



# What We'll Discuss

TOPIC OUTLINE

Introduction  
Patent  
Trademark  
Copyright



# Introduction



- Intellectual Property is a property that arises from the human intellect. It is a product of human creation.
- Intellectual Property comprises 2 distinct forms:
  - \* Literary & Artistic Works
  - \* Industrial Property



# Respect for Authority



- They are books, paintings, musical compositions, plays, movies, radio/tv programs, performances, & other artistic works.
- How are they Protected?
- \* Protected by “COPYRIGHT”



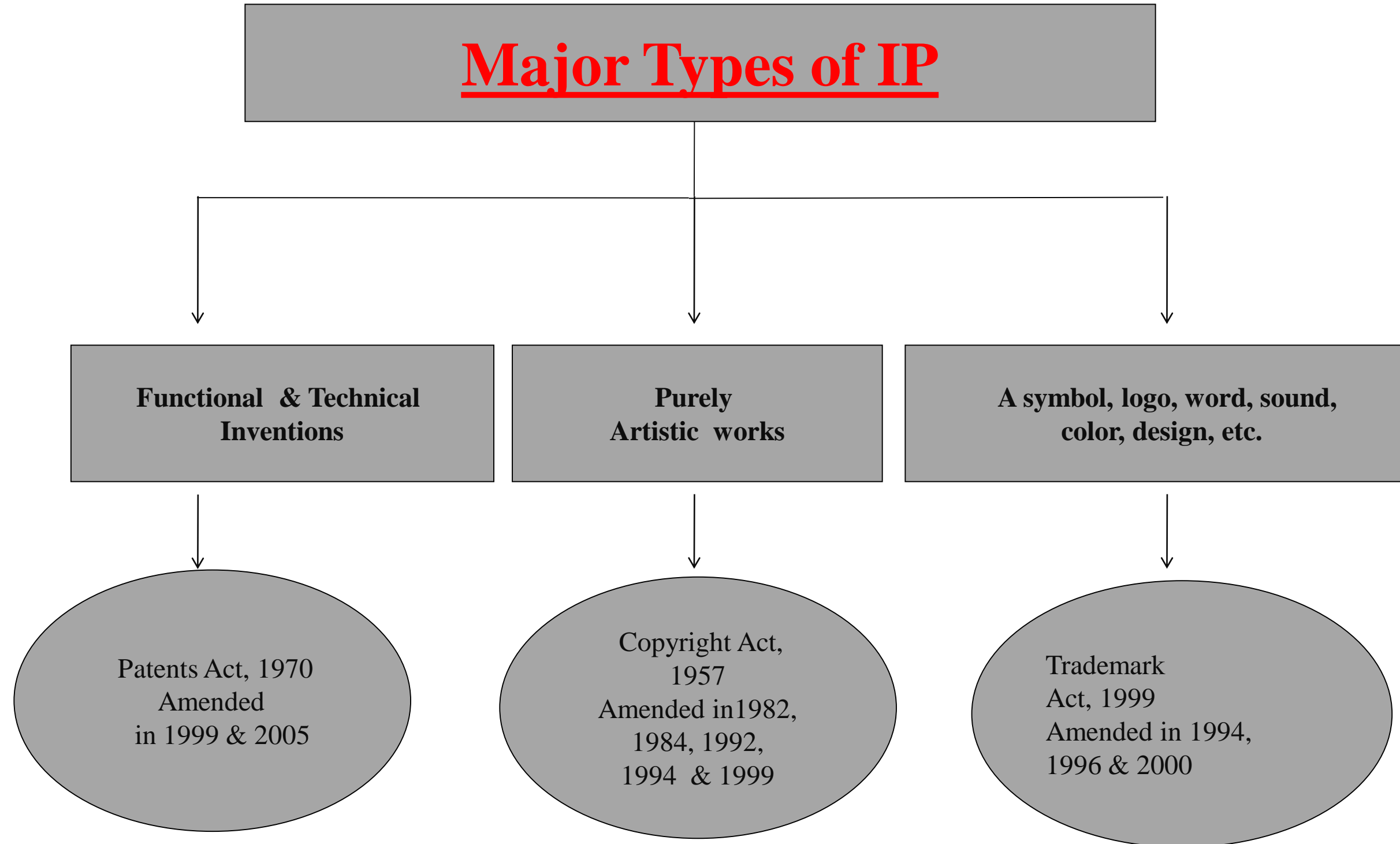
# Industrial Property



- **Industrial Property describes physical matter that is the product of an idea or concept for commercial purposes.**
- **How are they Protected?**
  - \* **By Patented objects**
  - \* **By Trademarks**
  - \* **By Industrial Designs**
  - \* **By Trade Secrets**
  - \* **By Layout-designs**
  - \* **By Geographical Indications**



# IPR





# Patents

- It is covered under the Act called the Patents Act, 1970 [Amended by Patents Act, 2005]
- It extends to the whole of India.
- It shall come into force on such date as the Central Government may publish, by notification in the Official Gazette.

## Definition:

- A patent describes an invention for which the inventor claims the exclusive right. Relates to a Process or Product or both, be capable of Industrial Application or a Machine.





# Life and Duration

- **Term of the patent is 20 years from the date of filing for all types of inventions.**
- **Priority date- first to file**
- **The date of patent is the date of filing the application for patent.**
- **The term of the patent is counted from this date.**



# Fees for filing a Patent



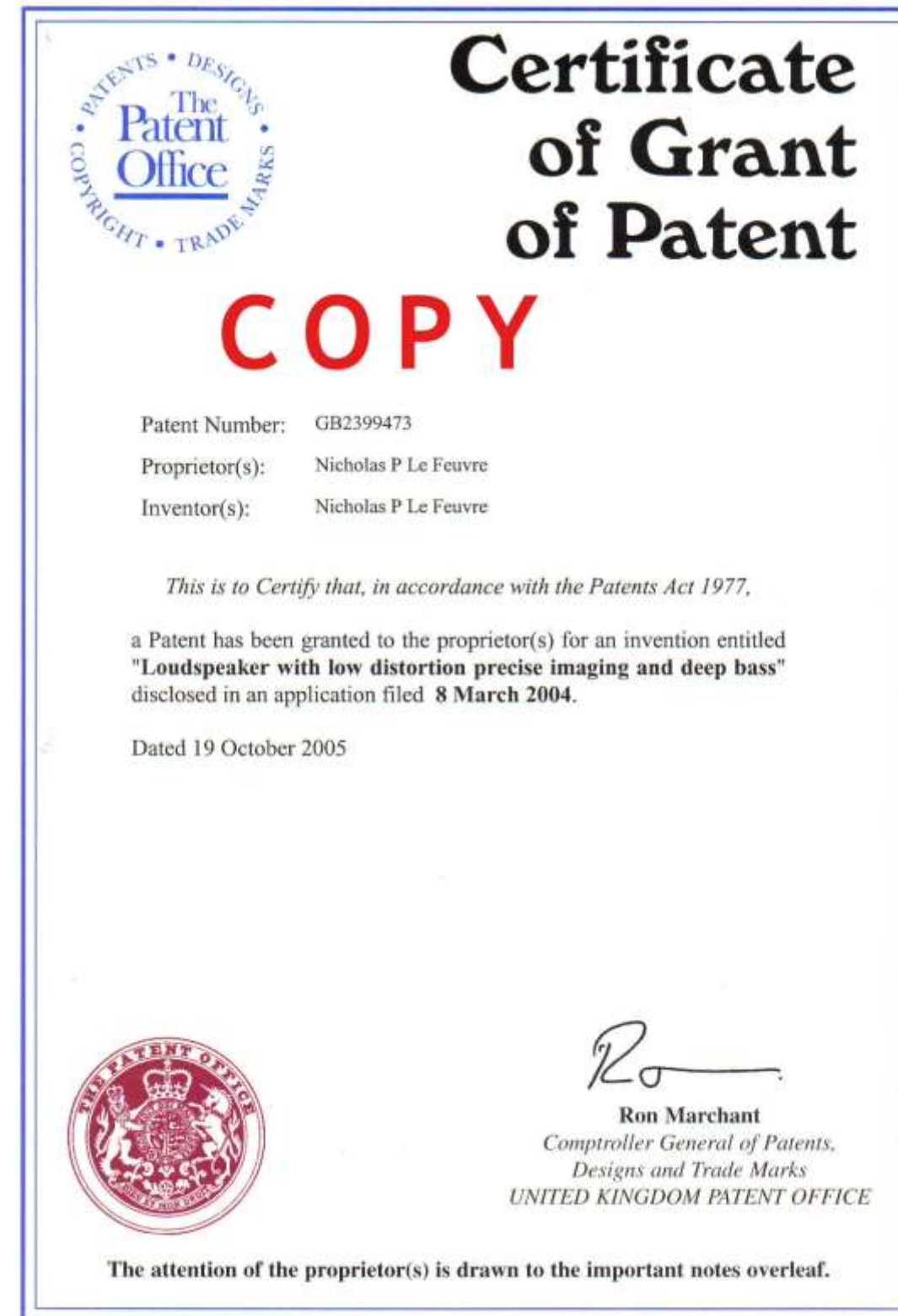
No	Description	Patent office Fee (INR) 1\$ = ~ 60 INR(E-Filing only)			Comments
		Other than Natural person		Natural Person/Startup	
		Small Entity	Other than small entity		
1	Application for grant of patent	4000	8000	1600	Mandatory
2	Early publication fee	6250	12500	2500	Optional
3	Request for examination of patent application	10000	20000	4000	Mandatory
4	For every Extra sheet over 30 sheets	400/sheet	800/sheet	160/sheet	Mandatory
5	For every Extra claim over 10 claims	800/claim	1600/claim	320/claim	Mandatory

- No, there is nothing like a global patent or a world patent. Patent rights are essentially territorial in nature
- Granting a patent in one country of the Union does not force other countries to grant the patent for the same invention.
- The refusal of the patent in one country does not mean that it will be terminated in all the countries





# What Does a Patent look Like?





# Trademarks

## Trademark:

- A symbol, logo, word, sound, colour, design, or other device that is used to identify a business or a product in commerce.
- Different Symbols are :
  - <sup>TM</sup> Intent to use application filed for product
  - SM Intent to use application filed for services
  - ® Registered trademark



# Registration Process



- Application for search.
- Application for registration.
- Examination of trademark.
- Advertisement of trademark.
- Filing of opposition.
- Certificate issued.



# DURATION & 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 year & it can also be renewed.
- The Govt. fees is Rs. 4,500 for each class of goods or services.



# A) Set apart from surrounding text...



## Correct use:

***Raymond Textile*** is India's leading producer of worsted suiting fabric with over 60% market share.

**'Raymond Textile'** is India's leading producer of worsted suiting fabric with over 60% market share.

## Incorrect use:

**Raymond Textile** is India's leading producer of worsted suiting fabric with over 60% market share.



# B) Specify font, size, proportion and placement

## Correct use:



## Incorrect use:





## C) Do not change spelling

### Correct use:

- **Calvin Klein**
- **Tommy Hilfiger**
- **MPC POTTERIES GWALIOR**

### Incorrect use:

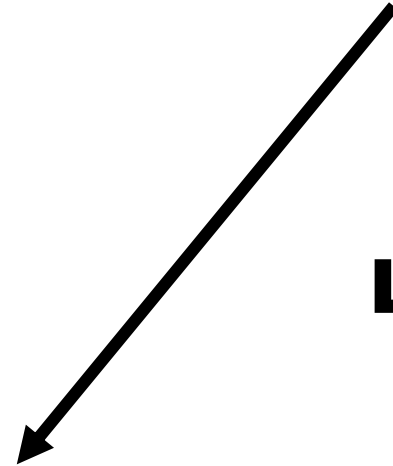
- **Kalvin Klein**
- **Tommy-Hilfiger**
- **MPC P/G**



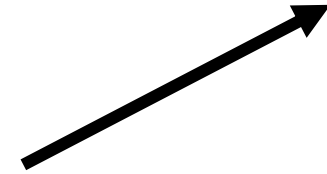
# Trademarks



**Name**



**Logotype**



**Symbol**



**Slogan**



**i'm lovin' it<sup>®</sup>**

**Shape**



**Color**







# 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.



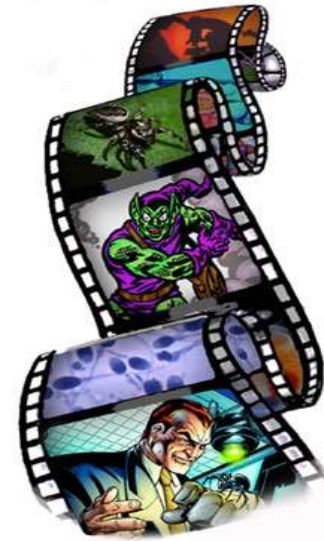
# What is covered by copyright?



**Literary**



**Films**



**Dramatic**



**Musical**



**Artistic**



**Sound Recording**





# 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



Copyright lasts for the-

- Author's lifetime + 50 years from the end of 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.



# THANK YOU