

# Innovation and Business

## 1. IPR

Intellectual Property Rights (IPRs) are crucial for innovation. It is the foundation of any knowledge-based economy. It is the interface of - creations and rights. It pervades through all sectors of the economy and is increasingly becoming important for ensuring competitiveness of the enterprise. Role of IPR lay in providing a legal right to the inventor to protect his/her creation as well as preventing others from illegally exploiting the creation and thus avoid re-invention of the wheel.

The various tools of IPR that are used to protect innovations are:-

- **Copyright:** is concerned with protection of creative works that are musical, literary, artistic, lectures, plays, art reproductions, models, photographs, computer software, etc.
- **Patent:** pertains to pragmatic innovations and aims to protect inventions that are novel, non-obvious and useful.
- **Trademark:** is related to commercial symbols and concern to protect distinctive marks such as words/signs including personal names, letters, numerals, figurative elements (logos); devices; visually perceptible two or three dimensional signs/shapes or their combinations; audible signs (sound marks) e.g. the cry of an animal or laughing sound of a baby; olfactory marks (smell marks), use of certain fragrance.
- **Industrial Designs:** protects novel nonfunctional features of shape, configuration, pattern, ornamentation or composition of lines or colours, applied to any article either two or three dimensional or in both forms by any industrial process or means whether manual, mechanical or chemical, separate or combined which in the finished article appeal to and are judged solely by the eye.
- **Geographical Indications (GI):** are defined as that aspect of industrial property, which refers to the country or to a place of origin of that product. Typically, such a name conveys an assurance of quality and distinctiveness of the product, which is essentially attributable to the fact of its origin in that defined geographical locality, region or country.

Intellectual Property Rights are always territorial. Globalization and rapid proliferation of technology has elevated the importance of intellectual property rights.

## 2. IPR Laws and Regulations

India is a founder member of WTO and has ratified the Agreement on Trade Related Intellectual Property Rights (TRIPS). As per the agreement, all member countries including India are to abide by the mutually negotiated norms and standards within the stipulated timeframe. Accordingly, India has set up an Intellectual Property Right (IPR) regime, which is WTO compatible and is well established at all levels whether statutory, administrative or judicial.

The Government has taken a comprehensive set of initiatives to streamline the intellectual property administration in the country in view of its strategic significance. The Controller General of Patents, Designs and Trade Marks (CGPDTM) under DIPP is nodal authority

that administers all matters relating to patents, designs, trademarks and geographical indications and also directs and supervises the functioning of :-

1. The Patent Office (including Designs Wing)
2. The Patent Information System (PIS)
3. The Trade Marks Registry (TMR), and
4. The Geographical Indications Registry (GIR)

Besides, a 'Copyright Office' has been set up in the Department of Education of the Ministry of Human Resource Development, to provide all facilities including registration of copyrights and its neighboring rights.

As far as issues relating to layout design of integrated circuits are concerned, 'Department of Information Technology' in the Ministry of Information Technology is the nodal organization. While, 'Protection of Plant Varieties and Farmers' Rights Authority' in Ministry of Agriculture administers all measures and policies relating to plant varieties.

Legislations/Laws governing IPR in India are: -

- a. The Trade Marks Act, 1999
- b. The Geographical Indications of Goods (Registration and Protection) Act 1999
- c. The Designs Act, 2000
- d. The Patents Act, 1970 and its subsequent amendments in 2002 and 2005
- e. Indian Copyright Act, 1957 and its amendment Copyright (Amendment) Act, 1999
- f. Semiconductor Integrated Circuit Layout Design Act, 2000
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### 3. TRIPS

Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS). It for the first time brought laws relating to intellectual property into the international trading system. This agreement narrowed down the differences existing in the extent of protection and enforcement of the Intellectual Property rights (IPRs) around the world by bringing them under a common minimum internationally agreed trade standards. The member countries are required to abide by these standards within stipulated time-frame and promote effective protection of IPRs in order to reduce distortions and impediments to international trade.