



SR GOVT. ARTS & SCIENCE COLLEGE, KOTHAGUDEM
Bhadradi Kothagudem, T.S.-507101
Estd: 1964
Affiliated to Kakatiya University,
Re-Accredited with B Grade by NAAC



National Webinar on Intellectual Property Rights Organized by Institution Innovation Cell & Internal Quality Assurance Cell

On

29.01.2022

TIME: 11.00 AM

No Registration fee

Registration link: <http://forms.gle/NmQRHL7iMLDLdwG69>

Whatsapp Link: <http://chat.whatsapp.com/G3wuGeodYqoKBPVvIJNVb7>

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INTELLECTUAL PROPERTY RIGHTS- AN OVERVIEW



Intellectual Property Rights

monopoly rights for a specified period.

creations of the mind

"*Intellectual Property Rights*" refers to the intangible legal *rights* granted with the aim to protect the creations of the intellect in a specific period.


protection of the human intellect

intangible creations



Why Intellectual Property Rights


WHY THE NATIONAL IPR POLICY?



STRENGTHEN THE IP INFRASTRUCTURE

FASTER IP PROCESS

REVIEWING RULES & PROCEDURE



ATTRACT INVESTMENT

MAKE ENVIRONMENT BUSINESS FRIENDLY

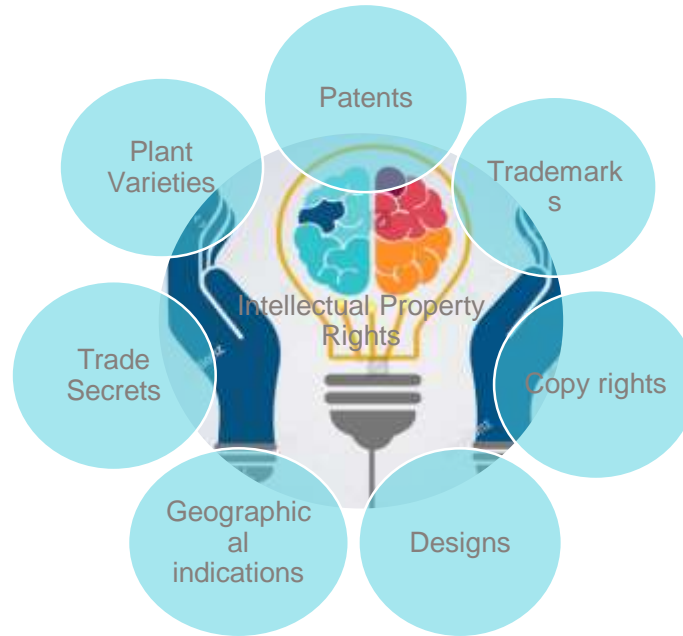
AUTONOMY TO IPOs



Intellectual Property Rights- Benefits

- IP ownership is an **incentive for inventors**
- IP protection is a **challenge for competitors**
- Competition tries to "own" something new or finds improvements in existing products or services
 - eg. Google has a **search algorithm**
 - others of trying to find better algorithms
- "pushing forward" tendency creates more competition and more products and services
- Thus entire society benefits

Types of Intellectual Property Rights- Protection





<https://youtu.be/nrLyllumxts>

Copy Rights

Literary Works
(e.g. books, novels,
publications,
newspapers,
brochures etc.)

Software
codes

Music,
Compositions,
signers, lyrics,
etc.

Artistic Works (eg.
Paintings,
drawings, designs)



Geographical Indicators

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

Tulapanji Rice
of West Bengal

Tirupathi Laddu

Darjeeling Tea

Banganapalle Mangoes
of Andhra Pradesh

Nagpur Orange

Kashmir Pashmina

Kangra Paintings

Other 9 products that received this tag this year

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

2016-17: 33 items got GI registration

PTI GRAPHICS



- ❖ Darjeeling Tea
- ❖ Kanchipuram Silk
- ❖ Alphonso Mango
- ❖ Nagpur Orange
- ❖ Kolhapuri Chappal
- ❖ Bikaneri Bhujia
- ❖ Agra Petha
- ❖ Goa Feni
- ❖ Palakkadan Matta
- ❖ Navara Rice
- ❖ Basmati Rice





2D GRAPHIC Designs

Industrial Designs



‘Design’ means only the features of shape, configuration, pattern, ornament or composition of lines or colours *applied* to any article whether in two dimensional or three dimensional or in both forms, by any industrial process or means, whether manual, mechanical or chemical, separate or combined, which in the finished article *appeal to* and are judged solely by *the eye*.

Basic Requirements for Trade Secret Protection

Trade Secret



Formula invented in 1886. In a safe ever since.
 In safe in NY from 1919-1925, as loan collateral.
 In safe in Atlanta from 1925-present.



KFC original recipe since 1940.
 Original handwritten recipe locked in safe.
 Only 2 executives have full access.

Examples of Trade Secrets (Formulae and Recipes)

- ❑ COCA-COLA
- ❑ KENTUCKY FRIED CHICKEN
- ❑ LISTERINE
- ❑ WD-40
- ❑ KRISPY KREME DOUGHNUTS
- ❑ MCDONALD'S BIG MAC SPECIAL SAUCE
- ❑ THE GOOGLE SEARCH ALGORITHM



- 05 Patterns – Reusable solutions that lead to multiple designs and processes
- 06 Automation – Systems that automate work to improve quality and efficiency
- 07 Design – Product or service design



Plant Varieties



TRADITIONAL KNOWLEDGE



- Form of knowledge which has a traditional link with a certain community: it is knowledge which is developed, sustained and passed on within a traditional community, and is passed between generations, sometimes through specific customary systems of knowledge transmission.

TKDL Traditional Knowledge Digital Library

The TKDL is a joint effort of the Council of Scientific & Industrial Research and the Department of Ayurveda, Yoga and Naturopathy, Unani, Siddha and Homeopathy (AYUSH). It enables effective detection of attempts to misappropriate this knowledge by third parties filing applications with patent offices around the world.



In **South India** the medicinal knowledge of the Kani tribes led to the development of a sports drug named Jeevani, an anti-stress and anti-fatigue agent, based on the herbal medicinal plant *arogyapaacha*. Indian scientists at the Tropical Botanic Garden and Research Institute (TBGRI) used the tribal know-how to develop the drug. The knowledge was divulged by three tribal members, while the customary rights to the practice and transfer of certain traditional medicinal knowledge within the Kani tribes are held by tribal healers, known as *Plathis*. The scientists isolated 12 active compounds from *arogyapaacha*, developed the drug Jeevani, and



Kani tribal member identifies components of the arogyapaacha plant.



The arogyapaacha plant from which the Jeevani drug was developed and subsequently patented by the Indian research institute TBGRI.

filed two patent applications on the drug. The technology was then licensed to the Arya Vaidya Pharmacy, Ltd., an Indian pharmaceutical manufacturer pursuing the commercialization of Ayurvedic herbal formulations. A trust fund was established to share the benefits arising from the commercialization of the TK-based drug.



JEEVANI is a product of the Arya Vaidya Pharmacy which is an Indian company.

Turmeric Case

- In 1995, two Indian nationals at the University of Mississippi Medical Centre were granted US patent no. 5,401,504 on "use of turmeric in wound healing".
- The Indian Council of Scientific and Industrial Research (CSIR) requested the US Patent and Trademark Office (USPTO) to re-examine the patent.
- CSIR argued that turmeric has been used for thousands of years for healing wounds and rashes and therefore its medicinal use was not novel.
- Their claim was supported by documentary evidence of traditional knowledge, including an ancient Sanskrit text and a paper published in 1953 in the Journal of the Indian Medical Association.
- Despite arguments by the patentees, the USPTO upheld the CSIR objections and revoked the patent.

[US5401504](#)

Basmati Rice Case

- In late 1997, an American company RiceTec Inc, was granted a patent by the US patent office to call the aromatic rice grown outside India 'Basmati'. RiceTec Inc, had been trying to enter the International Basmati market with brands like 'Kasmati' and 'Texmati' described as Basmati-type rice with minimal success.
- CSIR challenged the rice patent.
- After reexamination, the USPTO disallowed all the physical characteristic claims.
- The Indian Government, a strong advocate of geographical indications for food products, claimed victory when the USPTO limited the number of claims granted to RiceTec.
- RiceTec still has a patent and can still call its rice Basmati.

[US5663484](#)

Copyrights are given over artistic works. It was realized that songs, lyrics, broadcasting rights, paintings and such work of art need protection.

Trade secrets is a secret device or technique used by a company in manufacturing its products.

A design is the art or process of designing manufactured products.

A TRADEMARK is either a word, phrase, symbol or design, or combination of words, phrases, symbols or designs, which identifies and distinguishes the source of the goods or services of one party from those of others is legally registered or established by use as representing a company's products or services. In simply we can say the name of one person distinguishes from another, the same way

Geographical indicator is a agricultural naturally or a manufactured product (handicrafts/ industrial goods) originating from a definite geographic territory or region

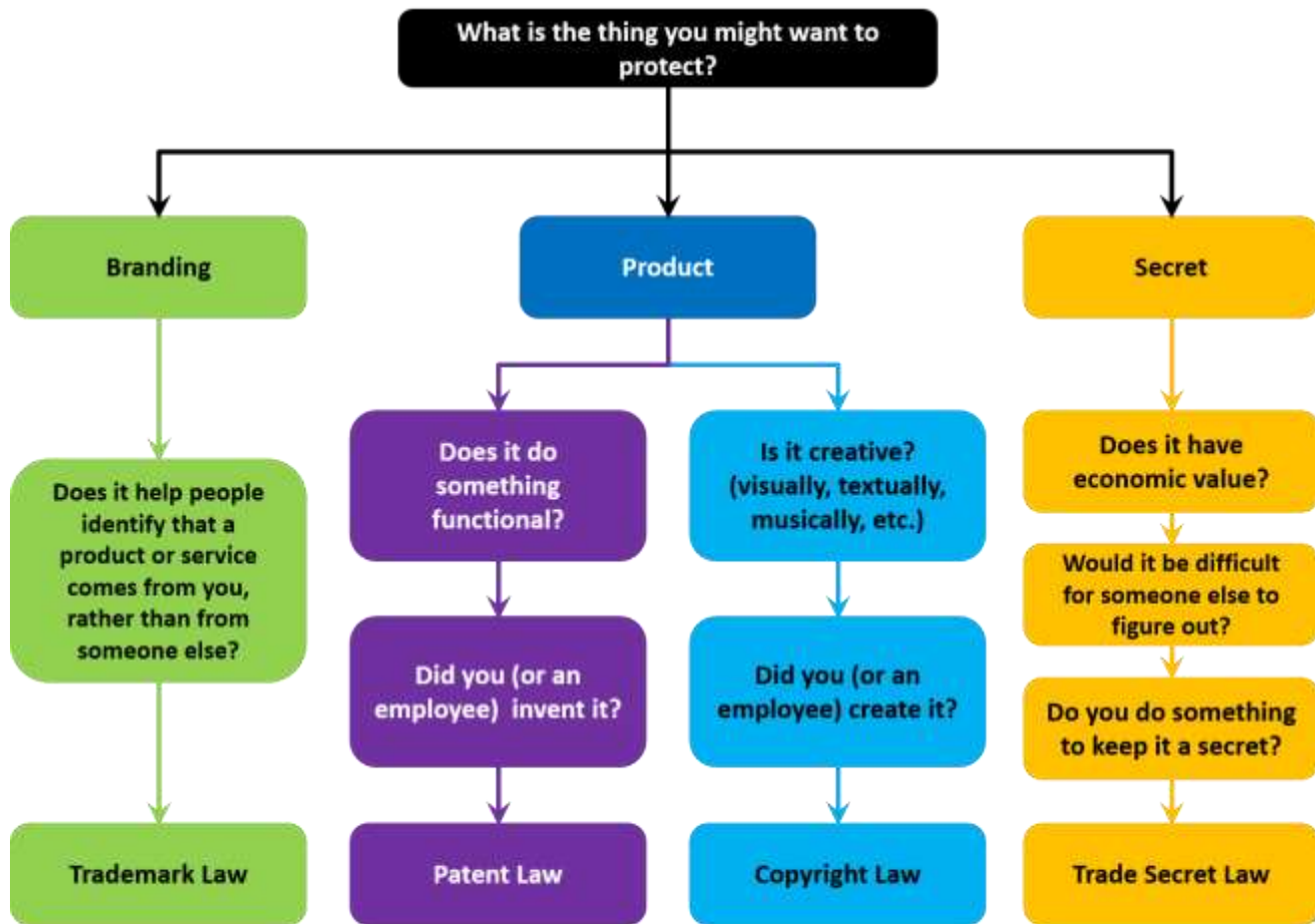
Idea → Expression → COPYRIGHT

Idea → Quality + Identity → TRADEMARK

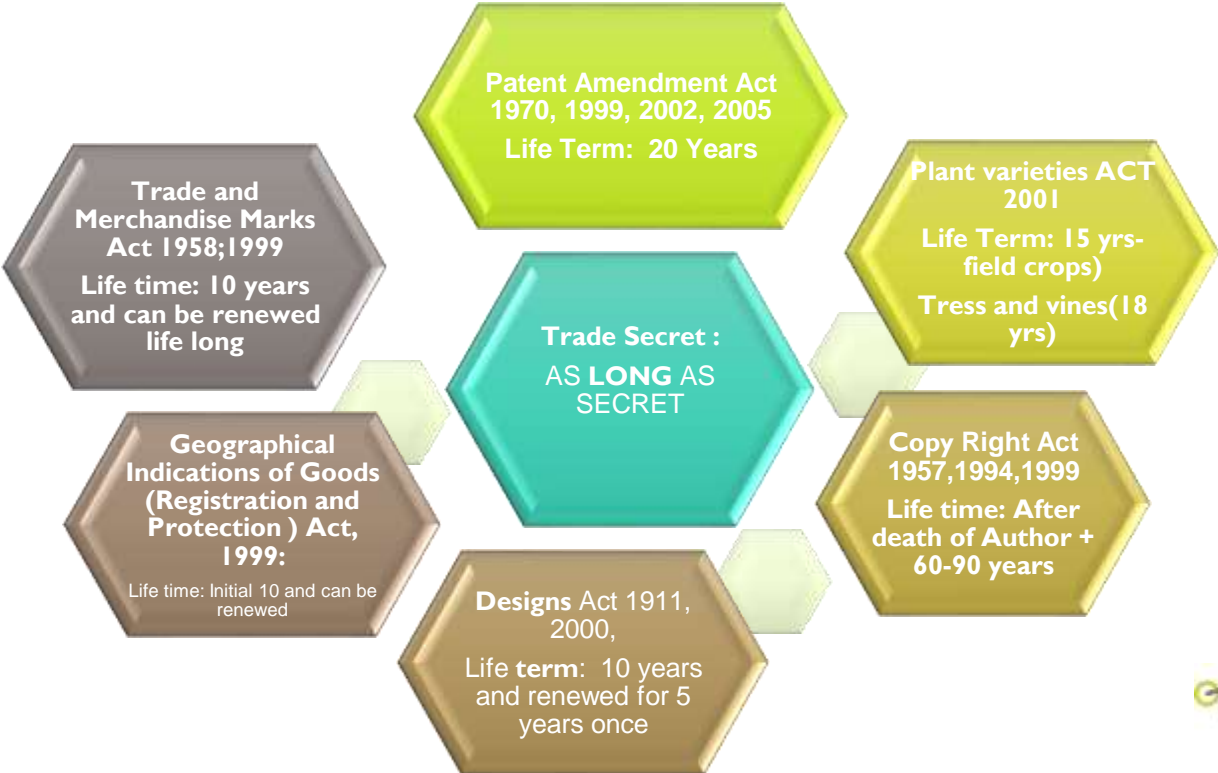
Idea → Appearance → DESIGN

**Idea → Keep Confidential
No Disclosure → trade secret**

Idea → Innovation → Invention → PATENT



IPR ACT, AMENDMENT & LIFE TERM



Intellectual Property Rights- ALL IN ONE



Patent - For every individual improved mechanism

- Design - For outer shape and Contour/Configuration
- Trademark (denoted as) - Brand name or Logo for goods
- Copyright (denoted as ©) - For Instruction / manual booklet
- Protection of Confidential Info/Trade secret - For Film Coating Process

Intellectual Property Rights (India): Conventions & Treaties

Berne Convention (Literary and Artistic Works)

w.e.f. April 1, 1928

Geneva Convention (Unauthorized Duplication of Phonograms)

w.e.f. February 12, 1975.

World Intellectual Property Organization (WIPO)

w.e.f. May 1, 1975

Nairobi Treaty (Olympic Symbol)

w.e.f. October 19, 1983

Convention on Biological Diversity

w.e.f. February 18, 1994

World Trade Organization (WTO) Member and Signatory to TRIPS Agreement

w.e.f. January 1, 1995

Paris Convention

w.e.f. December 7, 1998

Patent Cooperation Treaty (PCT)

w.e.f. December 7, 1998

Budapest Treaty (for deposition of microorganisms)

w.e.f. December 17, 2001

Intellectual Property Laws- India

Copyright

Copyright Act of 1957

Customs

Intellectual Property Rights (Imported Goods) Enforcement Rules, 2007

Designs

The Designs Act, 2000

The Design (Amendment) Rules, 2008

Geographical Indications

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

Geographical Indications of Goods (Registration and Protection) Rules, 2002

Information Technology

The Information Technology Act, 2000

The Information Technology Rules, 2000

Cyber Regulations Appellate Tribunal (Procedure) Rules, 2000

Patents

The Patents Act, 1970

The Patents (Amendment) Act, 2005

The Patents Rules, 2003

The Patents (Amendment) Rules, 2006

Plant

Plant Varieties Protection and Farmers' Rights Act, 2001

Semiconductor and Integrated Circuits

Semiconductor Integrated Circuits Layout Design Act 2000

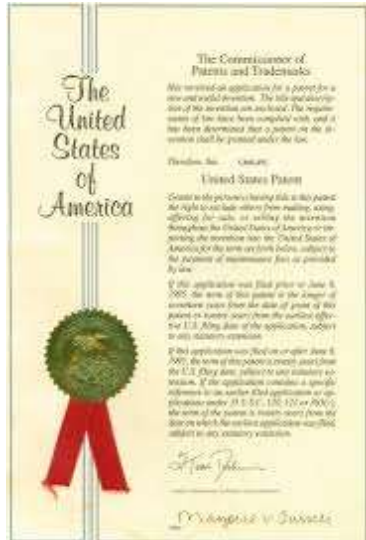
Rules for the Semiconductor Integrated Circuits Layout Design Act 2000

Trademarks

The Trade Marks Act, 1999

The Trade Marks Rules, 2002

Patents

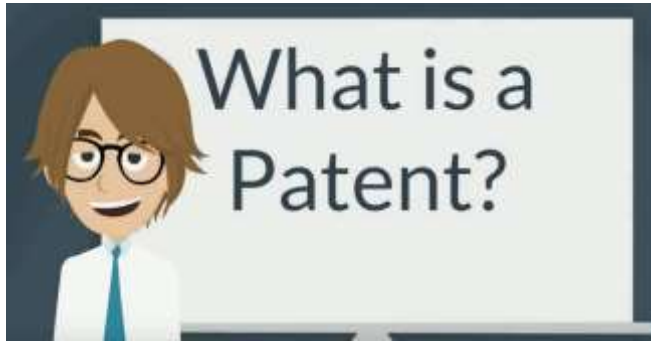


(12) Indian Patent Application

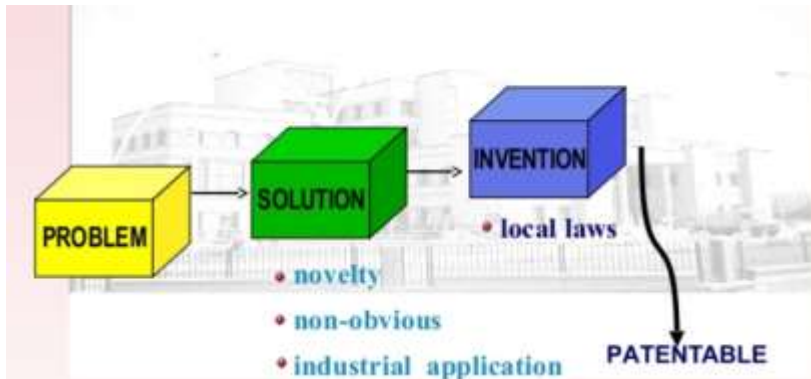
- (1) Application Number: 2011704701
- (2) Filing Date: 29/12/2011 I/P: Publication Date: 28/11/2012
- (3) Applicant: LUBRICOL ADVANCED MATERIALS INC
- (4) Invention: DRAGAGEOL; Demo. 3; HORMON; Anticid
- (5) International Classifications: A61H 1/00; C06L 1/32; C06L 5/04
- (6) Priority: 23032011 US; 62475911
- (8) International Application Number and Date: PCT/US2011/022010; 23/03/2010
- (7) International Publication Number: 1/0001817532
- (9) Title: IMPROVED DENTURE ADHESIVES
- (10) Abstract: The disclosed technology provides improved adhesive composition of use with dentures. These improved compositions include at least one of polyacryl and polyimide, in combination with at least one of a carbonyl diisocyanate (CDI) compound and/or an adhesive promoting component. The compositions balance the early competing goals for effective denture adhesives, including adhesive strength and dissolving readily, without the need for zinc.



Definition- Patent



- **Legal Document granted by government**
- **Secures temporary right (20 years from initial filing date)**
- **Excludes others from making, using, offering to sell claimed invention**



Where can you apply for patents



Where to file Patent application in India

Office	Territorial Jurisdiction
Patent Office Branch, Chennai	The States of Andhra Pradesh, Karnataka, Kerala, Tamil Nadu and the Union Territories of Pondicherry and Lakshadweep
Patent Office Branch Mumbai	The States of Maharashtra, Gujarat, Madhya Pradesh, Goa and Chhattisgarh and the Union Territories of Daman and Diu & Dadra and Nagar Haveli.
Patent Office Branch, New Delhi	The States of Haryana, Himachal Pradesh, Jammu and Kashmir, Punjab, Rajasthan, Uttar Pradesh, Uttaranchal, Delhi and the Union Territory of Chandigarh.
Patent Office, HO Kolkata	The rest of India



Indian Patent history and Laws

THE INDIAN PATENT ACT

- In India the grant of patents is governed by the patent Act 1970 and Rules 1972.
- The patents granted under the act are operative in the whole of India.

HISTORY

- ❖ The Patent Law of 1856
- ❖ The Patent and Designs Act, 1911.
- ❖ The Patents Act, 1970 and Rules 1972
- ❖ The Patent amendment act 2005



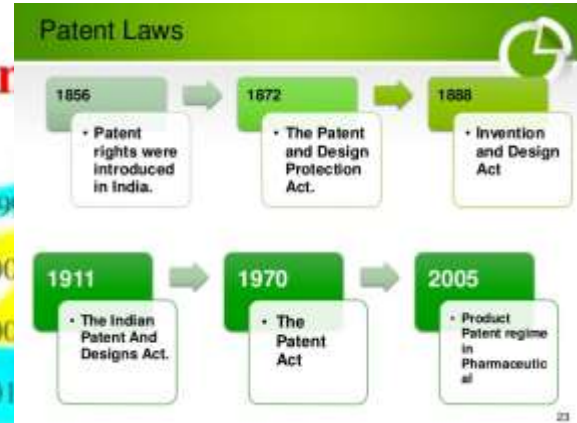
Law and Regulation

• Patents Act, 1970

- Patents Act of Amended - 1999
- Patents Act of Amended - 2002
- Patents Act of Amended - 2005
- Patents Act of Amended - 2017

• Patents Rules, 1972

- Patents Rules of Amended - 2003
- Patents Rules of Amended - 2005
- Patents Rules of Amended - 2006



Conditions of Patentability

CRITERIA FOR PATENTING:

- a) Novelty
- b) Inventive step
- c) Capable of industrial application



NOVELTY

The invention should not have been published in India

INVENTIVE STEP

CAPABLE OF INDUSTRIAL APPLICATION

Capable of industrial application, in relation to an invention means that the invention is capable of being made or used in an industry.



Who can apply for a Patent

- inventor(s),
- assignee(s),
- legal representative(s) of deceased inventor or
- assignee may make the application, either solely or jointly.

What can be Patented

Product

Apparatus

Process

Use

Types of Patent Applications

- 1) An ordinary application.
- 2) An application for patent of addition.
- 3) A convention application.
- 4) A divisional application.
- 5) PCT National phase application.

How to file a patent application?

Documents can be filed in the patent office

- through online(e-filing) or
- www.ipindiaonline.gov.in/online
- through post or
- can be submitted by hand

How to Apply- Forms requisite

- ◆ Application on Form –1 with covering letter in the name of controller
- ◆ Specification Provisional/complete on form –2
- ◆ Abstract of invention
- ◆ Statement and undertaking of foreign filing particulars on form-3 - if any
- ◆ Declaration of inventorship on form- 5
- ◆ Power of Attorney - if applicable

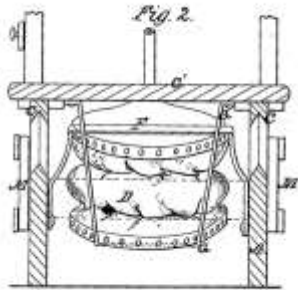
Elements of Patents

- Title of the invention
- Field of Invention
- Uses of the invention
- Prior art
- Drawbacks of the prior art
- Comparison of prior art and the invention
- Summary of the invention
- Detailed description of the invention
- Claims.

Few Interesting Patents

CHARLES SINGER IMPROVED ROCKING-CHAIR

Patented July 6, 1869
No. 92,379



Famous Inventors' Patents

Michael Jackson

This patent shows details of one of Jackson's signature moves, in which he leans forward at a slanted angle, seemingly defying gravity.



U.S. Patent 5,255,452
Method and means for creating anti-gravity illusion
"



[US5255452](#)



IP Granting Offices



World Intellectual Property Organization

Basic Facts

WIPO's Mission:

To promote the protection of IP rights worldwide and extend the benefits of the international IP system to all member States

Status: An int'l intergovernmental organization

Member States: 184

Director General: - Daren Tang

Staff: 950 from 101 countries

Treaties Administered: 24

Decisions by: GA, CC, WIPO Conference



Treaties - 24

IP Protection- internationally agreed basic standards of protection (Paris Convention, Berne Convention)

Registration- one application to have effect in many (Patent Co-operation Treaty (Patent), Madrid (Trademarks), Hague (Industrial Designs))

Classification-organize information concerning inventions, trademarks and industrial designs into indexed, manageable structures for easy retrieval (Locarno, Nice)

WIPO - World Intellectual Property Organization

WIPO Worldwide Academy

<http://www.wipo.int/academy/en/>

Provides training to promote use of IP for development in line with evolving IP landscape

Int'l, interdisciplinary approach to IP education

Face-to-face training/distance learning

Aims to promote international cooperation to enhance human IP capital through global networking with stakeholders and partners

PROGRAMS:

- Professional Development (IPOs)
- Partnership Program (Universities, etc.)
- Distance Learning Program (expanding portfolio of courses)
- *Executive Program (launch 2011)*
- Summer Schools Program
- Internships at WIPO

IP CAREERS

TEACHING

PATENT ANALYST

PRACTISING AGENT [PATENT AGENT, TRADEMARK AGENT)

PRACTICING ADVOCATE / ATTORNEY

IN-HOUSE ATTORNEY [INSTITUTIONS/ORGANISATIONS/R&D LABS

KPO / LPO

**Protection of own IP is important but at the same time it
is equally important to take precaution not to infringe
any third party's rights.**

Q & A



THANK YOU



AshlandTM
always solving

PHOTO GALLERY- NATIONAL WEBINAR ON INTELLECTUAL PROPERTY RIGHTS (IPR) ORGANIZED BY IIC & IQAC

