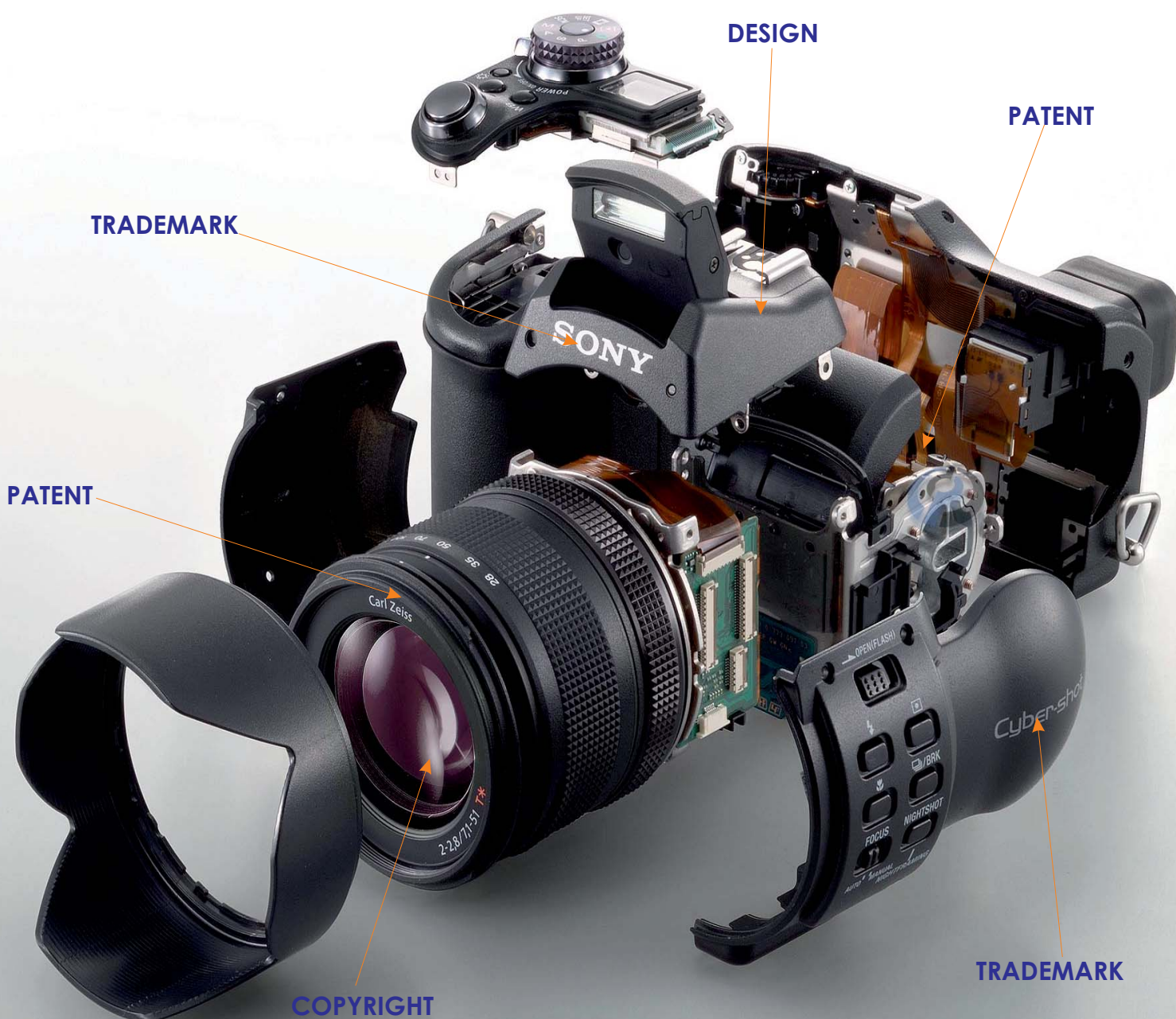


FINDING IP

FOR BUSINESS





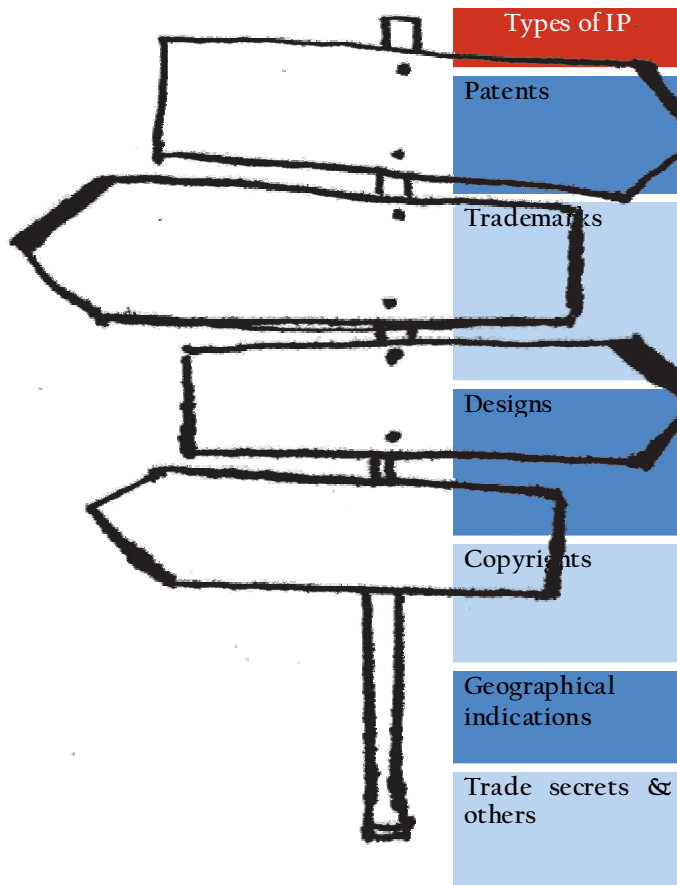
INSIGHT

Business world is consistently coping with the demands of new products, innovative creations, and solutions for current problems. However, many a times during initial growth or at the peak of business log, R&D is overlooked thus jeopardizing Intellectual Property (IP) and ultimately exiting the competition by simply being eliminated. Therefore, it is of paramount importance that an entity realizes that solution it creates, howsoever minor, it may be - an improvement or customization, can be a part of an Intellectual Property that shall shape the future and perennial growth.

“Finding IP” is designed to help you understand various forms of intellectual property rights and how to reap the best out of it.

INTELLECTUAL PROPERTY RIGHTS

Intellectual property refers to any form of knowledge or expression which is created by human intellect.



Types of IP	Coverage	Rights
Patents	A new process or product or both or any improvement thereof	The owner has the exclusive right to make, use, sell or license, import the invention
Trademarks	Letters, numbers, words, colors, a phrase, sound, scent, logo, shape, picture, aspect of packaging or any combination of these in any trade or business	The owner has the exclusive right to use, sell or license the trade mark
Designs	2D designs as in prints, patterns or color combination and 3D designs as in a shape and configuration of an article	The owner has the exclusive right to make, use, sell or license the registered design
Copyrights	Expression in the form of Art, literature, music, film, broadcasts, computer programs	The owner has the exclusive right to use, sell or license the copyrighted work
Geographical indications	Distinctiveness based on quality by virtue of climatic or cultural aspects of a geographical location	The community has the exclusive right to use and sell the registered GI
Trade secrets & others	These types of IP rights give creators certain rights and privileges depending on the type of IP protection	The owner has the right to use, sell or license the IP

BENEFITS

- Helps in enhancing book value, acquiring loans, raising funds and attracting VC Funding
- Provides added value in M&A, IPO and Spin-offs
- Easy access to technology or partnering through cross-licensing
- Assist in penetrating new market through licensing out
- Advanced planning for new products and services
- Improves a company's financial status
- Secures extra edge in business competition
- Keeps one ahead in terms of negotiation and technological advancements



PATENTS

A patent is reward of one's intellect issued by the government, for a novel product or process, in lieu of proper disclosure, that excludes others from using the invention for any commercial or other purposes for a set period of time.

PATENTABILITY	Criteria	Meaning
	Novelty	The product or process should be new at the time of filing and should not be published in any form in any country
	Inventiveness	It should not be obvious to a person skilled in the art
	Industrial Applicability	The invention has industrial application and is capable of being made or used in an industry
	Patentable	The Invention does not fall under any of the inventions set out in the list of non-patentable inventions as per respective Patent Laws

20 Years from the date of filing	TERM
Exclusive right to make, use, sell or import the invention in the protected territory	RIGHTS

Industry	Patentable Components
Agriculture	Agricultural components & machinery, fertilizers, farm food processing, Chemical Compositions for use in Agriculture
Aviation	Wings, radars, fuselage, airframes, engines, aircraft controllers, fuel compositions, air traffic system tools, runway & parking management tools
Automobile	Engine parts, electrical parts and spark parts, drive transmission and steering, VTS, braking parts, suspension, chassis parts, paints, polish, fuels, pistons, shafts
Biotech	Vaccines, therapeutics, diagnostic kits, bio-fertilizers, bio-pesticides, enzymes, gene sequences, biomedical devices, bio-markers, GM microbes, Mutants
Chemicals	Basic chemicals, polymers, petrochemicals, consumer chemicals, paints, dyes, pigments, basic inorganic, industrial process, precious metal extraction
Electrical & Electronics	Electrical devices & machineries, cables, motors & generators, bulbs & lightings, renewable energy equipments, solar panels & inverters, household appliances, electronics appliances, batteries, communication equipments
Food	Food processing methods, recipe, formulations, health supplements, packaging, beverage manufacturing, dairy products, oil & fat manufacturing, bakery product manufacturing
IT	Chips, hardware, telecommunications, web based technologies
Pharmaceuticals	New drugs, compositions, formulations, dosage forms, diagnostic kits, vaccines, antigens, antitoxins and analogous products

Interesting Facts

80-85% inventory of granted patents remain idle with no commercialization

Only 8% of granted patents generate 90% of total revenue worldwide

60% of patent applications are rejected due to failure to meet patentability criteria

30-40% of patent applications are rejected due to poor drafting or poor strategy

China, US, Japan, Korea & EU are major filers of patent applications

32% of worldwide patent applications are filed in the field of electrical engineering



Any word, name or symbol or logo or mark adopted or used by an individual, corporation or other entity to distinguish its goods or services from others' goods or services.

REGISTRATION	Criteria	Meaning	Examples
	Distinctive	The mark should not provide any likelihood of confusion between the mark of the applicant and a mark already registered or pending by another party.	Colgate AND Colagate Knight AND Night Zee TV AND G TV
	Non Descriptive	The mark should not describe the quality of the goods and/or services in which the registration is sought.	“Creamy” for Milk “Kangan” for Bangles “Heal” for medicine
	Non Generic	The mark should not be of nature that is common, everyday name for goods and services and everyone has the right to use such terms to refer to their goods and services.	“Motorcar” for Car showroom “Clinics” for a Hospital

		TERM
Perpetual	upon subsequent renewal	
The owner has the exclusive territorial right to use, sell or license the trade mark		RIGHTS

Type Famous Examples

Word  

Coined word    

Logo   

Surname   

Combination  

Acronym     

Place  



Interesting Facts

You may use the symbol “TM” or “SM” without filing the trademark application

You cannot use the symbol “®” without registration of your mark

You may file a civil suit without having registered mark in case of any infringement

Rejection of mark does not mean closure or restriction of ongoing business

DESIGNS

A design is the visual or ornamental or aesthetic appearance of a product created by one's intellect issued by the government that excludes others from using the novel and aesthetic design for any commercial or other purposes without permission for a set period of time.

REGISTRATION	Criteria	Meaning		
	Novelty	The visual appearance of product should be new at the time of filing and should not be published in any form, in any country	15 years subject to renewal	TERM
	Distinctive	The visual appearance must not be similar to a known design or combination of known designs.	The owner has the exclusive territorial right to use, sell or license the product	RIGHTS
	Non Functionality	The aesthetic aspect of the product should not have any functional aspect.		



BENEFITS

- Prevents from being copied and imitated by competitors, and thereby strengthening competitive position.
- Obtain a fair return on investment made in creating and marketing the relevant product, and thereby, improving profits.
- Industrial designs are business assets that can increase the commercial value of a company and its products. The more successful a design, the higher is its value to the company.
- A protected design may also be licensed (or sold) to others for a fee. By licensing, it may be possible to enter markets, that otherwise would have been unapproachable.
- Helps in attracting and retaining customers

COPYRIGHTS

A copyright is an exclusive right over the way of expression.

Criteria	Meaning	Creator's Life + 60 years* [* T&C Apply]	Term
Originality	The work should be original and not being a part of any adaptation	The owner has the exclusive worldwide right to use, sell or license the copyrighted work	Rights

Books	Novels	Poems	Plays
Films	Newspapers	Songs	Lyrics
Software	Mobile Apps	Databases	Musical Compositions
Choreography	Performing Arts	Paintings	Drawings
Photographs	Brochures	Letter Head	Web Pages
Sculptures	Architecture	Advertisements	Maps
Technical Drawings	Presentations	Documentaries	Animations
Music	White Papers	Research Papers	Thesis



Interesting Facts

You own the copyright right away with creation of a work [say, on pressing the click button of camera]

If you are working as an employee, your works under employment belong to the company

You own the rights to any images/music/written material you make during a freelance assignment

You can't copyright an idea

If you download picture/song/video from the internet and use* it for own purposes, it is a copyright infringement.
[* T&C Apply]

You may sell or transfer the ownership of a copyright. However, you would retain a 'moral right' to the property which is non-transferable.

The use of the copyright symbol © appearing on your creative work indicates a claim of ownership.

PUBLIC DOMAIN CHARACTERS



Robin Hood



Zorro



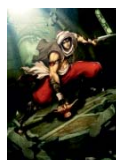
Dracula



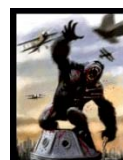
Sherlock Holmes



Alice



Alladin



King Kong



Mad Hatter



Sindbad



Gulliver

GEOGRAPHICAL INDICATIONS

A geographical indication specifies a product on the basis of its origin from a particular geographical location having a special quality or reputation.

REGISTRATION	Criteria	Meaning	Agricultural products, foodstuffs, wine and spirit drinks, handicrafts, and industrial products.	Type
	Origin	Product should belong to specific area, locality, territory or country.	Perpetual upon subsequent renewal	Term
	Quality & Reputation	Product should have a reputation, quality or characteristics mainly due to geographical conditions of the area, locality, territory or country.	An authorized user has the exclusive rights to use geographical indication in relation to goods to which it is registered	Rights
	Human or Natural Factor	Product should involve natural and/or human factors viz. climatic, hydrological, geological, topographical and ecological factors and skills and expertise of producers decisive to reputation, quality and characteristics of the product.		



Solapur Towel



Mysore Agarbati



Bidriware



Coorg Orange



Muga Silk



Hadagali Jasmine



Sujani Embroidery



Allahabad Surkha



Blue Pottery
Jaipur



Pokkali Rice



BENEFITS

Provides legal protection to the old and famous products

Increases the productivity due to community centered production

Restricts counterfeit products hence increases faith and goodwill among consumers

More product demand increases more working opportunity and less migration

Increases the economic prosperity of the community

Disclaimer

Patentwire has used reasonable endeavours to ensure that contents of this report were correct at the time the relevant pages were created, modified and published. Patentwire does not make any warranty, express or implied, or assumes any legal liability or responsibility for the accuracy, completeness, or usefulness of any information. Reference herein to any specific commercial product, process, or service by trade name, trademark, manufacturer, or otherwise, does not necessarily constitute or imply its endorsement, recommendation, or favoring by the Patentwire.

Copyright

Unless otherwise stated, the copyright or similar right of this report is owned by Patentwire Consultants Pvt. Ltd. You are permitted to print or download this report for your personal use only. None of this material may be used for any commercial or public use. The name and logo of Patentwire are trademarks of Patentwire Consultants Pvt. Ltd. You are not permitted to use or reproduce or allow anyone to use or reproduce these trademarks for any reason. Other company, product, pictures and service names may be trademarks or service marks or copyright of others.



© Patentwire 2015. All Rights Reserved.
This report is for informational purposes and is not intended to constitute legal advice.



PATENTWIRE CONSULTANTS PVT. LTD.

B-10, Ground Floor, Vishwakarma Colony

M.B. Road, New Delhi-110044, India

Mobile: +91 98113 67838 | Telephone: +91 11 26360036

Fax: +91 11 26360037

Email: desk@patentwire.co.in

www.patentwire.co.in

WHERE INVENTIONS LIVE LONGTM