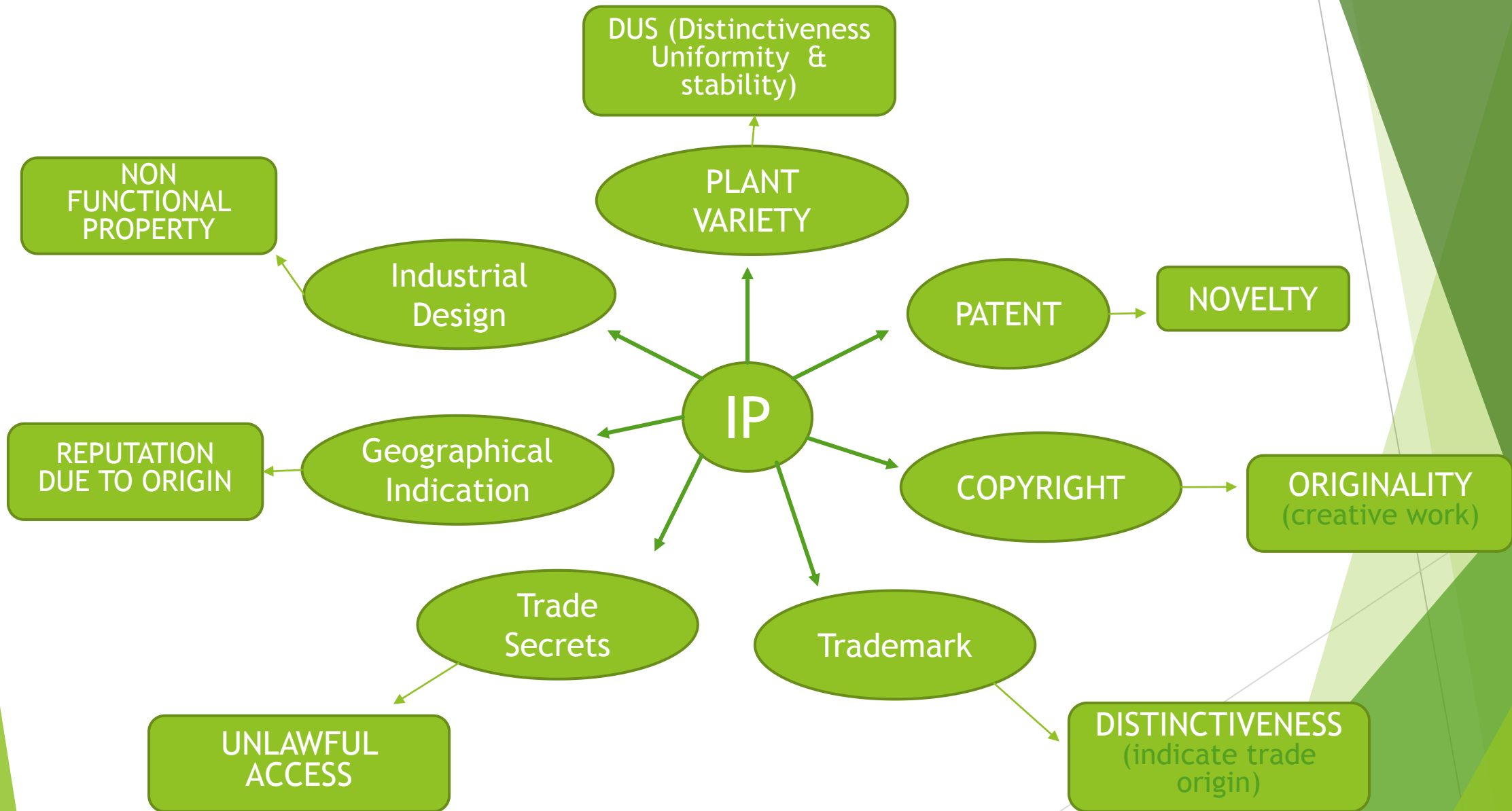
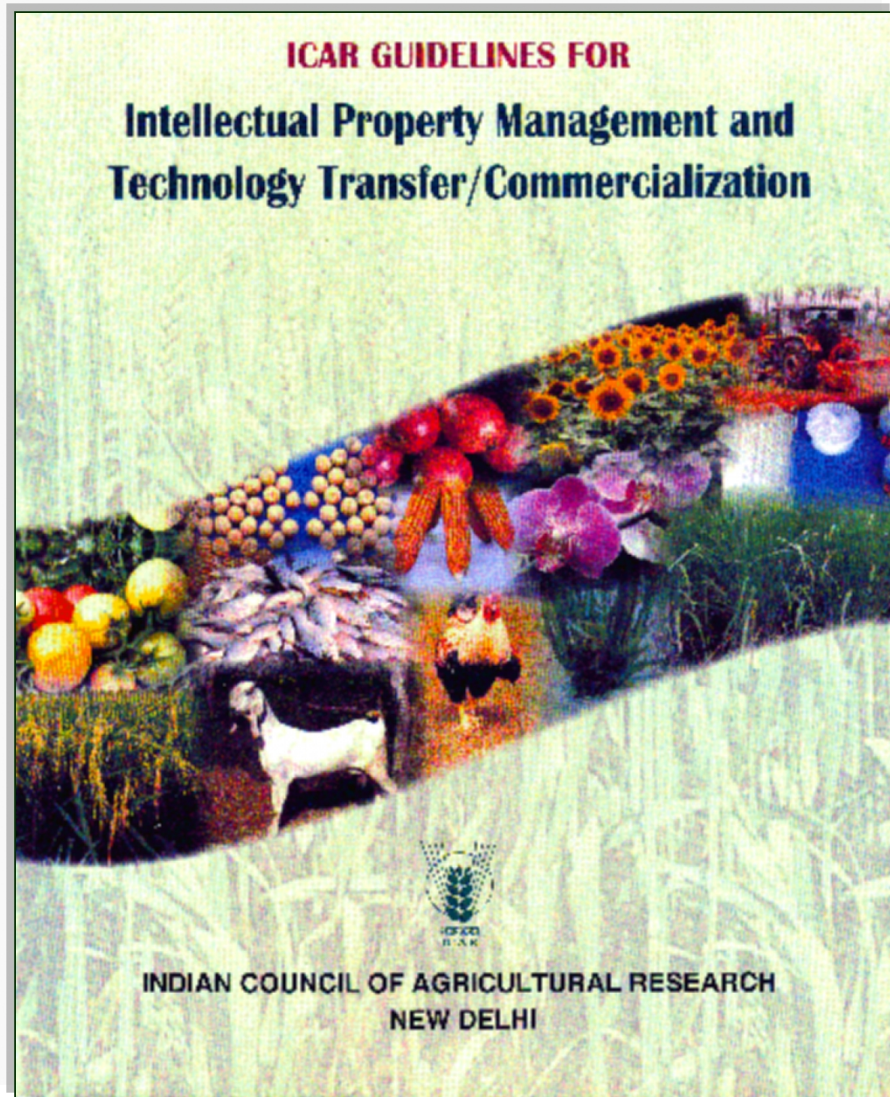


# Intellectual Property Rights By

Dr.P.P.Ashtankar

# BASIC FEATURES OF IPRs





**Effective from:-  
2 October 2006**

# A PATENT IS A MONOPOLY RIGHT GRANTED

For an invention

By the Government

To the inventor or his/her assignee

For a limited period

Valid within the country of grant

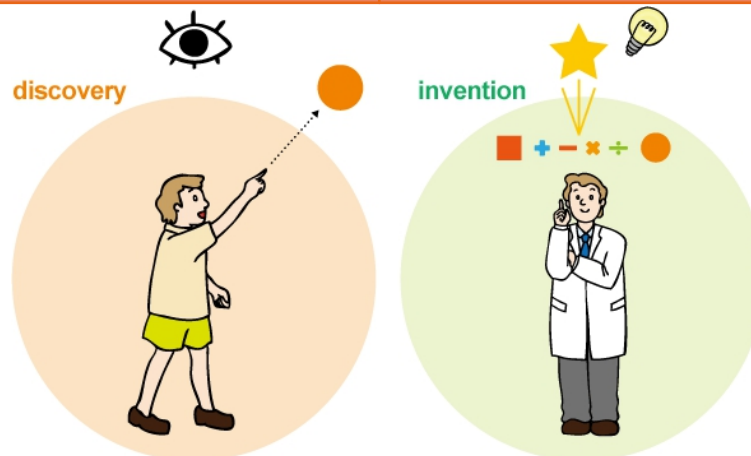
# Difference Between Discovery & Invention

**Discovery is  
coming across the  
things that are  
already there**

**\*Watson & Crick  
discovered DNA  
chain**

**An invention is  
something which  
has been created  
by someone**

**\*Thomas Edison  
invented the light  
bulb**



# WHAT CAN BE PATENTED ?

- 📁 ALL PROCESSES & PRODUCTS WHICH ARE
- 📁 NEW
- 📁 INVOLVING INVENTIVE STEP
- 📁 CAPABLE OF INDUSTRIAL APPLICATION &
- 📁 NOT BARRED BY SEC 3 & 4 OF THE PATENTS ACT

## PRODUCT MEANS

1. APPARATUS
2. DEVICES
3. MACHINES
4. CHEMICAL PRODUCTS
5. DRUG/ FOOD & THEIR COMPOSITIONS
6. CHEMICAL COMPOSITIONS
7. BIOLOGICAL PRODUCTS

# What is not Patentable

- ❌ Frivolous, Contrary To Natural Laws
- ❌ Contrary To Public Order Or Morality, Prejudice To Human, Animal Or Plant Life Or Health Or To The Environment;
- ❌ Mere Discovery Of Scientific Principle, Abstract Theory, Living Thing Or Non- living Substances
- ❌ Mere Discovery Of New Form, New Property, New Use Of A Known Process, Machine Or Apparatus (EFFICACY)
- ❌ Mere Admixture (SYNERGY)
- ❌ Mere Arrangement, Re-arrangement, Duplication of known devices.
- ❌ Omitted (Testing Methods)
- ❌ Method Of Agriculture Or Horticulture
- ❌ Method Of Treatment.
- ❌ Plants, Animals, Including Seeds Varieties, Species, Biological Processes.  
Exception: Microorganisms
- ❌ Traditional Knowledge
- ❌ Literary, Dramatic, Musical Or Artistic Work, Other Aesthetic Work

# Patentability requirements

- 🔍 Novelty: New characteristics
- 🔍 Inventive step: Non-obviousness, knowledge being not obvious to one skilled in the field
- 🔍 Usefulness/Industrial applicability- invention susceptible to industrial application

## **PATENTABILITY CRITERIA**





# “Novel or New”

SHOULD NOT BE

- I. PUBLISHED IN INDIA OR ELSEWHERE
- II. IN PRIOR PUBLIC KNOWLEDGE OR PRIOR PUBLIC USE
- III. CLAIMED BEFORE IN ANY SPECIFICATION IN INDIA

# INVENTIVE STEP

“Inventive step” means a feature of an invention that involves technical advance as compared to the existing knowledge or having economic significance or both and that makes the invention not obvious to a person skilled in the art;

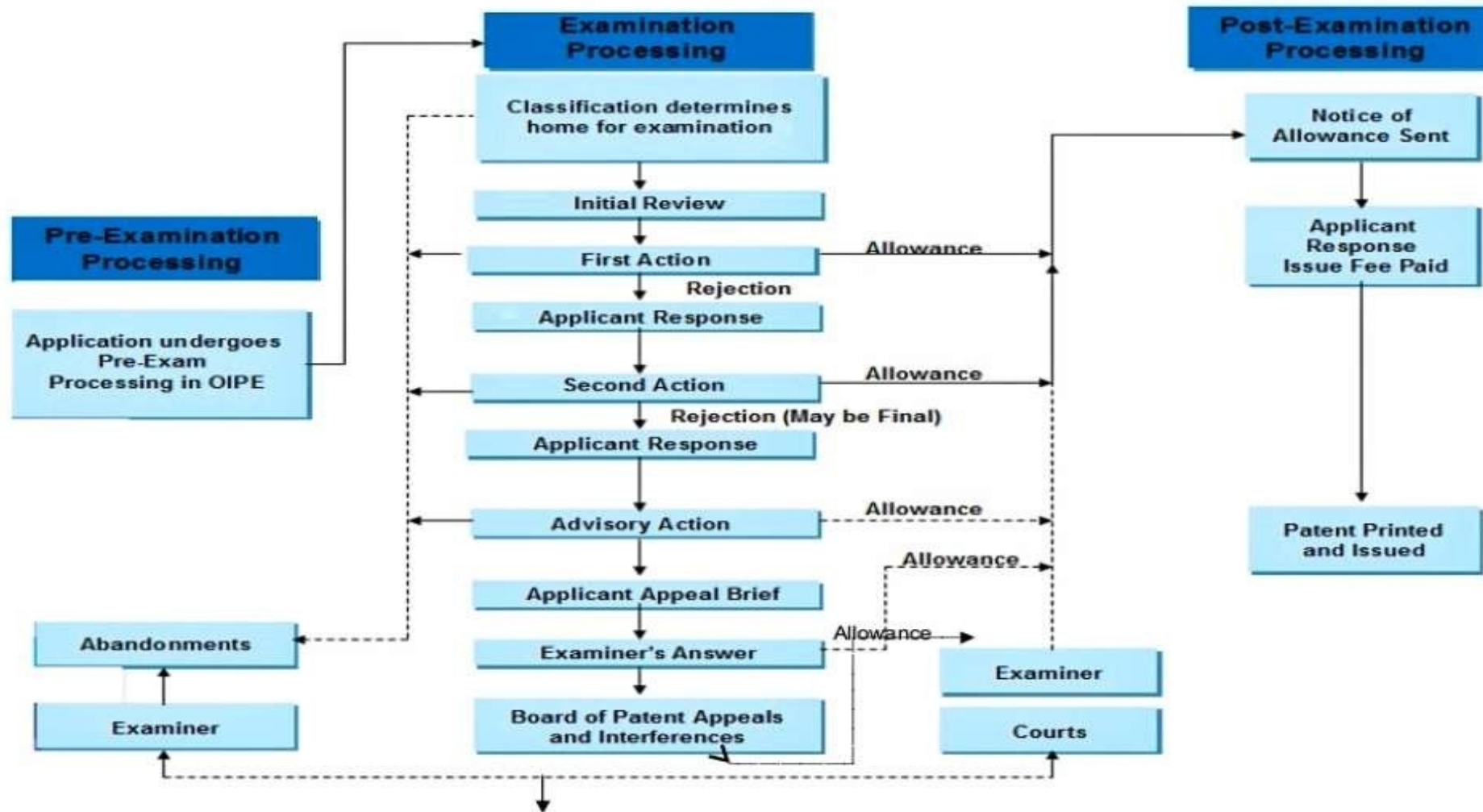
# INDUSTRIAL APPLICATION

INVENTION IS  
CAPABLE OF BEING MADE OR  
CAPABLE OF BEING USED IN  
AN INDUSTRY

# Lifecycle of a patent



# Procedure for Registration of Patent



# Trade Mark

- 📌 A trade mark is any design that can distinguish the goods of one trader from those of another.
- 📌 It includes words, logos, pictures, or combination of these.
- 📌 A trademark is used as a marketing tool for product positioning.
- 📌 The consumer will rely on the labels attached to the product with certain expectation of the quality of said product.
- 📌 Term: 10 years

- 🏪 To register a trade mark the mark must be distinctive and not contrary to law or morality and not identical to the earlier mark for the same or similar goods
- 🏪 The notion ® may be used for the trademark only if it is federally registered.
- 🏪 In pharmaceutical arena, trade names for certain drug may be registered as a trademark

# What Can be a Trademark

A trademark can comprise a name, word, phrase, logo, symbol, design, image, or a combination of these elements & It should be

ORIGINAL

Examples: **PRESTIGE, HAWKINS, MAHARAJA**



## Essential features of a trademark

- It must be a mark, brand, heading, name, label, signature or numerical shape of goods, packaging, or combination of these.
- It must be capable of being represented graphically.
- It must be capable of distinguishing the goods or services of one person from those of others.
- The use must be of a printed or other visual representation of the mark.

## Trademark which are not registerable

- Mark that contain or comprises of any matter likely to hurt the religious susceptibilities of any class or section of the citizens of India.
- Mark that comprises of scandalous or obscene matter.
- Mark which has nature as to deceive the public or cause confusion.
- Mark prohibited under the Emblems and Name Act, 1950

# Location of Trademark Registry Offices

Delhi

Mumbai

Kolkata

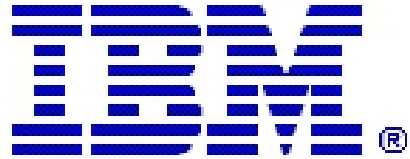
Chennai

Ahmedabad

# Well known Trademarks



✦ Coca Cola for soft drink



✦ IBM for computer/ software

# Trade names



- ✧ Furniture, Refrigerators, Storewell, Compactor etc.

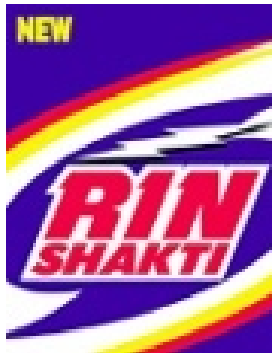


- ✧ Electric items (bulbs, trimmers, sound system etc)

# Logo of some well known brands



- ✧ Logo of iodized salt of Hindustan Lever
- ✧ Logo of Volkswagen
- ✧ Logo of Washing Powder of Hindustan Lever



# Service mark examples

amazon.com<sup>®</sup>

 **ICICI Bank**



**FedEx**

**paytm**

**ebay**



# Designs

Design refers to the 2- or 3- dimensional drawing delineating features of

- 🏠 Shape
- 🏠 Configuration
- 🏠 Pattern
- 🏠 Ornamentation
- 🏠 Compositions of lines or colors

Applied to any article in 2-d or 3-d or in both

🏠 forms, and are judged solely by the eye (shape or surface , patterns, lines or color).

Applied to an article for its manufacturer

# Criteria of Design Registration

Novelty: Novelty is judged solely by eye  
w.r.t. external appearance of the finished  
Article

Absolute Novelty— i.e. Not publicly known  
or use in India or elsewhere



# Term of Design Registration

Term of design registration maximum **15** years subject to renewal every five years

No question of re-registering the registered design >15 years

Classes of goods for design registration- 14 years

# Example of Design

Sept. 20, 1949.

C. EAMES

Des. 155,272

CHAIR

Filed March 27, 1949

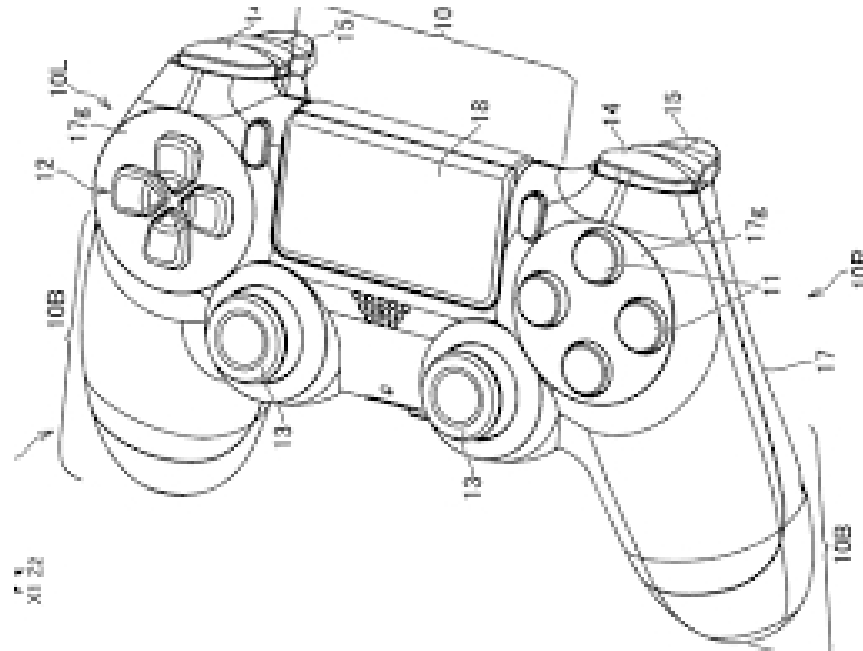
*Fig. 4*



*Charles Eames*

Designers chair

Play Station



## **PATENT**

Auto-Focus Mechanism

Subject Matter of Patent

## **TRADEMARK**

Brand Name

Subject Matter of  
Trademark



## **DESIGNS**

External Appearance of Camera

Subject Matter of Design.

# Geographical Indication

A geographical indication is a name or sign used on certain products, which corresponds to a specific geographical location or origin (eg. a town, region, or country).

The use of a GI may act as a certification that the product possesses certain qualities, or enjoys a certain reputation, due to its geographical origin.

# Who Owns the GI ?

The whole community, which belongs to that particular region owns the GI

- Property of the community, unlike trademark which is a traders property
- To exclude unauthorized persons from misusing GI
- Quality and reputation owing to a place of origin

# Term of GI

Registration of a geographical indication  
remains valid for a period of **10** years

Not granted to individuals

It's a national property (Association, Authority,  
Organization)

e.g. Tea Board, Coffee Board, Spice Board

It can be renewed from time to time for  
further period of 10 years each

## Geographical Indications

granted by **Indian Patent Office** in 2017-18



**Banaganapalle  
Mangoes**  
of Andhra Pradesh

**Tulapanji Rice**  
of West Bengal



**Tirupathi  
Laddu**



**Darjeeling  
Tea**



**Kashmir  
Pashmina**

**Nagpur  
Orange**



**Kangra  
Paintings**

**Other 5 products that  
received this tag this year**

- **Pochampally Ikat**  
of Telanganal
- **Gobindobhog Rice**  
of West Bengal
- **Durgi Stone Carvings**
- **Etikoppaka Toys**  
of Andhra Pradesh
- **Chakshesang Shawl** of Nagaland



A Geographical Indication (GI) is primarily an agricultural, natural or a manufactured product (handicrafts/industrial goods) originating from a definite geographical territory



# Bihar GI

