



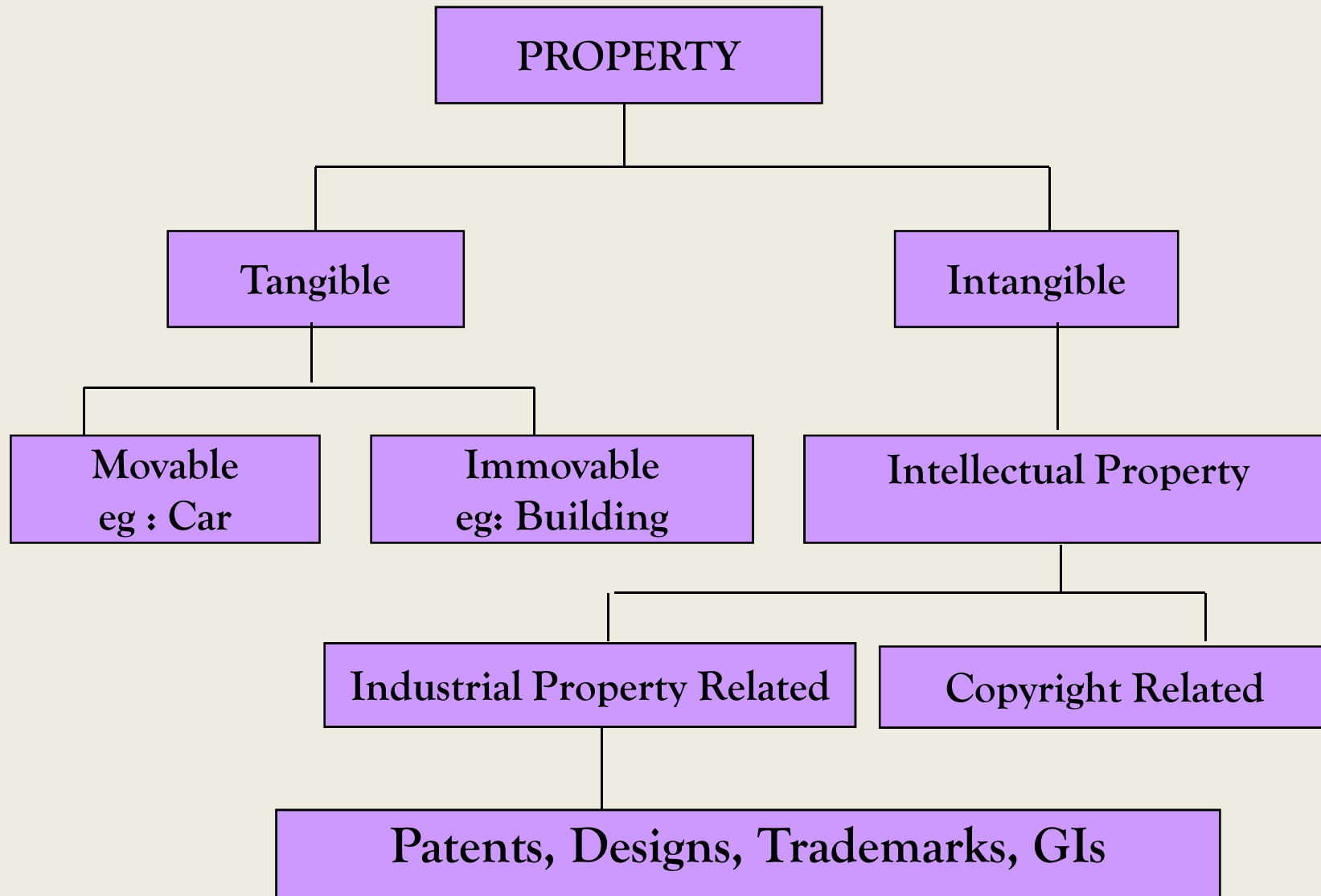
**PRESENTATION**

**ON**

**INTELLECTUAL PROPERTY RIGHTS (IPR)**

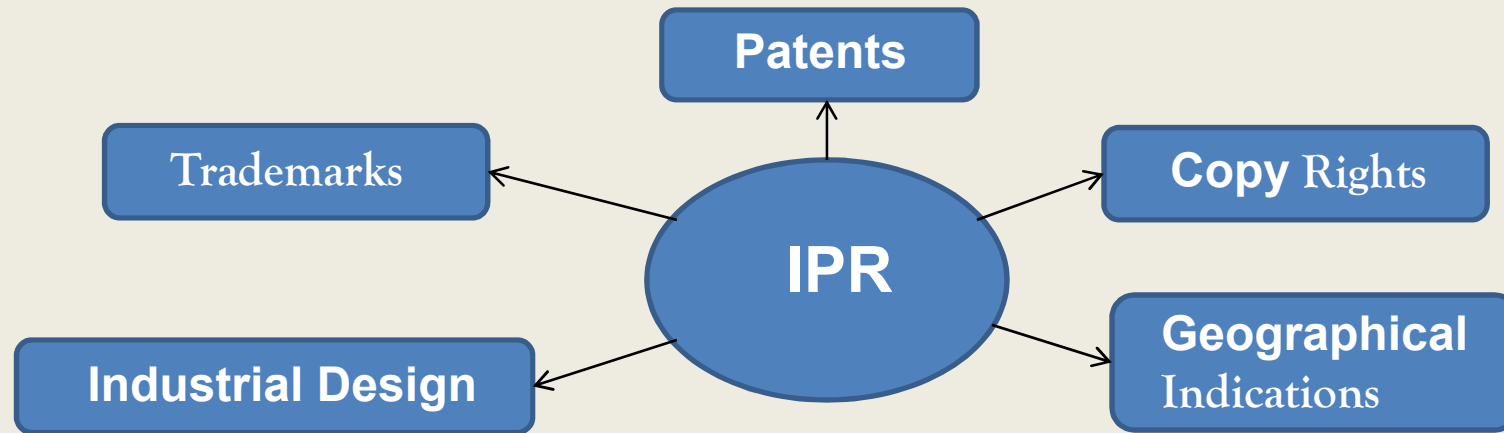


# INTELLECTUAL PROPERTY RIGHTS (IPRs)





# INTELLECTUAL PROPERTY RIGHTS (IPRs)



- **Exclusive rights given to person over the creation of their minds for certain periods of time**
- **Legal right**
- **Intangible potential asset**
- **Monopoly**
- **Negative rights i.e., it prevents others to use his/her creation for a definite time**



## INTELLECTUAL PROPERTY RIGHTS (IPRs)



The intellectual property rights were essentially recognized and accepted all over the world due to some very important reasons.

- To provide an incentive to individuals for new creations
- To accord due recognition to the creators and inventors
- To ensure material reward for intellectual property
- To make available genuine and original products.



## VARIOUS KINDS OF IPRS



### Patents:

- Inventions (Products, Processes, Materials, Compositions)
- Technical Solution to a Technical problem

### Industrial Designs:

- External features appealing to the eye
- New Shape, Pattern or Configuration

### Trade Marks:

- A visual symbol such as a Word, Name, Logo, Label, Monogram, Slogan etc.
- Applied on Article of Manufacture or Service
- Indicates the origin of goods and services



## VARIOUS KINDS OF IPRS



### Copyrights:

- Artistic, literary, musical and dramatic creations
- Proprietary right
- Comes into existence as soon as the work is created

### Geographical Indications (GIs):

- Identifies agricultural, natural or manufactured goods originating from a definite territory in India
- Possessing special quality or reputation based upon unique characteristics of the geographical location



# ORGANIZATION STRUCTURE



Ministry of Commerce & Industry  
Dept. Of Industrial Policy & Promotion

Controller General of Patents, Designs & Trade Marks

Patent & Design Office

- Kolkata
- Delhi
- Mumbai
- Chennai

Trade Marks Registry

- Mumbai
- Kolkata
- Delhi
- Chennai
- Ahmadabad

Geographical Indications Registry

- Chennai

Patent Information System

RGNIIPM

NAGPUR

## PATENT OFFICE- MUMBAI



The Patent Office,  
Government of India,  
Boudhik Sampada Bhavan,  
Near Antop Hill Post Office,  
S.M.Road,Antop Hill,  
Mumbai – 400 037  
Phone: (91)(22) 24137701  
Fax: (91)(22) 24130387  
Email: [mumbai-patent@nic.in](mailto:mumbai-patent@nic.in)

The States of Gujarat, Maharashtra,  
Madhya Pradesh, Goa and Chhattisgarh  
and the UTs of Daman & Diu and Dadra  
& Nagar Haveli







## PATENT OFFICE - CHENNAI



**The Patent Office,  
Government of India,  
Intellectual Property Rights  
Building,  
G.S.T. Road, Guindy,  
Chennai – 600 032.  
Phone: (91)(44) 2250 2081-84  
Fax: (91)(44) 2250 2066  
Email: [chennai-patent@nic.in](mailto:chennai-patent@nic.in)**

**The States of Andhra Pradesh,  
Telengana, Karnataka, Kerala, Tamil  
Nadu and the UTs of Pondicherry  
and Lakshadweep.**





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## PATENT OFFICE NEW DELHI



The Patent Office,  
Boudhik Sampada Bhavan,  
Plot No. 32., Sector-14, Dwarka,  
New Delhi - 110075  
Phone: (91)(11) 2808 1921 - 25  
Email: delhi-patent@nic.in

The States of Haryana, Himachal Pradesh, Punjab, Rajasthan, Uttar Pradesh, Uttarakhand, Delhi and the UTs of Chandigarh, Jammu & Kashmir and Ladakh





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## PATENT OFFICE - KOLKATA



**The Patent Office (Head Office),  
Boudhik Sampada Bhavan,  
CP-2, Sector –V, Salt Lake City,  
Kolkata- 700 091**

**Phone: (91)(33) 2367 1943**

**/44/45/46/87**

**Fax: (91)(33) 2367 1988**

**Email: [kolkata-patent@nic.in](mailto:kolkata-patent@nic.in)**

**Rest of India**





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# RGNIIPM - NAGPUR





## VALIDITY OF IPR



SI No.	IPR	Maximum Protection	Renewal	Act/Rule
1	Patent	20 Yrs	*Every year (mandatory)	The Patents Act, 1970 Amended in 2005
2	Trade Mark	Life long	After 10yrs	The Trade Marks Act, 1999 Amended in 2010
3	Design	15 Yrs	After 10 years for next 5 years	The Designs Act, 2000 & Designs (Amendment) Rules, 2014
4	Copyright	60 years	Not require	The Copyright Act, 1957 Amended in 2012
5	Geographical Indication (GI)	Life long	After 10 Yrs	The Geographical Indications of Goods (Registration and Protection) Act, 1999

**\*Patents will cease and be transferred to public domain if Patents are not renewed within 6 month of expiry of concerned year by paying renewal fee.**



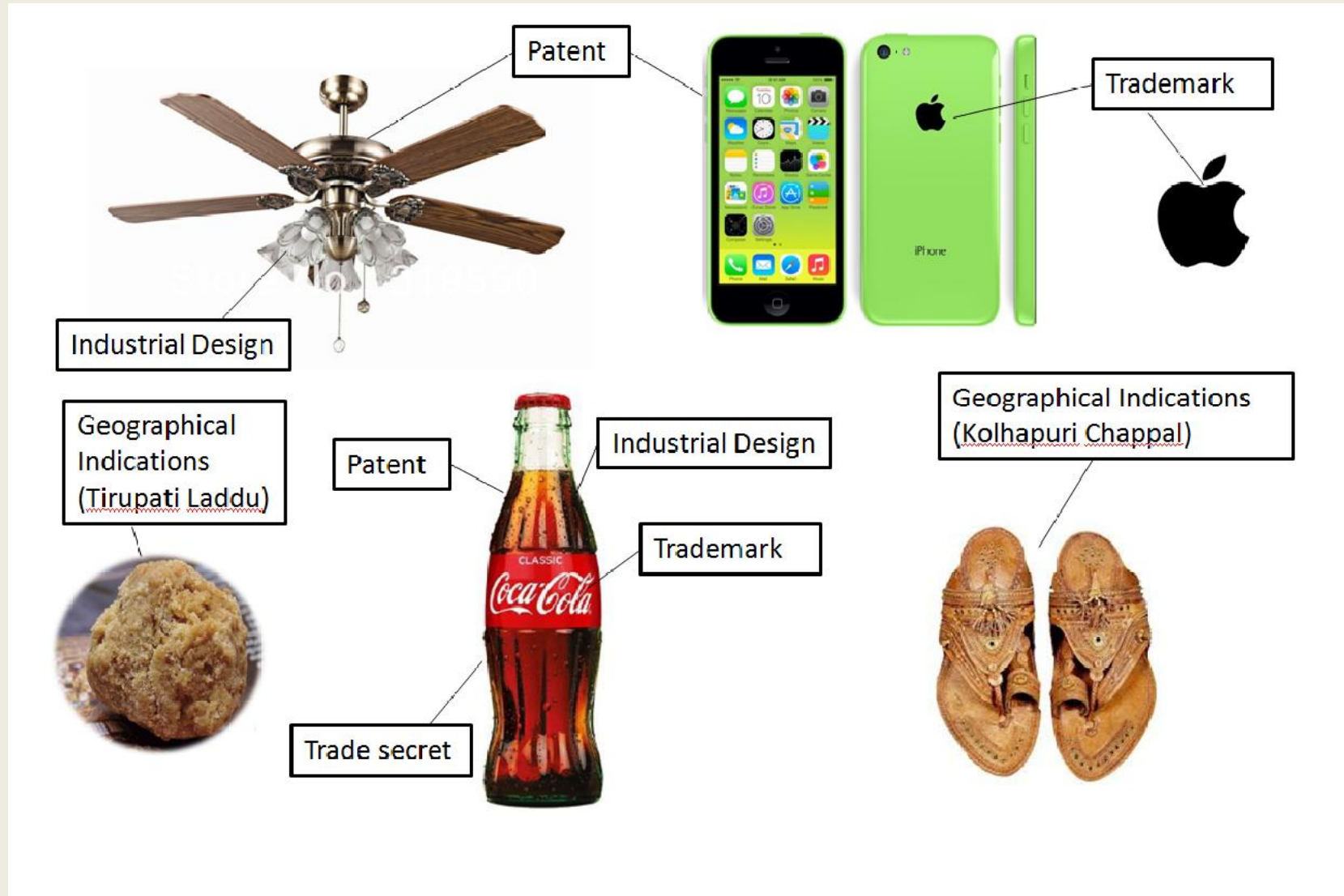
## RELATION BETWEEN IPRs



- The logo Coca-Cola is an example for **TRADE MARK**.
- Shape of the bottle – an **INDUSTRIAL DESIGN**.
- **PATENT** may have been obtained in respect of bottling equipment.
- **COPYRIGHT** – in respect of the text, database or artistic work appearing on its website.

i.e., A single product can be protected by more than one IPR.



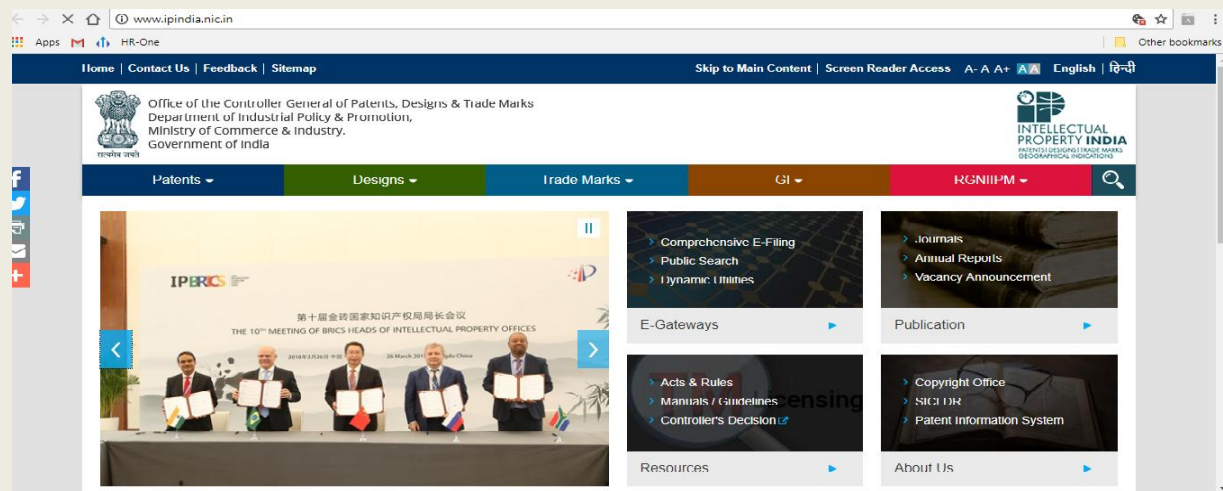




# PATENTS



- It is the exclusive right of inventor to prevent others from possessing, using, selling, manufacturing and importing the patented invention or offering to do any of these with in a definite geographical area.
- Patents have territorial jurisdiction i.e., we have to register the patents in all countries where we have our interests.
- Patent application can be filed online in India by inventor or his assignee on [www.ipindia.nic.in](http://www.ipindia.nic.in)







## Patent is an exclusive monopoly right:

- **Granted by Government of India**
- **For an Invention**
- **To the Inventor or his Assignee**
- **As a Territorial Right**
- **In lieu of Disclosure of invention to the Government**
- **Term of Patent: 20 years from date of filing**



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## PATENT ACT & RULES



- In India, Patent rights are governed by the Patents Act, 1970. At present 3rd amendment of Act known as the Patent (Amendment) Act, 2005 is in force.
- For application of Patents Act, rules are made by the Government, which are known as “Patent Rules, 2003”, as of now Patent (Amendment) Rule, 2006 and further updated in Sept’2015 are in force.
- For better understanding of Act & Rules, “Draft Manual of Patent Practice & Procedure (MPPP), 2008” is made by the patent office.
- There are 4 patent offices in India having work distribution according to their geographical location viz. Kolkata, Delhi, Mumbai & Chennai



## Criteria of Patentability:

- **Novelty**
- **Inventive step or it must be non-obvious**
- **Capable of industrial application**
- **Not fall within the provision of section 3 & 4 of the Patents Act 1970**

## Patents Act 1970:

- **Section3: List which are not inventions**
  - **Frivolous or obvious**
  - **Contrary to well established natural laws**
  - **Injurious to Public Health**
  - **Mere arrangement or re-arrangement,**
  - **Discovery of Scientific principle**
  - **Discovery of living thing or non-living substances in nature**
  - **Method of agriculture or horticulture**
  - **A mathematical or business method or a computer program**
- **Section4: Not-patentable: Atomic Energy related**



**Ornamental or aesthetic aspect of a useful article of industry.**

- **Aspect that gives special appearance**
- **Aspect which differentiates from current products**

**Only the aesthetic/visual form of a product**

- **not the Technical (Patents)**
- **nor Distinguishing Features (Trade Marks)**

**The ornamental or aesthetic aspects of an article consist of:**

- **Three dimensional features, such as the shape, surface or texture of an article or**
- **Two dimensional features, such as patterns, lines or colours.**

**Design makes the product attractive and appealing to the consumers and adds to its commercial value for that reason.**

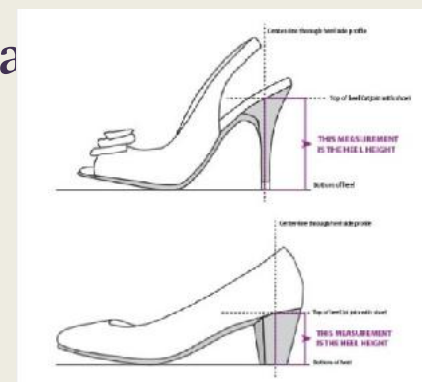


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# INDUSTRIAL DESIGN



- Exclusive right against unauthorized copying
- Protection normally lasts for an initial ten years, after which it can usually be renewed for, in most cases, up to 15 years.





## TRADEMARKS



- **Generally “Brand” or “Logo”**
- **A visual symbol which may be word signature, name, device, label, numerals or combination of colors used by one undertaking on goods or services or other articles of commerce to distinguish it from other similar goods or services originating from a different undertaking**
- **Any Name which is not unusual for trade to adopt as mark**
- **Device or Symbol or Monogram**
- **Shape of goods or their packing**
- **Combination of colors or even a single color in combination with word or device**



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# TRADEMARKS





## COPYRIGHT

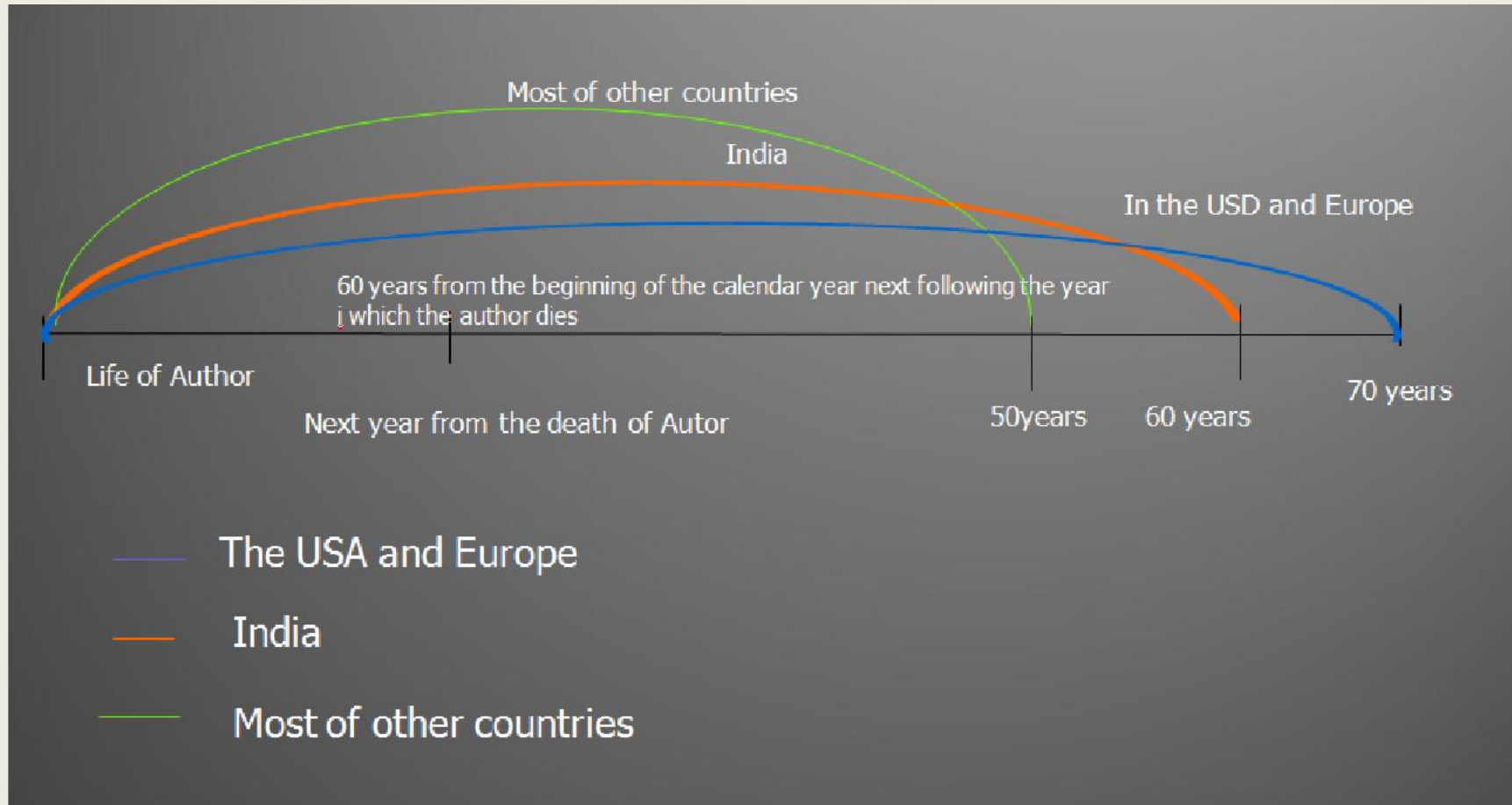


- Copyright is a legal term describing rights given to creators for their literary and artistic works
- The works covered by Copyright include :
  - literary works such as novels, poems, plays, reference works, newspapers and articles
  - computer programs and databases
  - films, musical compositions, dance & theatrical productions
  - artistic works such as paintings, drawings, photographs and sculptures
  - architecture, advertisements, maps, technical drawings and manuals.
- Copyright comes into existence as soon as the work is created and protects skill & labour employed by the creator in production of his work.





# TERM OF COPYRIGHT





## GEOGRAPHICAL INDICATIONS



- **GIs identify agricultural, natural or manufactured goods associated with a territory/region/locality. GI gives protection to the group of people or associations involved in the production of the product using traditional skills and knowledge**
- **The manufactured goods should be produced or processed or prepared in that territory. This gives a special quality to the product due to geographical/climatic environment, reputation, specific manufacturing/farming skills, traditions and other characteristics attributable to origin.**
- **It consists of the name of the place of origin & originates from a definite geographical territory.**
- **Darjeeling Tea, Kancheepuram Saree, Kolhapuri Chappals, Tirupati Laddu, Nagpur Orange etc.**



## GEOGRAPHICAL INDICATIONS



### Examples of Indian Geographical Indications:

- **Basmati Rice**
- **Darjeeling Tea**
- **Kanchipuram Silk Saree**
- **Alphonso Mango**
- **Nagpur Orange**
- **Kolhapuri Chappal**
- **Bikaneri Bhujia**
- **Agra Petha**





**THANK YOU**

**धन्यवाद**