Intellectual Property Rights

Patent

Basic Idea

- A patent is a legal right granted by the government to an inventor for a new invention.
- A patent gives the inventor the exclusive right to make, use, sell, or license the invention for a limited period.
- In India, patents are governed by the **Patents Act, 1970**, along with its amendments.

Objectives

- To protect new inventions.
- To encourage scientific research and technological development.
- To prevent others from using the invention without permission.

Requirements for Granting a Patent

1. **Novelty**
   - The invention should be new and should not have been disclosed anywhere in the world before the patent application.
2. **Inventive Step**
   - The invention should not be obvious to a person having ordinary skill in the relevant field.
3. **Industrial Applicability**
   - The invention should be capable of being manufactured or used in an industry.

Types of Patents

A. **Product Patent**
   - A product patent protects the final product itself.
   - It gives exclusive rights over the product.

B. **Process Patent**
   - A process patent protects the method or process used to manufacture a product.
   - Others may manufacture the same product only by using a different patented or legally permissible process.

Rights of a Patent Holder

- The patent holder has the exclusive right to manufacture the invention.
- The patent holder can sell or license the invention to others.

First Hope

Copyright by Engacy Learning Private Limited. All rights reserved. Reproduction or distribution without written consent is strictly prohibited.

- The patent holder can take legal action against unauthorized use of the invention.

Duration of a Patent

- In India, a patent is generally valid for **20 years** from the date of filing the patent application, provided the required renewal fees are paid.

Importance

- Patents encourage scientific research and innovation.
- They protect investments made in research and development.
- They promote the development of new medicines and technologies.

Trademark

Basic Idea

- A trademark is a word, name, logo, symbol, design, or combination of these that identifies the goods or services of one company and distinguishes them from those of others.
- Trademarks help consumers identify the source of a product.
- In India, trademarks are governed by the **Trade Marks Act, 1999**.

Objectives

- To protect brand identity.
- To prevent confusion among consumers.
- To distinguish one company's products from another's.

Types of Trademarks

1. **Word Mark**
   - A word or combination of words used to identify a product or service.
2. **Logo Mark**
   - A symbol or graphic design used as a brand identifier.
3. **Device Mark**
   - A combination of words, symbols, and designs.
4. **Service Mark**
   - A mark used to identify services instead of products.

Rights of a Trademark Owner

- The owner has the exclusive right to use the registered trademark.
- The owner can prevent others from using a similar trademark.

First Hope

Copyright by Engacy Learning Private Limited. All rights reserved. Reproduction or distribution without written consent is strictly prohibited.

- The owner can take legal action against trademark infringement.

Duration of Trademark Registration

- A trademark is registered for **10 years**.
- The registration can be renewed every **10 years** by paying the prescribed renewal fee.

Importance

- Trademarks help consumers identify genuine products.
- They protect brand reputation.
- They increase customer trust and business value.

Copyright

- Copyright is a legal right that protects original literary, artistic, musical, dramatic, and other creative works.
- In India, copyright is governed by the **Copyright Act, 1957**.
- Copyright protects the expression of an idea but does not protect the idea itself.

Objectives

- To protect the rights of authors and creators.
- To encourage creativity and innovation.
- To prevent unauthorized copying or distribution.
- To provide legal protection for original works.

Works Protected by Copyright

A. Literary Works

- Books, articles, research papers, and computer programs are protected by copyright.

B. Artistic Works

- Paintings, drawings, photographs, maps, and sculptures are protected.

C. Musical Works

- Musical compositions and songs are protected.

D. Cinematographic Works

- Films and videos are protected.

E. Sound Recordings

- Audio recordings are protected.

First Hope

Copyright by Engacy Learning Private Limited. All rights reserved. Reproduction or distribution without written consent is strictly prohibited.

Rights of the Copyright Owner

- The owner has the exclusive right to reproduce the work.
- The owner can publish, distribute, or license the work.
- The owner can prevent unauthorized copying or use.

Duration of Copyright

- In most cases, copyright remains valid for the **lifetime of the author plus 60 years after the author's death** under Indian law.

Importance

- Copyright protects creative works.
- It encourages authors and artists to create original content.
- It prevents unauthorized copying and piracy.

Industrial Designs

- An industrial design protects the visual appearance, shape, pattern, ornamentation, or configuration of a product.
- It protects only the appearance of a product and does not protect its technical function.
- In India, industrial designs are governed by the **Designs Act, 2000**.

Objectives

- To protect the unique appearance of products.
- To encourage creativity in product design.
- To prevent copying of original designs.
- To increase the commercial value of products.

Features Protected

1. **Shape**
   - The three-dimensional form of a product.
2. **Configuration**
   - The arrangement or structure of different parts of a product.
3. **Pattern**
   - Decorative designs applied to the surface of a product.
4. **Ornamentation**
   - Attractive features that improve the appearance of a product.

Copyright by Engacy Learning Private Limited. All rights reserved. Reproduction or distribution without written consent is strictly prohibited.

First Hope

FREE PREVIEW

Click here to visit our website

PHARMACY PREMIUM NOTES

Complete subject and semesters are available on FirstHope app only.

Scan or click here

Click here to get the app >

Available on Google Play

JOIN THE FIRSTHOPE COMMUNITY

Join our Telegram channel

Click here to join Telegram >

Scan or click here

@FirstHopeNotes

Instagram

@firsthope.official

Click here to follow >

YouTube channel

FirstHope-Pharmacy / Live streams

Click here to watch >

WhatsApp channel

Follow FirstHope on WhatsApp

Click here to join >

FirstHope website

firsthope.co.in

Click here to visit >

B.Pharm / D.Pharm / M.Pharm / Pharm.D

Preview notes. Complete subjects and semesters in the FirstHope app.