

## UNIT — IV (09 Hours)

### Intellectual Property Rights (IPR)

Copyrights, patents (WIPO/IPINDIA), trademarks, open-access models, fair use; Legal and ethical issues of AI-generated content (e.g., ChatGPT).

#### 1. Copyright

##### ◆ Definition:

Copyright protects **original works of authorship** — literary, artistic, musical, and dramatic creations, as well as films, sound recordings, and software.

It ensures creators have **exclusive rights** to reproduce, distribute, perform, or adapt their work.

##### ◆ What it Protects:

- **Literary works:** Books, poems, computer programs, articles.
- **Musical works:** Compositions, notations, songs.
- **Artistic works:** Paintings, photographs, sculptures, architecture.
- **Cinematographic films:** Movies, TV shows, animations.
- **Sound recordings:** Albums, podcasts, voice recordings.

##### ◆ Rights Granted:

- Reproduction right
- Distribution right
- Communication to the public
- Adaptation & translation rights

##### ◆ Duration (India):

- **Author's lifetime + 60 years** after death.

##### ◆ Example (India):

- **R.K. Narayan's "Malgudi Days"** — copyright belongs to his estate; reproducing or adapting the stories for TV/film requires permission.
- **Software Example:** Microsoft's "Windows OS" — copyrighted software code protected from unauthorized copying.

##### ◆ International Protection:

- **Berne Convention (1886)** — automatic protection in 180+ countries.
- **WIPO Copyright Treaty (WCT)** — adds digital and online rights.

##### ◆ Administered by:

- **India:** Copyright Office, DPIIT.
- **WIPO:** Berne Convention, WCT.

## 2. Patent

### ◆ Definition:

A **patent** grants exclusive rights to an **inventor** for a novel, non-obvious, and industrially applicable **invention** — a product or process that provides a new way of doing something.

### ◆ What it Protects:

- **Products** (e.g., a new drug molecule)
- **Processes** (e.g., an improved method of manufacturing)
- **Machinery** (e.g., an innovative engine)
- **Technology** (e.g., a semiconductor design)

### ◆ Duration (India):

- **20 years** from the date of filing.

### ◆ Requirements:

1. **Novelty** – new invention, not publicly disclosed.
2. **Inventive Step** – not obvious to a skilled person.
3. **Industrial Applicability** – can be made or used in industry.
4. **Patentable Subject Matter** – not excluded (laws of nature, abstract ideas, etc.).

### ◆ Example (India & Global):

- **Example 1 (India):** *Tata Motors' patent for the Nano car engine design* – innovative low-cost engineering.
- **Example 2 (Global):** *Pfizer's patent for Viagra (sildenafil citrate)* – a pharmaceutical innovation.
- **Example 3:** *Apple's iPhone multi-touch technology patent* – covers gesture control systems.

### ◆ Non-Patentable in India:

- Discovery of scientific principles.
- Mathematical or business methods.
- Plants/animals other than microorganisms.
- Inventions contrary to public order or morality.

### ◆ Administered by:

- **India:** Indian Patent Office (CGPDTM).
- **WIPO:** Patent Cooperation Treaty (PCT).

### ™ 3. Trademark

#### ◆ Definition:

A **trademark** is any **distinctive sign** (word, logo, color, shape, or sound) used to identify and distinguish goods or services of one entity from those of others.

#### ◆ What it Protects:

- **Brand names** – e.g., “TATA,” “Nike.”
- **Logos & symbols** – e.g., the Apple logo, Mercedes-Benz star.
- **Taglines & slogans** – e.g., “Just Do It,” “Taste the Feeling.”
- **Shapes, colors, sounds** – e.g., Coca-Cola bottle shape, MGM lion roar.

#### ◆ Duration (India):

- **10 years**, renewable indefinitely.

#### ◆ Rights Granted:

- Exclusive use of the mark.
- Preventing others from using identical/confusing marks.
- Licensing or franchising rights.

#### ◆ Example (India):

- **Amul®** – registered trademark under GMMF for dairy products.
- **Infosys®** – registered service mark for software services.
- **McDonald’s® vs McJoy** – Indian courts ruled in favor of McDonald’s for infringement of a confusingly similar mark.

#### ◆ International Protection:

- **WIPO Madrid System** – single filing valid in multiple member countries.

#### ◆ Administered by:

- **India:** Trade Marks Registry (CGPDTM).
- **WIPO:** Madrid System for international registration.

## 4. Industrial Design

### ◆ Definition:

An **industrial design** protects the **visual or aesthetic appearance** of a product — its shape, pattern, configuration, or ornamentation — *not* its function.

### ◆ What it Protects:

- Shape, configuration, surface pattern, color, or decoration.
- Applies to mass-produced products.

### ◆ Duration (India):

- **10 years**, extendable for 5 more years (total 15 years).

### ◆ Example:

- **Example 1:** *Coca-Cola bottle shape* — iconic and registered industrial design.
- **Example 2 (India):** *Royal Enfield motorcycle tank design* — registered design for its distinctive shape.
- **Example 3:** *Apple's iPhone design patents* — Apple sued Samsung for copying the look of the iPhone.

### ◆ Requirements:

- Must be **new** and **original**.
- Must be **applied to an article** by an industrial process.
- Should appeal to the **eye** (visual uniqueness).

### ◆ Administered by:

- **India:** Design Wing, Patent Office (CGPDTM).
- **WIPO:** Hague System for the International Registration of Industrial Designs.

## 5. Geographical Indication (GI)

### ◆ Definition:

A **Geographical Indication (GI)** identifies goods originating from a **specific location**, where the product's qualities, reputation, or characteristics are linked to that region's geography or culture.

### ◆ What it Protects:

- Agricultural products, handicrafts, textiles, foods, wines, etc.

### ◆ Duration (India):

- **10 years**, renewable indefinitely.

### ◆ Examples (India):

Product	State/Region	Type
Darjeeling Tea	West Bengal	Agricultural
Banarasi Saree	Uttar Pradesh	Handicraft/Textile
Mysore Sandalwood Oil	Karnataka	Natural Product
Kashmir Saffron	Jammu & Kashmir	Agricultural
Hyderabadi Haleem	Telangana	Food Product

### ◆ International Protection:

- **WIPO Lisbon System** – for appellations of origin and GIs.

### ◆ Administered by:

- **India:** Geographical Indications Registry, Chennai.
- **WIPO:** Lisbon Agreement / Geneva Act.

## WIPO & IP India – Governance

Body	Jurisdiction	Major IP Systems / Treaties
WIPO (World Intellectual Property Organization)	International	PCT (Patents), Madrid (Trademarks), Hague (Designs), Berne & WCT (Copyright), Lisbon (GIs)
IP India (CGPDTM)	National (India)	Patent Office, Trade Marks Registry, Design Wing, GI Registry, Copyright Office (DPIIT)

 Summary

IP Type	Protects	Duration	Example	Indian Authority	WIPO System
Copyright	Original creative works	Life + 60 years	Film, book, software	Copyright Office	Berne, WCT
Patent	New inventions	20 years	Pfizer's Viagra, Tata Nano engine	Patent Office	PCT
Trademark	Brand identity	10 years (renewable)	Amul, Nike	Trade Marks Registry	Madrid
Industrial Design	Product's appearance	10 + 5 years	iPhone design, Coca-Cola bottle	Design Wing	Hague
Geographical Indication (GI)	Regional product traits	10 years (renewable)	Darjeeling Tea, Banarasi Saree	GI Registry	Lisbon