



RAMA UNIVERSITY

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FACULTY OF ENGINEERING & TECHNOLOGY

History of Trademark Law:

1940: The Indian Trademarks Act was passed .

1958: The Trademark and Merchandise Act,

Purpose:

Enables the registration of trademarks so that the proprietor of the trademark gets legal right to the exclusive use of the trademark.

Objective:

Easy registration and better protection of trademarks and for prevention of the use of fraudulent marks on merchandise.

1999 – The Trademark Act 1999

Objective:

To confer the protection to the user of the trademark on his goods and prescribe conditions on acquisition, and legal remedies for enforcement of trademark rights.

History of Geographical Indications:

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

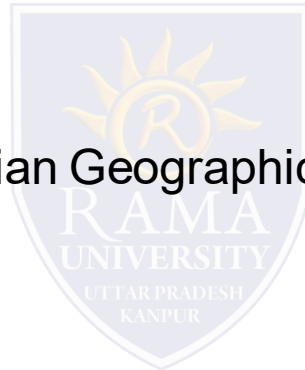
2002: The Geographical Indications of Goods (Registration and Protection) Rules, 2002- deal with registration and better protection of geographical indications relating to goods.

Purpose:

Provide legal protection to Indian Geographical Indications which in turn boost exports.

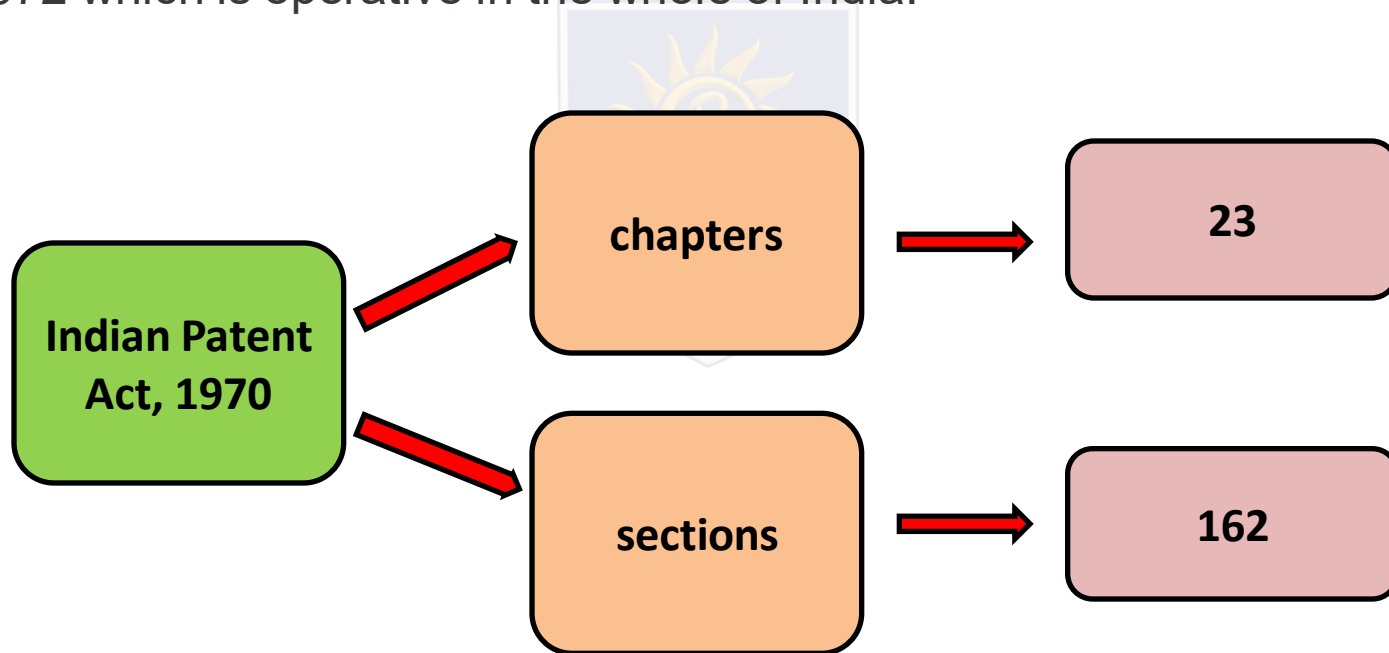
According to the Act:

The term 'geographical indication' (in relation to goods) means "an indication which identifies such goods as agricultural goods, natural goods or manufactured goods as originating, or manufactured in the territory of a country, or a region or locality in that territory.



INDIAN PATENT ACT 1970

- The Indian legislation which control the patents system.
- In India the grant of patents is governed by the patent act 1970 and rules 1972 which is operative in the whole of India.



<https://www.slideshare.net/ShyamasundarTiripathy/patent-act-36282014>

TRIPS (TRADE-RELATED ASPECTS OF INTELLECTUAL PROPERTY RIGHTS AGREEMENT)

- The TRIPs Agreement came into effect on 1 January 1995.
- It provides standards for the full range of intellectual property rights and also the enforcement of those standards both internally and through legal and administrative actions.
- The general timetable for implementing the TRIPs agreement is 1 year for industrialised countries; 5 years for developing countries and countries shifting from centrally planned economics; 10 years for least developed countries.

Basic features of TRIPs agreement:

1. Standards:

- ✓ The agreement sets out the minimum standards of protection that has to be provided by each member country.
- ✓ The main TRIPs standards, relating to pharmaceuticals, that countries must include in their patent law are:
 - a. Availability of patents for both pharmaceutical products and processes inventions that are new, involve an inventive step and are capable of industrial application.
 - b. Protection of the product directly obtained using a patented process.

2. Enforcement:

- ✓ It deals with the internal methods or procedures for the enforcement of IPR.

3. Dispute settlement:

- ✓ The agreement makes disputes between WTO members in respect of TRIPs obligations subject to the WTO's dispute settlement procedures.