



सत्यमेव जयते

Department of Industrial Policy and Promotion
Ministry of Commerce and Industry
Government of India



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NITI Aayog



What is Intellectual Property?

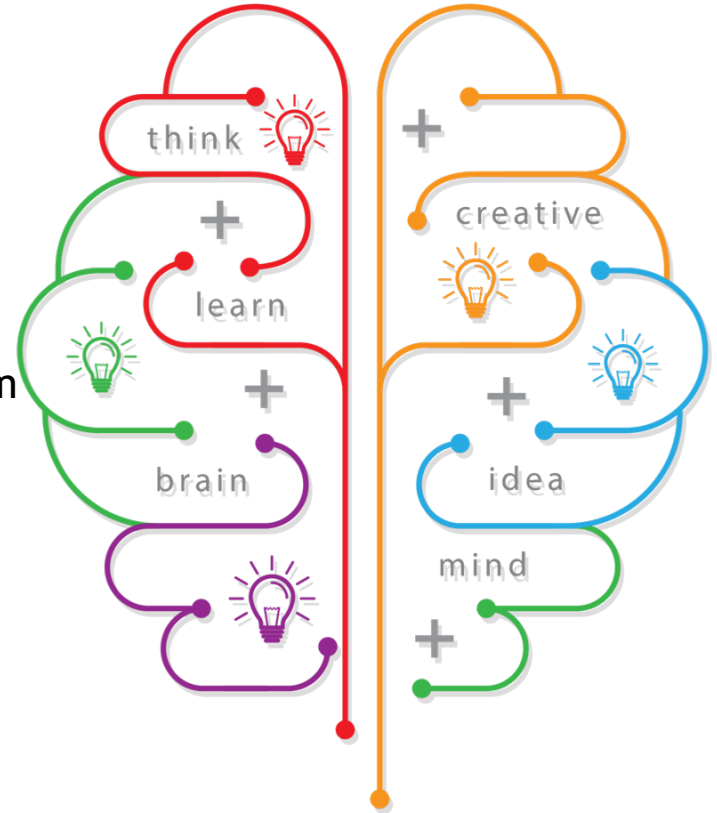
Understanding Patents,
Trademarks, Copyright
and Designs

Why is Intellectual Property important to ATLs??

- If all ATLs create a similar prototype it helps identify which one was the original concept.
- It ensures that you receive the recognition and benefits of your hard work.
- It is important to ensure that your innovation isn't copied by other people who may abuse it for financial gains.
- After getting the IPR you can safely keep working on further improving your innovation without worrying about other people meddling in your work by falsely claiming that the idea/innovation is theirs and not yours.

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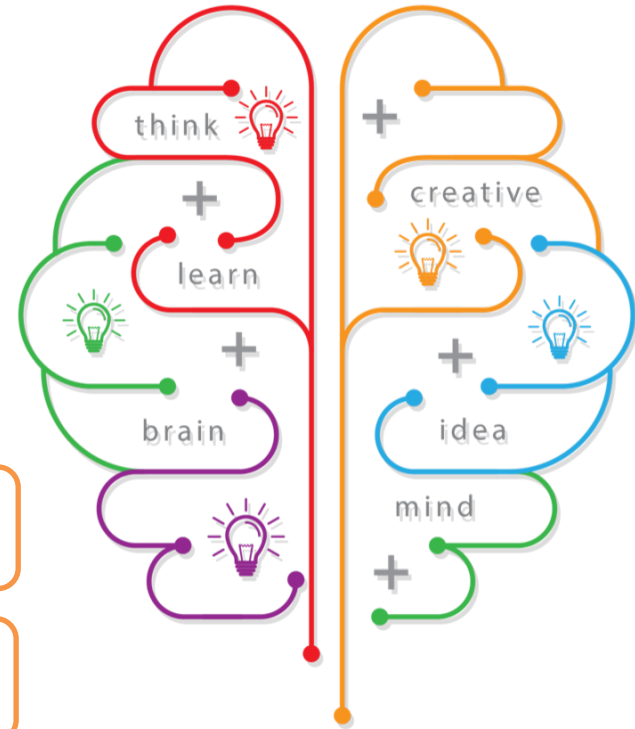
What is Intellectual Property?

A type of intangible property
(which cannot be touched or seen)

Territorial (restricted to each
country)

A product of a person's
intelligence, hard work, and skill

An idea that takes actual form as
a product or work



Who can create Intellectual Property?

Everyone
&
anyone









Here are a few examples of Young IP trailblazers in India and the world

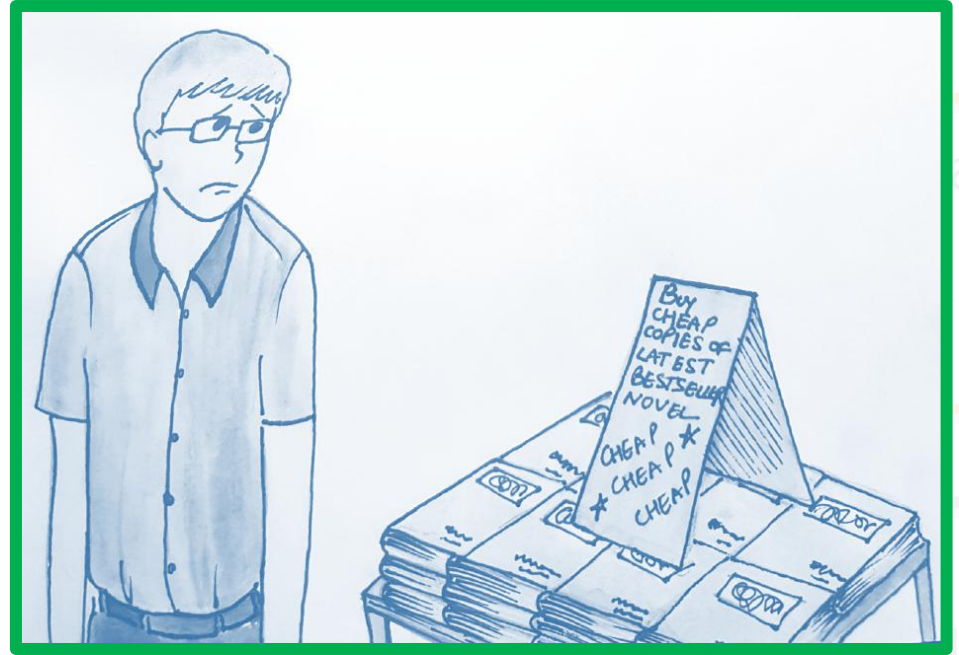
- ★ Hridayeshwar Singh Bhati (Jaipur, India) - 6 Player circular chess board
- ★ Edmund Thomas Clint (Kochi, India) - 25,000 paintings by age 7
- ★ Rujhaan Chaudhary (Haryana, India) - wrote 'Nanhe Pankhon Ki Udan'
- ★ Sam Houghton (UK) - invented a new broom
- ★ Aelita Andre (Australia) - Youngest ever professional artist
- ★ Theresa Thompson and her sister, Mary (USA) - Wigwarm
- ★ Dorothy Straight (USA) - wrote 'How the World Began'



Why is IP important to Us?

-  To Safeguard New and Exciting Inventions
-  Protects jobs for you and your family by preventing outsourcing/copying of work
-  Stronger Economy by keeping IPR within the country
-  Helps you find your favourite products
-  Helps authors and artists to be rewarded for their work
-  Helps household items to be useful and look good

How would you feel if someone copied your poem without your permission and got praised by the teacher?



Now, imagine how an Intellectual Property owner feels when someone copies their novel, invention or trademark without their permission and makes money from it?

Types of Intellectual Property Rights

PATENTS

TRADEMARKS

COPYRIGHT

DESIGNS

What is a Patent?



All inventions begin with an “idea”. Once the idea becomes an actual product, you can apply to the Government for a patent to protect the product so that other people cannot steal your invention and claim it was their idea.

A patent lasts for 20 years, after which your invention becomes free for anyone to use. During these 20 years, you can give a “license” and ask for a fee from those who want to use your invention.


What can be Patented?



An “invention” and not a “discovery”


Something that is new or “novel” -
For example, *Square wheels instead of round*

Something that has a “use” and can be “made” in an industry or on a commercial scale - *A doctor cannot patent a method of treating a patient*



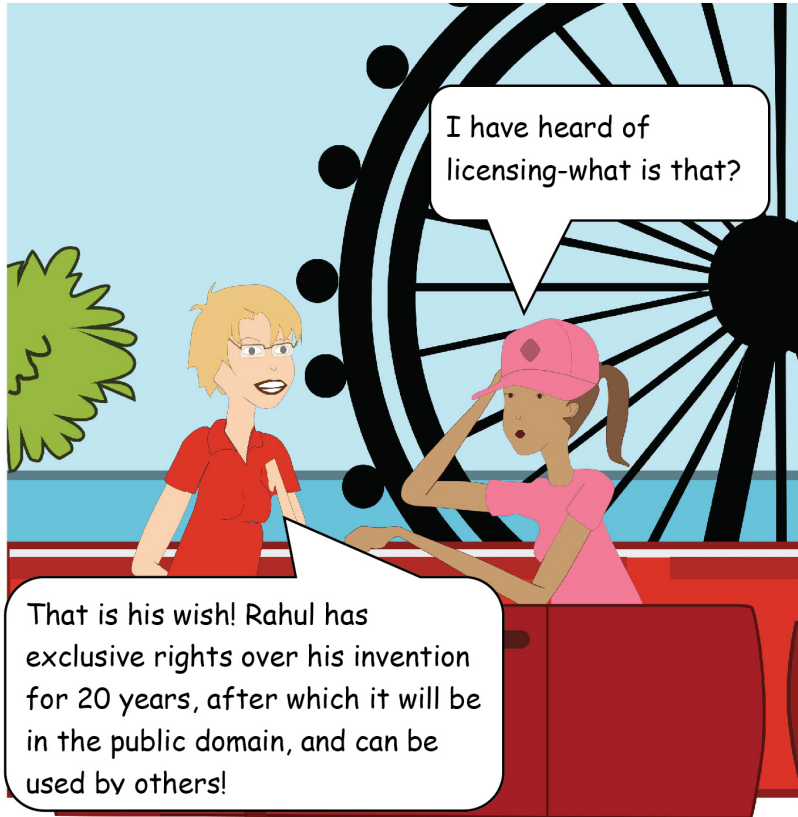
Did you know that Rahul's invention of a new kind of swing has finally been patented!

Woaah! But, what does that mean?!



But what if someone wants to use it? Will Rahul not share it with anyone?

A patent owner has exclusive rights over his inventions, and can stop others from making and selling the same!



How do I register a patent?



Go to www.ipindia.nic.in - the website of the Indian Patent Office. It will tell you all about how you can apply for a patent.



You need to contact a “patent agent” who is an adult who is trained to “write” your patent application and apply on your behalf to the government. A list of patent agents is provided on the website.

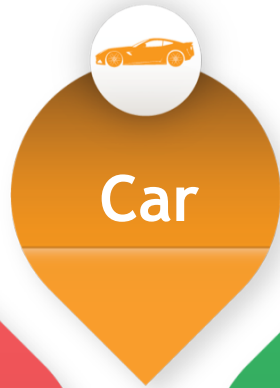
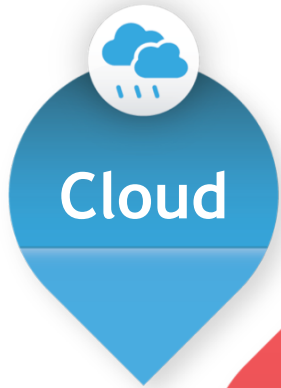


You need to pay a fee.



Your application will be “examined” and if it satisfies the tests of a patentable invention, you will be granted a patent.

Game Time: Which of these are inventions?



Answers

Cloud- It is not an invention because it already existed in nature

Video game- It is an invention because it was created by someone and did not already exist in nature

Car- It is an invention because it was created by someone and did not already exist in nature

Fossil- It is not an invention because it already existed in nature.

Alarm clock- It is an invention because it was created by someone and did not already exist in nature

What is a Trademark?

A trademark is any word, name, or symbol (or their combination) that lets us identify the goods made by a company

Trademarks also let us differentiate the goods of one company from the goods of another company.



Logos used with permission from respective proprietors.

Types of Trademarks?

A logo (Example
Google Logo)

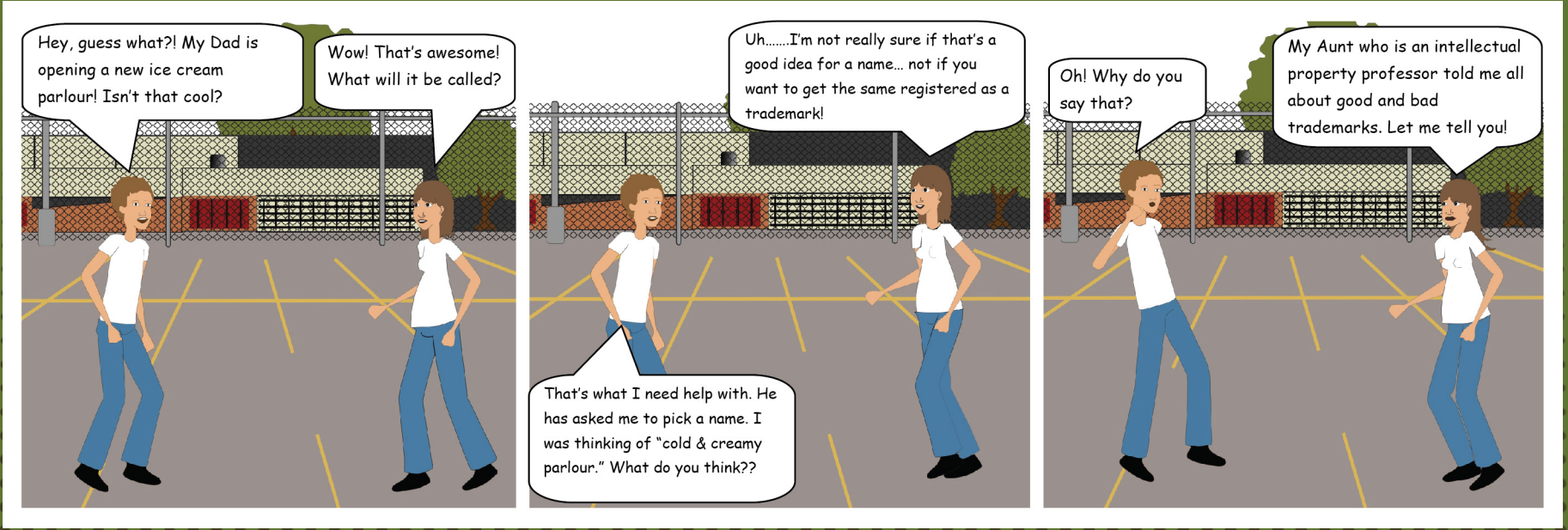
Packaging (Example
Pepsi Bottle)

A Service Mark
(Example Vodafone)

Non Traditional
(Example MGM
Lion roar)



Logos used with permission from respective proprietors.



When considering what would make a good trademark, the distinctiveness matters. The stronger or more distinctive the mark, the easier it is to register. The best mark to register is a fanciful or coined mark—a word that does not really mean anything. Like KODAK for Cameras and MAGGI for noodles!



A bad trademark is one which is descriptive or suggestive of the product, or is a very generic term. For example, the name "cold & creamy" for ice creams is descriptive and suggestive, and is likely to not be registered. I suggest that you think out of the box and come up with a unique and fanciful name! This will also prevent others from misusing the same!



Hey, thank you so much for the advice! I must share the same with my Dad and think of a cool name for the ice cream parlour!



Anytime, no problem! Remember to think out of the box!!

How do I register a trademark?



You can file a trademark application at the Indian Trademarks Registry.



www.ipindia.nic.in is the website of the Indian Trademark Registry which contains all the information you need.



Your application must contain your trademark, your name and address, and the goods or services for which you use or will use your trademark.



The Trademarks Registry will examine your application.



After clearing the examination stage, your trademark will be published in the Trademarks Journal.



If no one challenges (or “opposes”) your trademark application, your trademark will be registered for 10 years.



You can keep renewing your trademark every 10 years, forever!

Game Time:

Find the famous trademarks?



P	P	A	M	U	L	F	D	P	D
E	L	C	S	T	A	T	A	O	E
P	M	L	H	G	E	R	I	B	T
S	C	D	O	H	L	U	X	X	T
I	A	P	R	J	A	P	D	R	O
X	D	N	L	K	M	N	I	O	L
L	B	R	I	A	I	L	E	P	P
I	U	T	C	B	A	B	O	O	L
N	R	B	K	O	B	A	T	A	N
C	Y	O	S	I	L	M	W	E	R

Game Time:

Find the famous
trademarks?

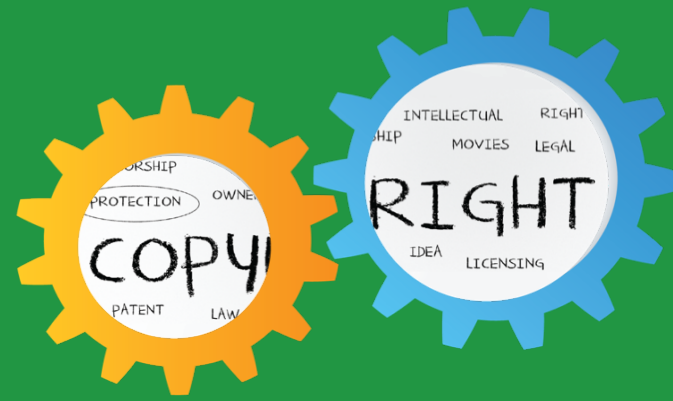


P	P	A	M	U	L	F	D	P	D
E	L	C	S	T	A	T	A	O	E
P	M	L	H	G	E	R	I	B	T
S	C	D	O	H	L	U	X	X	T
I	A	P	R	J	A	P	D	R	O
X	D	N	L	K	M	N	I	O	L
L	B	R	I	A	I	L	E	P	P
I	U	T	C	B	A	B	O	O	L
N	R	B	K	O	B	A	T	A	N
C	Y	O	S	I	L	M	W	E	R

Let's see if you can suggest a unique name for an ice-cream parlour!



What is a Copyright?



Copyright protects all “original” literary and artistic works

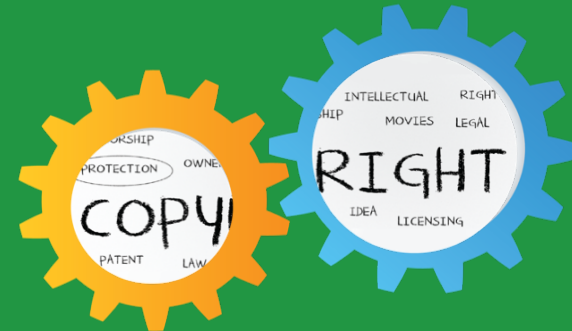
Works covered by copyright include books, music, paintings, sculpture, films, computer programs, etc.


A copyright is a right “not to copy”

How long does a Copyright Protection last?

Literary, dramatic, musical, and artistic works enjoy copyright for 60 years counted a year from the death of their author.

Cinematograph films, sound recordings, and photographs enjoy copyright for 60 years from the date of their publication.



An illustration of two young girls in school uniforms walking from left to right. The girl on the left has dark hair and is wearing a dark blue sweater, a red skirt, white socks, and dark shoes. She has a pink backpack. The girl on the right has blonde hair and is wearing a white shirt, a dark blue sweater, a red skirt, white socks, and dark shoes. She has a purple backpack. They are both looking towards each other as if in conversation. The background is a solid pink color with a pattern of small, dark pink dots.

I've written a really thrilling short story and I want to put it up on our class display board. But, I'm afraid someone will copy it.

Relax. That story belonged to YOU as soon as you wrote it down and you own its copyright. Kalpana ma'am taught us about this in EVS class. You can also write "© COPYRIGHT 2016" and your name at the bottom of your story when you display it on the board.

How do I protect my copyright?



Your copyright will arise in a work as soon as you create it. So, there is no legal need to register it.



However, having a copyright registration is a strong proof that you are the actual owner of the work.

You can file an application to register your copyright at <http://copyright.gov.in/>.



If no third person objects to your application and your application passes the examination stage, the Copyright Office will grant copyright registration for your work.

Game Time: True or False



It is right to watch Bajrangi Bhaijaan without paying for it.
(True or False)



I like how this story is written. I can copy it to get an "A" grade.
(True or False)



Everything on the internet is not free for use.
(True or False)



If there is no "©" (the copyright symbol) at the bottom of a painting or poem, it means that there is no copyright in that painting or poem.
(True or False)

Answer

- False.
- False.
- True.
- False.

A lack of the © symbol does not mean that there is no copyright in the work. Copyright in a work comes into existence as soon as that work is created.

What is a Design?

A 'Design' means the *shape, pattern, arrangement of lines or colour combination that is applied to any article.*

Given to eye catching features as opposed to function

A license is valid for up to 15 years

Once the validity period is over, everyone can use the design



What criteria should my Design cover, to be registered?

The design should be new or original, not previously published or used in any country.


The design should be applied or applicable to any article by an industrial process.

Calendars, greeting cards, stamps and cartoons cannot be protected as designs.

The features of the design in the finished article are judged based on their aesthetic value, not functionality.

Anything that is/can be registered as a trademark or copyright cannot be registered as a design.





Oh, it is a special and unique design for a cold drink bottle!


So! Please tell us something about your new design which has made you so famous!

I was able to make money from it because I protected it from use by others by getting it registered!

Great! Could you tell our audience a bit more about Design registration?

Sure! Designs mean any shape, configuration, pattern or ornament applied to a product! Since you would not want people to copy your creative work, registration is a must!

Cool! But how is a design different from a patent?



A design is relative only to the outer appearance of a product, and not its function, unlike patents. Patents are meant as solutions to existing technological problems!

Awesome! Any advice for our budding designers?

Yes! Remember that only new and original designs are registrable. Any previously published design, even if registered, will be invalid!

Oh no! That's a great tip!

Yes! Also, remember never ever to disclose your design to anyone before it is registered. This is very important.

Audience, please keep that in mind. Thank you so much!

Game Time: Design a new...



Shoe



Chair



Pen



Rocket

Can you think of some examples of the various types of Intellectual Property that we have discussed?



Answer

PATENTS - Patent protection for new, inventive technology used in the phone

TRADEMARKS - Trademark protection for the trademark (or logo) on the phone

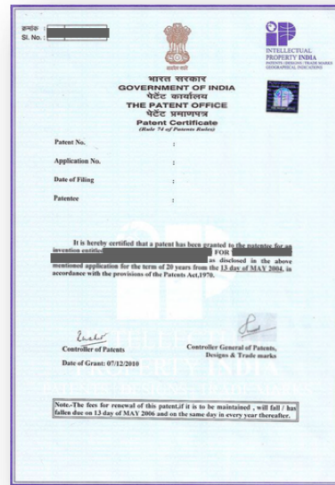
COPYRIGHT - Copyright protection for the advertisement of the phone

DESIGNS - Design protection for the eye-catching phone case or cover.

What do you receive when you file and register a Patent, Trademark, Design or Copyright?



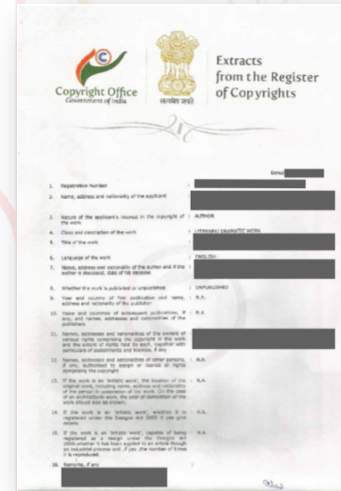
Trademark Certificate



Patent Certificate



Design Certificate



Copyright Certificate

How can you help promote intellectual property?

Be Innovative

Think Outside the Box

Buy Real

Produce Original Work

Recap

So what are the important steps to follow before you file a patent?

1. Check if your Idea isn't too generic or abstract

2. Confirm that the idea is not a literal work of art

3. Ensure that your invention actually works/is able to solve an existing problem

4. Ensure that your invention is not offensive to public morality i.e. ensure that it isn't intended for illegal practices

5. Check if your idea is really new and unique

6. Have a ready and working prototype



Happy Tinkering!



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