

Pocket Guide on
INTELLECTUAL PROPERTY
RIGHTS for all



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TRADEMARK

- Trademark means a mark capable of being represented graphically and which is capable of distinguishing the goods or services of one person from those of others and may include the shape of goods, their packaging and combination of colors as per the trademarks act 1999.
- Various types of trademarks such as word marks, service marks, collective marks, certification marks, series marks logos/symbols and many other.

Examples: logo, design, combination of words.



Term of protection: 10 years

Renewal: by filing a new petition 6 months prior to the expiration date.

Act Applicable:

The TRADEMARKS ACT 1999.

Who can file for a Trademark?

Any natural person or legal entity or legal heir of the deceased which claims to be proprietor of a trademark can file a trademark application in respect of desired specification of goods or services.



PATENT

- A patent is an exclusive right granted for an invention, which is a product or a process that provides in general a new way of doing something, or offers a new technical solution to a problem.
- Patent is an exclusive right granted by the Government to the inventor to exclude others to use, make and sell an invention for a specific period of time. A patent is also available for improvement in their previous Invention.

Example: machine, process of making a product etc.

Term of Protection:

20 years from filing date.

Law Applicable in India:

The Patents Act, 1970

Who can file for Patent?

- By true and first inventor or his assignee.
- It may be a natural person or legal entity, either alone or jointly with any other person. legal representative of any deceased person.



COPYRIGHT

- Copyright is a type of intellectual property that protects original literary, dramatic, musical and artistic works and cinematograph films and sound recordings from unauthorized uses. Unlike the case with patents, copyright protects the expressions and not the ideas.
- There will be no copyright for mere having an idea. For registering a copyright there shall be an evidence for the work conducted by the artist.

Example: sound recording, photographs, Written books, articles, Films etc.

Term of Protection:

60 years from the death of the author.

Act Governing:

The Copyright Act, 1957 protects the artists or authors from unauthorized uses.

Who can file?

The creator of the work any natural person or legal entity or legal heirs of the deceased claiming to have obtained the ownership rights from the creator of the original work is eligible for applying for copyright by virtue of an authorized agent or attorney.



GEOGRAPHICAL INDICATION (GI)

- As per WIPO geographical indication is given only when the product is of any specific geographic origin and possess qualities or a reputation that are due to that origin. In order to function as a GI, a sign must identify a product as originating in a given place.
- To explain in an easy way, A GI is passed to the products that have a traditional value in the process of production and has attained immense popularity by virtue of the geographic location and long term traditional production of such products.

Example: Kashmiri apples, Karimnagar silver filigree, Gadwal saree, Hyderabad Biryani, Hyderabad Haleem etc.

Term of Protection:

registered for a period of 10 years.(renewal after 10 years)

Act Applicable:

The Geographical Indications of Goods (Registration and Protection) Act, 1999.

Who can File ?

Any association of persons or producers or body can apply for a GI tag if such an applicant represents the interests of producers of the goods concerned.



INDUSTRIAL DESIGN

- An industrial design constitutes the ornamental aspect of an article. An industrial design may consist of three dimensional features, such as the shape of an article, or two dimensional features, such as patterns, lines or color.
- In other words is it a process of design applied to physical products that are to be manufactured by mass production. It is the creative act of determining and defining a product's form and features, which takes place in advance of the manufacture or production of the product.
- Wherein any combination of colors and shape that contains aesthetics of the design is import in this kind of IPR.

Example: i-Phone, i-Mac, COCA- COLA bottle etc. wherein aesthetics of the design play a major role.

Term of Protection:

- 10 years from the date of registration.
- 5years extended after renewal.

Act Applicable:

Industrial design intellectual property rights are protected in India by the Designs Act of 2000.

Who can File?

Any natural person or legal entity or legal heir of deceased or assignee can apply for registration of design.



PLANT VARIETY PROTECTION(Plant breeders rights)(PPV)

- According to WIPO, Plant variety protection, also called a “plant breeder’s right,” is a form of intellectual property right granted to the breeder of a new plant variety in relation to certain acts concerning the exploitation of the protected variety which require the prior authorization of the breeder.
- In other words, They are rights granted to the breeder for any new plant variety that will give the breeder an exclusive right to propagate and harvest of a new variety for a period of 3 years.

Term of Protection:

9 years for trees and vines (renewable up to 18 years).

6 years for other crops (renewable up to 15 years).

Law applicable:

Protection of Plant Varieties and Farmers Rights Act, 2001.

Who Can File?

Any natural person/legal entity or legal heir of the deceased who are:

- Breeder
- Successor of breeder
- Assignee of breeder
- Farmer, group or community
- University or publicly funded agricultural institution



TRADE SECRETS

Trade secrets are intellectual property (IP) rights on confidential information which may be sold or licensed. In general, to qualify as a trade secret, the information must be commercially valuable because it is secret, be known only to a limited group of persons.

Example: Coca-cola formulation, Bathini fish medicine of telangana, KFC's secret blend of 11 herbs and spices, Google search algorithm etc.

Term of protection:

Unlimited period of time unless it is discovered or known to the public.

Applicable Law/Acts:

There is no such law governing trade secrets as of now in India, However the Indian courts and tribunals have upheld protection of trade secrets under other laws such as contract law, copyright law.

Who can apply? (No application required)

Any person/entity legal heir of deceased may hold a trade secret if it is:

- commercially valuable because it is secret,
- be known only to a limited group of persons, and,
- be subject to reasonable steps taken by the rightful holder of the information to keep it secret, including the use of confidentiality agreements for business partners and employees.



SEMI CONDUCTOR INTEGRATED CIRCUIT

“Semiconductor integrated circuit” means a product having transistors or other circuitry elements, which are inseparably formed on a semiconductor material or an insulating material or inside the semiconductor material and designed to perform an electronic circuitry function.

Examples:- Computer chips, 5th gen chips in computers etc.

Applicable Act:-

THE SEMICONDUCTOR INTEGRATED CIRCUITS LAYOUT-DESIGN ACT, 2000.

Who can File?

Any natural person/ legal entity or legal heir of deceased claiming to be the creator of a layout-design, who is desirous of registering it.

ABOUT US

Resolute4IP main objective is to spread IP awareness and offer affordable IP services to all and leverage it for business and research pursuits, shall aim to enlighten every one across the country as to the importance and how IP can be used in the future endeavors.

We take pride in informing you that we have launched the first IP mascot for the Government of Telangana - IP Buddy, 'Rachit' for IP counselling and IP services with the objective of helping the stakeholder in their Intellectual Property journey with faster solution by resolving issues on all types of IPR's.

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