



FACULTY OF JURIDICAL SCIENCES

COURSE: BALLB/BBALLB/LLB

SEMESTER SUBJECT:

INTELLECTUAL PROPERTY RIGHTS

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NAME OF FACULTY: PANKHURI SRIVASTAVA

Lecture-5



LECTURE 5: INTELLECTUAL PROPERTY RIGHTS: INDIAN LAWS

- **Patents**

Patent was first introduced to the realms of Indian business in the year 1911 courtesy of the Indian Patent and Designs Act, 1911. This Act was superseded in the year 1972 with the enforcement of the Patents Act, 1970. The Act, which is now the governing Act for Patents in the country till now, went through an amendment in 2005 to be compliant with the TRIPS agreement and is now known as the Patents (Amendments) Act, 2005.

- **Trademark**

A trademark is a unique symbol that differentiates one brand from the other and is considered essential for protecting the brand from being illegally replicated. The TRIPS agreement for the protection of trademarks incorporates the protection of distinguishing marks, recognition of service marks, indefinite periodical renewal of registration, abolition of compulsory licensing of trademarks, etc. In view of enacting the newly fabricated laws, the Indian Trade and Merchandise Marks Act, 1958 was annulled to pave the way for the Trade Marks Act, 1999.

- **Industrial design**

The TRIPS agreement has accorded India with the ingredients that help in the protection of industrial designs. The Designs Act, 2000, caters to these requirements by providing protection to original and aesthetically appealing designs which have the potential for commercial applications and is in consonance with the evolvments in technology and economical advancements.

- **Geographical indications**

The TRIPS agreement has listed out the minimum standards of pro-Intellectual Property Rights GIs and additional protection for wines and spirits. In view of this, India has adopted legislative measures by enacting the Geographical Indications of Goods (Registration and Protection) Act, 1999 and the Geographical Indications of Goods (Registration and Protection) Rules, 2002.

- **Copyrights**

The Act was formulated in the year 1957 and has been amended from time-to-time to be on par with the international standards as specified in TRIPS. The Act preserves the right of artistic endeavors which includes painting, sculpting, drawing, engraving, photography, artistic craftsmanship, dramatic work, literary work, musical work, sound recording, and cinematography and is reflective of the Berne Convention for Protection of Literary and Artistic Works, 1886 and the Universal Copyrights Convention. Apart from these two conventions, the country is a party to the Geneva Convention for the protection of rights of Producers or Phonograms. The country is also an active member of the

World Intellectual Property Organization (WIPO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO).

- **Layouts Designs of integrated circuits**

The Semiconductor Integrated Circuits Layout Design Act, 2000, was drafted into the Indian governing system in compliance with the TRIPS agreement. The Act is aimed at ensuring the protection of layout designs in integrated circuits.