

SRM INSTITUTE OF SCIENCE AND TECHNOLOGY

DIRECTORATE OF DISTANCE EDUCATION

Kattankulathur

SEMINAR

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Fundamentals of Intellectual Property Rights

Organised by

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On

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MEANING OF INTELLECTUAL PROPERTY RIGHTS

Intellectual property (IP) refers to creations of the mind, such as inventions; literary and artistic works; designs; and symbols, names and images used in commerce.

Intellectual property rights (IPR) refers to the legal rights given to the inventor or creator to protect his invention or creation for a certain period of time. [1] These legal rights confer an exclusive right to the inventor/creator or his assignee to fully utilize his invention/creation for a given period of time.

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MEANING OF INTELLECTUAL PROPERTY RIGHTS

IP is protected in law by, for example, Patents , copyright and trademarks , which enable people to earn recognition or financial benefit from what they invent or create. By striking the right balance between the interests of innovators and the wider public interest, the IP system aims to foster an environment in which creativity and innovation can flourish.

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TYPES OF INTELLECTUAL PROPERTY RIGHTS

Copyright

Copyright is a legal term used to describe the rights that creators have over their literary and artistic works. Works covered by copyright range from books, music, paintings, sculpture and films, to computer programs, databases, advertisements, maps and technical drawings.

Patent

A patent is an exclusive right granted for an invention. Generally speaking, a patent provides the patent owner with the right to decide how - or whether - the invention can be used by others. In exchange for this right, the patent owner makes technical information about the invention publicly available in the published patent document.

Trade Mark

A trademark is a sign capable of distinguishing the goods or services of one enterprise from those of other enterprises. Trademarks date back to ancient times when artisans used to put their signature or "mark" on their products.

Source : <https://www.wipo.int/about-ip/en/>

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INDUSTRIAL PROPERTY AND INTELLECTUAL PROPERTY

- **Industrial Property** includes patents for inventions, trademarks, industrial designs and geographical indications.
- **Intellectual Property** is about copyright and covers literary works (such as novels, poems and plays), films, music, artistic works (e.g., drawings, paintings, photographs and sculptures) and architectural design. Rights related to copyright include those of performing artists in their performances, producers of phonograms in their recordings, and broadcasters in their radio and television programs.

Trademark :

A Trademark is a sign (logo) that serves to distinguish the goods or services of one organisation or individual from those of another. A trademark is a distinctive sign that identifies certain goods or services produced or provided by an individual or a company.

The sign may consist of:

Words (including personal names) , Figurative elements , Letters , Numerals, shapes, signs, slogans or logos of the good or its packaging

For a trademark to be accepted, it has to be:

1. Original
2. Distinctive
3. Non-descriptive

Source : <https://businessfirst.com.mt/en/running/Pages/INTELLECTUAL-AND-INDUSTRIAL-PROPERTY.aspx>

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INDUSTRIAL PROPERTY AND INTELLECTUAL PROPERTY.....

Trademark.....

- Exclusive right over a trademark is valid for 10 years, however it is possible to renew the trademark indefinitely.
- The origin of trademarks 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.

Source : <https://businessfirst.com.mt/en/running/Pages/INTELLECTUAL-AND-INDUSTRIAL-PROPERTY.aspx>

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INDUSTRIAL PROPERTY AND INTELLECTUAL PROPERTY

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. For an invention to be patentable it has to be:

- Novel - it does not form part of the prior art
- Involves an Inventive Step - it is not obvious to a skilled person in the art
- Has an Industrial Application - it can be used in any kind of industry

A patent provides patent owners with protection for their inventions. Protection is granted for a limited period, generally 20 years if maintenance fees are paid.

Source : <https://businessfirst.com.mt/en/running/Pages/INTELLECTUAL-AND-INDUSTRIAL-PROPERTY.aspx>

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INDUSTRIAL PROPERTY AND INTELLECTUAL PROPERTY

Industrial Design

An industrial design refers to the ornamental or aesthetic aspects of an article. A design may consist of three-dimensional features, such as the shape or surface of an article, or two-dimensional features, such as patterns, lines or colour. Industrial designs are applied to a wide variety of industrial products and handicrafts: from technical and medical instruments to watches, jewellery and other luxury items; from house wares and electrical appliances to vehicles and architectural structures; from textile designs to leisure goods.

To be protected under most national laws, an industrial design must be new or original and non-functional. This means that an industrial design is primarily of an aesthetic nature, and any technical features of the article to which it is applied are not protected by the design registration. However, those features could be protected by a patent.

Source : <https://businessfirst.com.mt/en/running/Pages/INTELLECTUAL-AND-INDUSTRIAL-PROPERTY.aspx>

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Need to Promote and Protect INTELLECTUAL PROPERTY

There are several reasons for promoting and protecting intellectual property. Some of them are:

- ❖ Progress and the good of humanity remain in the ability to create and invent new works in the field of technology and culture.
- ❖ IP protection encourages publication, distribution, and disclosure of the creation to the public, rather than keeping it a secret.
- ❖ Promotion and protection of intellectual Property promote economic development, generates new jobs and industries, and improves the quality of life.
- ❖ Intellectual Property helps in balancing between the innovator's interests and public interest, provide an environment where innovation, creativity and invention can flourish and benefit all.

Source : <https://blog.ipleaders.in/ipr-description/>

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Need to Promote and Protect INTELLECTUAL PROPERTY

Advantages of protecting intellectual property

Guide

Intellectual property (IP) rights protect genuine [business assets](#) that can be vital to your products or services, or the success and profitability of your business.

There are many advantages to securing your intellectual property rights.

Enhance the market value of your business

IP can generate income for your business through licensing, sale or commercialisation of protected products or services. This can, in turn, improve your market share or raise your profits. In case of sale, merger or acquisition, having registered and protected IP assets can raise the value of your business.

Turn ideas into profit-making assets

Ideas on their own have little value. However, IP can help you to turn ideas into commercially successful products and services. Licensing your patents or copyright, for example, can lead to a steady stream of royalties and additional income that can boost your business' bottom line.

Source : <https://www.nibusinessinfo.co.uk/content/advantages-protecting-intellectual-property>

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Need to Promote and Protect INTELLECTUAL PROPERTY

Market your business' products and services

IP is essential in creating an image for your business. Think trade marks, logos or the design of your products. IP can help you differentiate your products and services in the market and promote them to your customers.

Access or raise finance for your business

You can monetise your IP assets through sale, licensing or using them as collateral for debt financing. As well as this, you can use your IP as an advantage when applying for public or government funding, eg grants, subsidies or loans.

Enhance export opportunities for your business

IP can increase your competitiveness in export markets. You can use brands and designs to market goods and services abroad, seek franchising agreements with overseas companies, or export your patented products.

While some IP rights are automatic, others will need formal application and registration before you can claim them. Read more about the [different types of intellectual property](#) and the [importance of protecting them](#).

You can also watch the Intellectual Property Office's video below that explains why IP is important to your business.

Source : <https://www.nibusinessinfo.co.uk/content/advantages-protecting-intellectual-property>

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Need to Promote and Protect INTELLECTUAL PROPERTY

Intellectual Property Rights in India: Laws and Procedures for Registration – IPR in India

Protecting and managing intellectual property rights (IPR) is the first step for any business seeking to establish its presence in India, and must be incorporated as an integral part of the business asset growth strategy.

Having a distinguished intellectual property can set your business apart from competitors, and become an essential part of your marketing. An intellectual property can also be sold or licensed to generate revenues for you or your business.

In India, there are different types of intellectual property, which are protected under separate laws. As a result, registering intellectual property involves navigating complex legalities and submitting numerous documents. This requires expertise and familiarity with procedural norms to ensure fast and effective registration.

Source: <https://www.nibusinessinfo.co.uk/content/advantages-protecting-intellectual-property>

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Registration Procedures - INTELLECTUAL PROPERTY

Patent registration procedure

- File the patent application and get it numbered.
- Request for publication by filing a form. If the request is not made, the patent specification will be published in the official journal after 18 months from the application date. On the other hand, by making request, patent specification can be published within one month from filing the form.
- Request for examination within 48 months from the date of filing of the patent application. Request for expedited examination of patent application can be made by paying extra fee.
- Within 12 – 24 months of filing a request for examination, the first examination report is issued. This report may raise substantive and procedural objections regarding the patent.
- If objections are raised, the patent applicant must comply with the statement of objections within six months from the date of the report.
- If the official objections are met in due period, the patent is granted and presented for opposition.
- The patent is open for third party opposition, if any, for a period of one year from the date of advertisement.
- A patent once granted is valid for 20 years, and requires renewal every year from the third year of the date of application.

Source : <https://www.india-briefing.com/news/intellectual-property-rights-india-laws-procedures-registration-14312.html/>

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Registration Procedures - INTELLECTUAL PROPERTY

Trademark registration procedure

Conduct a trademark search. To identify a completely original trademark you may refer to the national trademark database online.

File the application for trademark registration along with the prescribed fees.

Once the mark is registered, the Trade Marks Registry sends the “Official Examination Report” asking for clarifications, if any, in accordance with the Trade Marks Act.

After the application is accepted, it is published in the ‘Trade Marks Journal’, a government publication to call upon opposition from the general public, if any.

If the application is not opposed within four months, then the registration is granted. In case of opposition, registration is granted only after the case is resolved.

After all due consideration is met, an official letter intimating the acceptance of the application along with the trademark certificate is issued by the Trade Marks Registry.

The whole process takes about 15 to 18 months. The trademark is valid for ten years starting from the date of issuance of the certificate. It can be renewed for another 10 years on the payment of the prescribed fees.

Source : <https://www.india-briefing.com/news/intellectual-property-rights-india-laws-procedures-registration-14312.html/>

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Registration Procedures - INTELLECTUAL PROPERTY

Copyright registration procedure

- ☐ Acquisition of copyright does not require formal registration in India. However, it is advisable to obtain a certificate of registration of the copyright. The certificate and the entries made therein can serve as evidence in a court of law if a dispute relating to the ownership of copyright arises.
- ☐ The application process for copyright is as follows:
 - ☐ File the application with complete details and copies of the work.
 - ☐ Upon submitting the application, examination of the work takes place and objections, if any, are raised.
 - ☐ A response regarding objection has to be filed within 30 days.
 - ☐ The certificate is issued by the copyright office after the objections, if any, are removed to the satisfaction of the Copyright Registry.

Source : <https://www.india-briefing.com/news/intellectual-property-rights-india-laws-procedures-registration-14312.html/>

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Registration Procedures - INTELLECTUAL PROPERTY

Industrial design registration procedure

- ❖ Submit the documents for registration: registration form and prescribed fee along with four copies of the representation of the design (33cm x 25cm for two-dimensional representation) depicting all features of the design from different views (such as front, back side, top, bottom, perspective, etc.).
- ❖ Submit the application to the Design wing of the patent office in Kolkata or any branch office of the patent office in Mumbai, Delhi, or Chennai.
- ❖ After the application is numbered, dated, and taken up for examination, defects, if any, will be communicated to you.
- ❖ The defects must be corrected within six months from the official date of application.
- ❖ If the controller is not satisfied with the correction, a personal hearing will take place, and the decision will be given in writing.
- ❖ If the applicant is not satisfied with the decision, they may appeal to the high court within three months of the decision.
- ❖ Once the application is accepted, it is notified in the patent office journal and is valid for a period of 10 years from the date of registration. The period may be extended by 5 years by filing an application for renewal along with the prescribed fee.

Source : <https://www.india-briefing.com/news/intellectual-property-rights-india-laws-procedures-registration-14312.html/>

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Registration Procedures - INTELLECTUAL PROPERTY

Geographical indications

Law – [The Geographical Indications of Goods \(Registration and protection\) Act, 1999](#)

Relevant Ministry – DIPP, Ministry of Commerce and industry

A geographical indication (GI) is a tag used on products based on their geographical uniqueness. The uniqueness of a product is defined either by its origin, process, or availability. GI tags usually help businesses enhance their marketability.

GI registration procedure

File application with the geographical indications registry.

After acceptance, the application is advertised for opposition.

After publication if the application is not opposed within three months (extendable for one month thereafter), then registration is granted.

The registration of a geographical indication is valid for a period of 10 years. It can be renewed from time to time for a further period of 10 years each.

Source : <https://www.india-briefing.com/news/intellectual-property-rights-india-laws-procedures-registration-14312.html/>

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How to File IPR

NORMAL PROCESS

Decide what kind of Property Right you want to go for. (**Patents/Trademarks/Industrial Design Rights/Copyrights/Geographical Indication**)

Document every files nicely and maintain all the lab records with signatures at the required places, if needed.

Fill this document → [Click Here](#).

Submit all the documents by hardcopy or by an E-mail to the IPR Cell of IIT Ropar.

The IPR Cell of IIT Ropar is going to send these documents for International Patent Search to PSCST along with a fees of 2,500 INR.

Within 2-3 months, you'd receive the results of International Patent Search with some forms. Based on the reports, decide whether your invention is patentable or not.

If you find your invention patentable, fill the forms which you received from the International Patent Search, with every detailed specification.

Send those forms to IPR Cell, which will further send them to PSCST (further being forwarded to TIFAC).

TIFAC scrutinizes your application and if they find it genuine, and if it satisfies all the conditions, then it further sends it to the Patent Attorney.

After 2-4 months, you'll receive a letter confirming your Intellectual Property Rights.

Source : <https://sites.google.com/site/ropariprcell/how-to-file-an-ipr>

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How to File IPR

EXPEDITE PROCESS

Follow the first three steps of Normal Process.

Request your IPR Cell to scrutinize your application, your departmental representative(the member of IPR Cell which handles that department) of IPR Cell will scrutinize your application.

In addition, you need to take approval from the Director to apply directly to the Patent Attorney.

If everything works out perfectly, you'll receive your rights in about a month.

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thank
you!

The text "thank you!" is written in a black, cursive script. The word "thank" is on the top line, and "you!" is on the bottom line. A long, thick, black swoosh underline is positioned under the word "thank". The entire text is surrounded by numerous small, gold, four-pointed stars and dots. The background is white.