

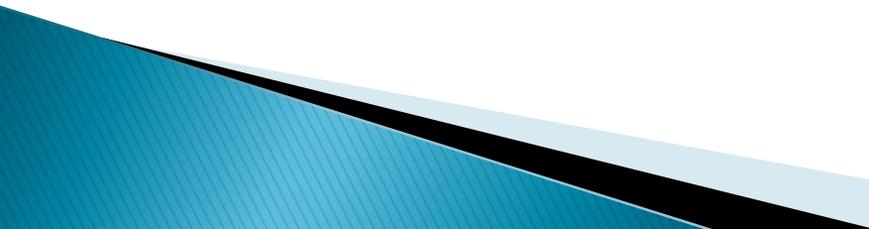
Patents

- ▶ a title granted to protect an invention
- ▶ What is an invention?
 - An invention may be, or may relate to a product or a process.
- ▶ Exclusions:
 - discoveries, scientific theories and mathematical methods, methods for doing business, performing purely mental acts or playing games, methods for treatment of the human or animal body by surgery or therapy, diagnostics methods, biological processes for the production of plants and animals, plant varieties

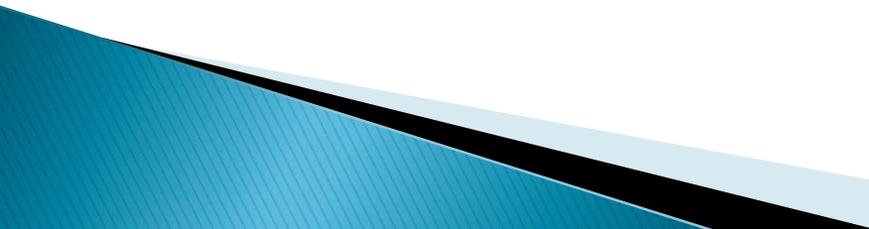
Patents – Inventions

- ▶ An invention shall be patentable where it–
 - is new [novelty];
 - involves an inventive step [non-obvious];
 - is capable of industrial application.
- ▶ An invention is new where it is not anticipated by prior art.
- ▶ Prior art shall consist of anything disclosed to the public, anywhere in the world, by publication in tangible form or by oral disclosure, by use or in any other way, prior to the filing or, where applicable, the priority date, of the application claiming the invention.

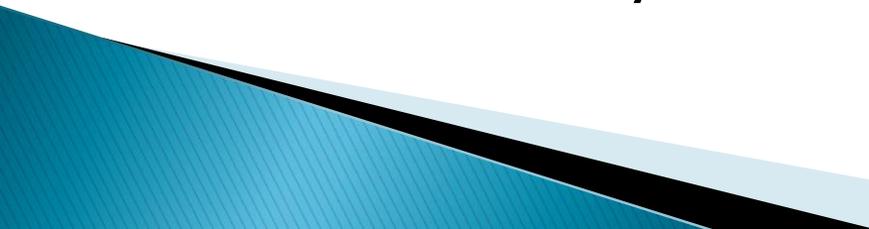
Patents – Inventions

- ▶ An invention shall be considered as involving an inventive step where, having regard to the prior art relevant to the application claiming the invention, it would not have been obvious to a person having ordinary skill in the art. It assumes that there is a gap between the prior art and the invention which the invention fills.
 - ▶ An invention shall be considered industrially applicable where it can be made or used in any kind of industry (incl. handicraft, agriculture, fishery and services).
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Patents – Acquisition

- ▶ To acquire a patent, a description of the invention should be submitted which is sufficiently clear and complete to be carried out by a person having ordinary skill in the art + proper disclosure is required especially for the purposes of further research.
 - ▶ Limited monopoly for the disclosure of technical information, i.e. an exclusive right to control the way the patented invention is exploited for a limited period. Monopoly granted provided there is adequate disclosure.
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Patents – Absolute Monopoly

- ▶ Patent confers absolute monopoly of the market to the inventor. Not only can he stop anyone from copying the novel product/ process covered by his patent, but he can also prevent him from utilising the practical embodiment of his idea as described in the patent specification even if that person has independently invented it himself during the currency of the first inventor's patent. So the breadth of protection is very wide.
 - ▶ Duration: 20 years
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Industrial Designs

- ▶ Any composition of lines or colours or any three-dimensional form, or any material, whether or not associated with lines or colours, is deemed to be an industrial design, provided that such composition, form or material –
 - gives a special appearance to a product of industry or handicraft;
 - can serve as a pattern for a product of industry or handicraft; and
 - appeals to and is judged by the eye.
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Industrial Designs

- ▶ Right of Exploitation:
 - making, selling or importation of articles bearing or embodying a design which is a copy, or substantially a copy, of the registered industrial design.
 - ▶ Duration: 5 years renewable
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Innovations in IP Protection

▶ Advent of :

- 1. Digitisation
- 2. Distributed communication networks – broadband internet connectivity
- 3. Low-cost technologies

Innovations in IP Protection

- ▶ Challenges posed
 - Original v/s Copy
 - The Internet as a global digital copy machine
 - ▶ Consequence and potential implication for copyright
 - ▶ Economics perspective
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Innovations in IP Protection

- ▶ Attempts to address the perceived problems likely to be posed by the Internet:
 - Copy to include temporary copies
 - Making available right
 - Introduction of technological protection measures and anti-circumvention rules
 - Electronics rights management systems
- ▶ Alternatives to IPR

thank you...

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