boost the economic growth of India it is very important to identify and protect the IP generated in the country.

- Government has introduced a scheme for Facilitating Start-ups Intellectual Property Protection (SIPP) with an objective to promote awareness and adoption of IPR amongst Start-ups.

- The scheme is planned to facilitate protection of Patents, Trademarks and Industrial Designs of innovative and interested Start-ups.

- The scheme of SIPP aims to promote awareness and adoption of Intellectual Property Rights amongst startups.

- Scheme is inclined to nurture and mentor innovative and emerging technologies among Startups and assist them in protecting and commercialize it by providing them access to high quality IP services and resources.

- Intellectual property protection is an important consideration for most startups.

- Obtaining intellectual property protection, such as patents, can minimize competition and act as a defensive mechanism against infringement claims from others.

- Intellectual property also can attract or solidify funding and partnerships.

- Start-ups can avail a complete start-to-end array of services with the help of "Facilitator", including general advice, assistance in drafting complete/provisional applications, filing at IPO, preparing and filing responses to examination reports, appearing at hearings, contesting opposition and ensuring the final disposal of the IPR application.

- Under this scheme, when any Start-up filed their patent application with the help of appointed facilitator, then no fee shall be paid to the facilitator by that startup, except the official fee which is to be borne by the start-up only.

- The government has fixed the professional fee for the facilitator which is INR 10000 comprises of consultancy, searching, drafting and filing.

- The Government of India launched the Scheme for Facilitating Start-Ups Intellectual Property Protection (SIPP) in January 2016.

- This scheme was initiated in an effort to reach out to start-ups, protect and promote their Intellectual Property Rights (IPR) and to encourage creativity and innovation among themselves.

- Any Start-ups registered under the DIPP and have obtained certificate of recognition, can avail patent filing on a reduced rate i.e. 50% less as compare to the other companies.

- In order to introduce the IP law and to provide the cost effective assistance to the startup, the Government invited advocates and patent agents to sign up for the SIPP scheme.

- Consequently, several members of the IPR practicing community are now part of this scheme and registered themselves as "Facilitator".

- By paying a slightly higher fee as compare to regular examination, Start-up can expedite the patent process and reduce the patent grant time from 4-5 years to approximately 2 years.

- It is one of the major advantages for start-up in getting the patent in a very short span.



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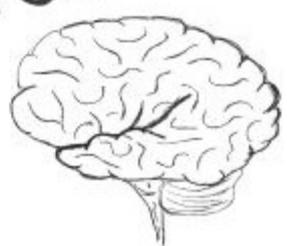
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PROPERTY**

INVENTION



LICENSING PROTECTION

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THANK YOU