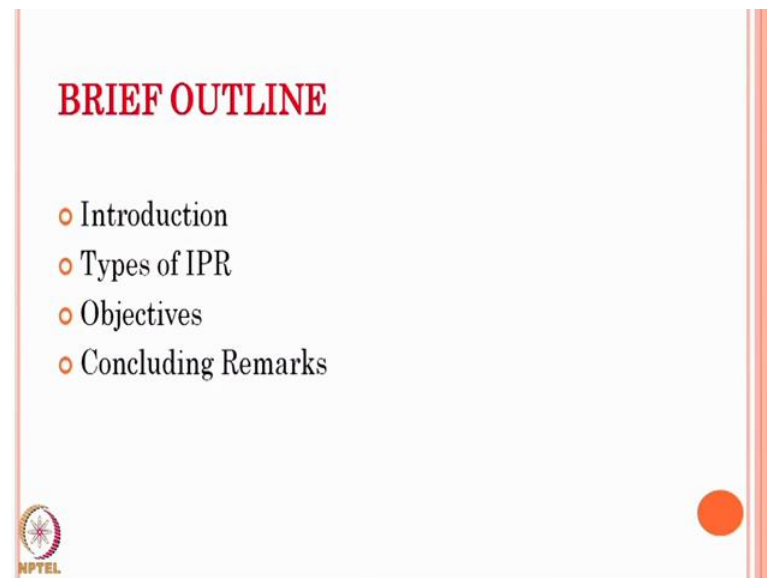


Economics of IPR
Prof. Nalin Bharti
Department of Humanities and Social Science
Indian Institute of Technology, Patna

Module - 01
Lecture - 05
Types of IPR
Objectives behind Protection


Welcome to the new lecture on types of IPR, and in this lecture we are going to discuss different types of IPR as well as we will also discuss the objectives of behind protection of different Intellectual Property. So, let me begin with the brief outline of this lecture is.

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We will first introduce that in one or two line that, what basically intellectual property right means because in last two lectures we have seen that, how intellectual property rights are important? And how it was involved in the world? Today, especially in this lecture we are trying to explore that, what are the different types of IPR? And after that what are the objectives behind the protection of those intellectual property rights? And then we will conclude this lecture.

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INTRODUCTION

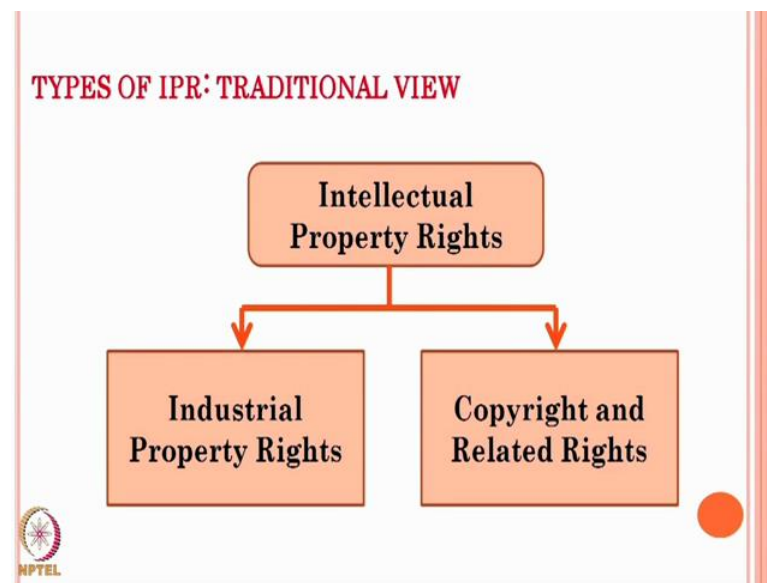
- Intellectual property specifies creations of intellect which include innovations, inventions, scholarly, literary, and creative efforts, symbols, designs, logos, images, etc. that has some economic, social, and cultural value
- It is protected by regulations which facilitate creators to receive credit or economic and commercial advantage from their innovation



So, when we say intellectual property it is basically specifying the creation of intellect which includes innovations, also the inventions scholarly, literary and creative efforts symbols, designs, logos, images, etcetera that has some economic social and cultural value. So, intellectual property has a wide range it is including the economic rights. It is including the social values. It is including in the cultural values.

So, the protection of intellectual property rights is by the regulation which facilitates the creators to receive credits or economic and commercial advantage from their innovations. We have seen our one of the lecture that innovations are really important to protect because if we are not protecting the innovations, innovators are not really motivated and that really mislead the entire sense of innovations and inventions in the society and it hampers to economic growth and development.

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So, to begin with when we say the intellectual property rights, broadly or you can say the traditional view of the distinction of intellectual property rights are in two parts Industrial Property Rights, and Copyright and Related Rights.

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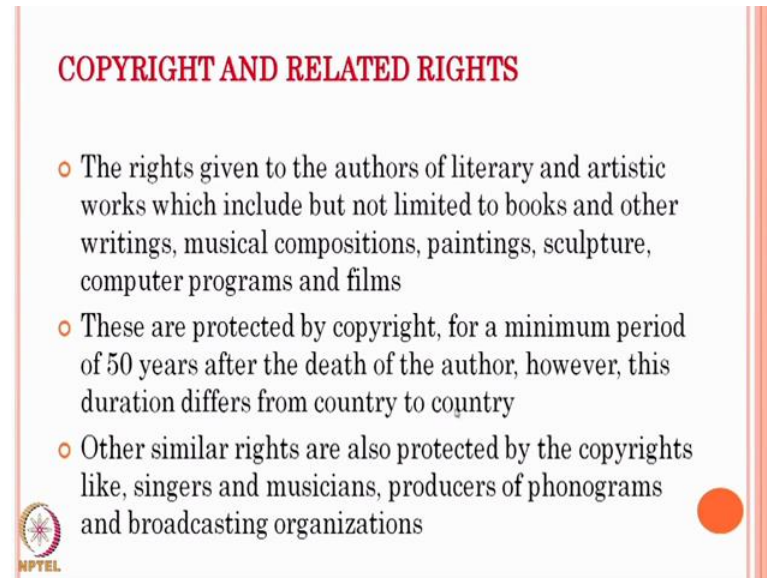
TYPES OF IPR: BROADER VIEW

Sr. No.	Intellectual Property Rights
1	Copyright and related rights
2	Trademarks, including service marks
3	Geographical indications
4	Industrial designs
5	Patents
6	Layout-designs (topographies) of integrated circuits
7	Undisclosed information, including trade secrets

So, but the new types of intellectual property rights or the further division of intellectual property rights are in 7 parts, first includes the copyright and related rights, second is trademarks including the service marks, the third is geographical indications named as


the GI, industrial designs, the fifth one is the patents, sixth is the layout designs and integrated circuits and the seventh is the trade secrets and undisclosed information's.

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COPYRIGHT AND RELATED RIGHTS

- The rights given to the authors of literary and artistic works which include but not limited to books and other writings, musical compositions, paintings, sculpture, computer programs and films
- These are protected by copyright, for a minimum period of 50 years after the death of the author, however, this duration differs from country to country
- Other similar rights are also protected by the copyrights like, singers and musicians, producers of phonograms and broadcasting organizations



To begin with copyright and related rights, in brief we can see that it is the right given to the authors of literary and artistic works which includes, but not limited to books and other writings, musical compositions, paintings, computer programs and films etcetera.

So, these are protected by copyright law for a minimum period of 50 years after the death of the author. However, this duration differs from country to country. So, other similar rights are also protected by the copyrights like singers and musicians producers of phonograms and broadcasting organizations.

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OBJECTIVE OF PROTECTING COPYRIGHT

- The main purpose of protecting the copyright and related rights is to encourage and reward creative works
- This will enrich and enhance the creative works of arts as well as literary writings and others





So, what will the objective behind the protection of such copyrights? The main purpose of protecting the copyright and related right is to encourage the reward of the creative works. This is really for the enriching or enhancing the creative works of arts as well as the relative writings and others.

As we have seen that the copyright is really the rights not only to the authors, but also to the musicians, singers and producers of phonograms and broadcasting organizations and that includes not only the writing, but also the musical compositions, paintings and other computer program. So, such copyright protection is needed for the wider protection of the artist and other writers and other players in the field of creative writings and creative arts.

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TRADEMARKS, INCLUDING SERVICE MARKS

- According to WIPO, a trademark is a distinctive sign that distinguishes certain goods or services produced or provided by an individual or a company from others
- It helps consumers to identify and purchase a product or service based on its specific attribute or quality
- Coca-Cola letter, McDonald's, KFC, etc.




So, the trademarks, the second point and second type of intellectual property rights which is important to understand. According to WIPO World intellectual property Organizations, a trademark is a distinctive sign that distinguishes certain goods of services produced or provided by an individual or a company from others. So, on most of the product you have seen that there is a mark which is named as the trademark. So, this particular product is also having a trademark and you can find here this Camlin marker pen. This particular yellow color mark is the trademark and you can find here that there is R in the circle. It shows that this particular product is the, this particular mark is the trademark of this particular product.

So, for a customer it is very easy to identify that whether the product is real or not through this particular mark or through this symbol a consumer is ready to find out the difference between the real product and the fake product. So, it helps consumer to identify and purchase a product or service based on it is a specific attributed quality. So, a trademark is a distinctive sign and that distinguishes certain goods or services produced or provided by an individual or a company from others. So, this particular marker may be produced by anyone, any form in the world, but how to have the distinction between the real whiteboard Camlin marker. This can be only traced out through this particular symbol.

So, one of the example, other examples are the examples from the McDonald and KFC and the Coco-Cola and so every such firms are today using a different mark to give a proper identity of their product before coming to the market.

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OBJECTIVES OF TRADEMARKS PROTECTION

- Protection of trademarks help in ensuring quality of a product or service
- Additional protection is also granted in case of marks that have become well-known in a particular country to distinguish it from others
- It incentivizes the creators of trademarks or service marks

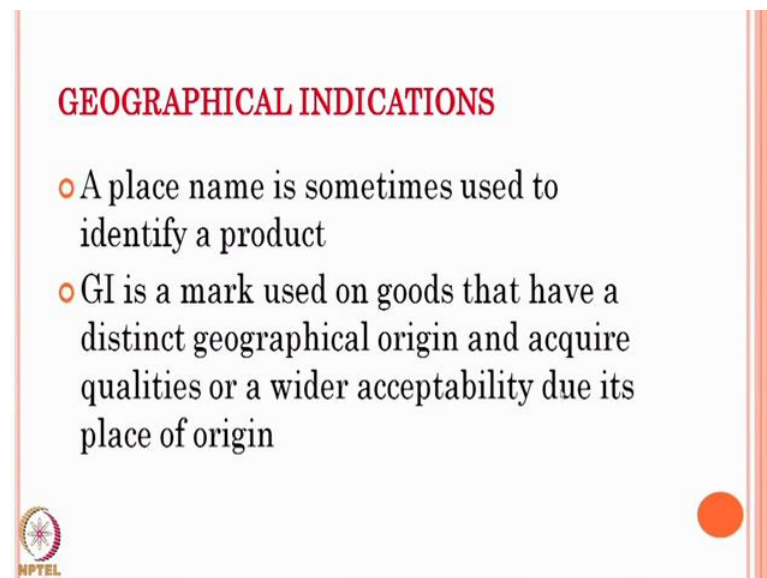
So, what was the objective behind the protection of copyright, protection behind the trademarks? The protection of trademarks helps in ensuring quality of product or service. So, one thing is whether the product is real or not and the second one is if it is a service mark, then the product and the service provider is providing you the authentic information that this particular service is provided by me. So, additional protection is also granted in case of marks that have become well known in a particular country to distinguish it from others.

So, if it is product outside, going outside the country then also such identification such trademarks are giving you a wide range of identification outside the world, not only the domestic market, but also in the international market. So, it is it incentivizes the creators of trademarks or service marks. So, through this mark trademark and service mark, you are really having a very independent identity in the world and that gives you incentive in terms of economic return. So, if your product is good, but if your product is good, but it is really such products are really identical products are also produced by other firms through your trademark you can really convince your customer, that if you are not

finding this particular trademark on the product, then such products may not be our product.

So, some of the firms are putting this notice in the advertisement, that if you are not finding this particular trademark then you are free not to use that product and our logo and our product is always carrying this particular mark or this particular logo. So, the objective behind the trademark protection was to protect not only the creation of the service provider or the trademark creators, but also to have a very good sense of security in consumers mind because it helps the protection of the consumer interest also.

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Geographical indication is a mark used on goods that have a distinct geographical origin and acquire qualities or a wider acceptability due to its place of origin. So, a place name is sometimes used to identify a product.

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GEOGRAPHICAL INDICATIONS...

- Examples include 'Darjeeling tea', 'Champagne', 'Scotch', 'Tequila', and 'Roquefort' cheese, etc.
- Wine and Spirits producers are more concerned for the use of place of origin to identify the products
- But, GI is equally important for other types of goods




Some of the examples may be seen here as, the Darjeeling tea from India, Champagne, Scotch, Tequila and other products. So, wine and spirits producers are more concerned for the use of place of origin to identify the products in the current frame work of the GI, WTO only two products are considered as were the products of GI and that is the wines and spirits. Other products from many part of the world is looking for acceptability of the products have GI products because geographical indication is equal important for other types of goods apart from to wines and the spirits.

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OBJECTIVE OF GI PROTECTION

- It is important to protect the local specialty of certain products
- Product-origin name, when the product was made outside its place of origin or lacks the special characteristics can misguide consumers leading to unethical competition
- Guarantees consumer protection, producer protection and facilitate local development



Objective behind the GI protection is important because it is basically, it is important to protect local specialty of the certain products. For example, the Banarasi sari from India or Bagalpur silk from Bihar or Madhubani painting from Bihar are some of the products from other parts of this country.

So, product origin name, when the product was made outside its place of origin or lacks the special characteristics can misguide consumers leading to unethical competition. For example, Banarasi sari is having the origin in Varanasi, but we are also finding some of the news today that, China is the major exporter of Banarasi sari today because of the low cost of production and some of the knowledge which they are pirating from different parts of the world especially, in case of Banarasi sari, the knowledge which they are gathering from India. Based on that knowledge they are equally able to produce Banarasi sari and they are trying to export in the international market. But since the Banarasi sari is registered as one of the geographically indicated product in India. So, India can claim in the world that see the real and authentic Banarasi sari is not from China because Banaras is in India in Uttar Pradesh. It is not the product; it is not the place which is located in China.

So, the product in the name of Banarasi sari cannot be the Chinese product, it is the Indian product. So, this particular it is important to protect the local specialty after certain products. So, this one example is not enough there are many other products in the world which also needs certain registration and certain product protection which is lacking in the current frame work of the WTO.

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INDUSTRIAL DESIGN

- It includes ornamental, artistic or creative aspects of a product including three-dimensional or two-dimensional design structures
- It may include wide variety of products like handlooms, handicrafts, jewelry, luxury items, and other similar etc.
- TRIPS Agreement advocated for minimum 10 years protection for industrial designs



Industrial design, it includes ornaments artistic or creative aspects of product including three dimensional or two dimensional designed structures. So, it may include wide variety of products like handlooms, handicrafts, jewelry, luxury items and other similar products etcetera. So, TRIPS agreement advocated for minimum 10 years protection of industrial designs. What was the objective behind the protection of industrial designs?

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OBJECTIVES OF INDUSTRIAL DESIGN PROTECTION


- Manufacture, transaction or imports of products carrying a design which is a copy of the protected industrial design is prohibited to ensure fair returns on investments
- Strong protection system of industrial design will benefit consumers, by promoting competition and fair trade practices and will boost creativity



Because the manufacturer transactions or imports of manufacturing transaction and imports of products carrying a design which is a copy of the protected industrial design is prohibited to ensure fair returns on investment.


So, strong protection system of industrial design will benefit consumers by promoting competition and fair trade practices and will boost creativity. So, some of the products which is in the market today, if it is basically copied from the previous manufactured items of then this is a case of basically copying of the previous design and the varieties of sectors are really important today to have such protections, especially when we see the handloom sector and handicraft sector and jewelry sector, where lots of designs matters a lot. So, when designs are copied there is need to have the protection of such designers. If certain designs are well protected then we can really a provide incentives to the innovators who makes basically industrial designs.

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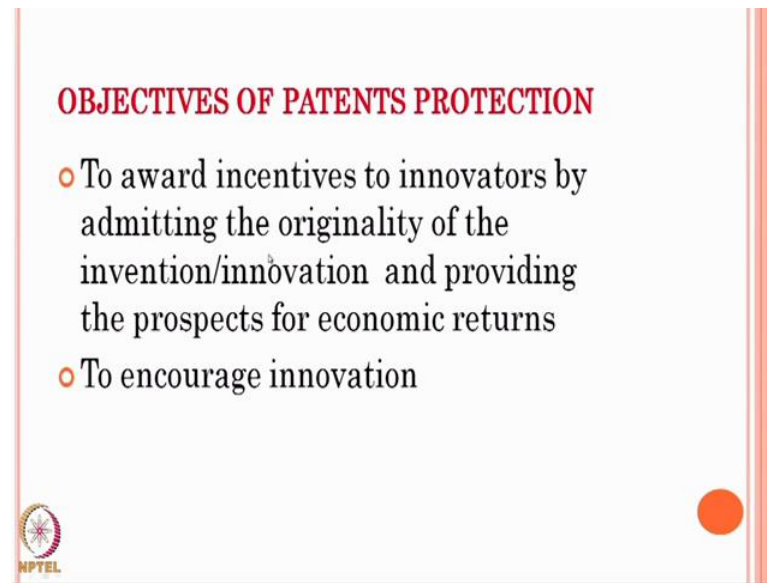
PATENTS

- It is a right that is given for an invention which may be a new product or process
- It may be an entirely new method of creating something or new technique for manufacturing or producing something
- Patent is protected for a limited period, usually for 20 years



The patents like other intellectual property rights patent has a different value because it is right that is given to an invention, which may be a new product or process. It may be an entirely new method of creating something or new technique of manufacturing or producing something. Patent is protected for a limited period generally for 20 years time.

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What is the objective behind such patent rights? To award incentives to innovators by admitting the originality of the inventions and innovations and providing the prospects of economic returns and to encourage innovations, as we have seen in our previous lecture that, innovations and patent and innovation and economic growth and the patent and economic growth has a very positive correlations. In many, countries where the patent rights are really on a very high scale, we are finding that those economies are also having very high level of economic growth. And in terms of employment also we are finding that those people working for the patent related sector and some of the research labs, they are paying very well salary; good salary to those workers.

So, to encourage inventions it is important to really have the patent protection in the country. If the country is really having the weak patent system, patent protection system country cannot really cater the need of innovations and today we are finding that most of the product, which is in the market in the industrial sector, in the pharmaceutical sector, in the manufacturing sector, these all these sector needs a new type of protection of intellectual property, because we are finding the sectors like trademark where the lots of activities are really, illegal activities are really hampering the basically the real producers of that particular product. In case of patent also, when the patent owner is coming out with a new product and if the product is really pirated by other firms and the other countries are really taking the benefit of the free riding because you are not interested,

but when the product is in the market, you are also using those products without paying the license without paying the fee to the patent owner.


So, you have a free right in your consumption and that really hampers the sustainability of patenting those items and the weak protection really helps the free riders to earn a lot, but that really hampers the incentives to the patent owner.

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LAYOUT DESIGNS OF INTEGRATED CIRCUITS

- These are rights that protect semiconductor integrated circuits designs and products
- It includes transistors and other integrated circuit elements that are conjointly twisted on a semiconductor substance or an insulating material
- Devised to execute an electronic circuit purpose




So, layout designs of integrated circuits, these are rights that protect semi conductor integrated circuits designs and products. It includes transistors and other integrated circuits elements that are conjointly twisted on a semiconductor substance or an insulating material, the devised to execute and electronic circuit purpose. So, these types of integrated circuits are being used today in the electronic sector and electrical equipments.

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OBJECTIVES TO PROTECT LAYOUT-DESIGNS OF INTEGRATED CIRCUITS

- It offers protection to the innovator of the semiconductor integrated circuit layout designs
- To commercially exploit the layout design of integrated circuits
- Restrict the unfair use of layout designs





So, particularly the objective of product in such layout designs of integrated circuits is important because it offers the protection of the innovator of the semiconductor for the integrated circuits layout designs. To commercially exploit the layout designs of the integrated circuits and it restrict the unfair use of layout designs because when we are having the cut throat competition in international trade especially, in the electrical sector especially the electronic sector; we cannot really keep on allowing the free riders and unfair users to continue benefiting their firms without really having the restriction on the layout designers intellectual property because those intellectual property are having very high value in terms of their productivity.

So, all these circuits if it is pirated then the firm is really losing a very high economic value product and that really hampers their growth and their well being in future.

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TRADE SECRETS


- Trade secret may be a formula, blueprint, apparatus or collection of information that is used in the industry, and which confers a chance to obtain a comparative advantage over competitors
- It can be applied to protect valuable 'know-how' that grants business a comparative and competitive advantage over its rivals



So, the trade secrets the new types of a new type of Intellectual Property. It may be formula, it may be blueprint, apparatus collection of information that is used in the industry and which confers a chance to obtain a comparative advantage over competitors. So, it can be applied to protect valuable knowhow that grants business a comparative and competitive advantage over its rivals.


There must be a strong protection against infringement and other prudent acts, opposed to fear commercial practices for trade secrets and further undisclosed information that (Refer Time: 20:29) economic value apart from it rational steps must be taken to keep information undisclosed. Even the data that has submitted to the governments for approval in case of medicines or chemicals also need to be confined.

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TRADE SECRETS...

- There must be a strong protection against infringement and other fraudulent acts opposed to fair commercial practices for trade secrets and further undisclosed information that bears economic value
- Apart from it, rational steps must be taken to keep the information undisclosed
- Even, the data that has been submitted to the governments for approval in case of medicines or chemicals... also need to be confined



Some examples of trade secrets may be the sort of formula, consumers list, survey results and computer programs. The most sighted trade secret example is the example of from the Coco-Cola formula that is set aside protected in a bank, in Atlanta. The public has no access to the name of those employees and they are not allowed to fly on the same airplane.

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OBJECTIVES OF TRADE SECRETS PROTECTION


- Protection is required to shelter the secret know-how of a particular firm that specializes in the manufacturing or the production of specific goods
- This will ensure fair industry practices
- Incentivize the firm to continuously innovate new ideas that will bring new products in the markets



So, what is the objective behind such protection? The protection is required to shelter the secret knowhow of a particular firm that specializes in the manufacturing or the


protection of specific goods. This will really ensure the fair industry practice and incentivize the firms to continuously innovate new ideas that will bring new products in the markets.

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CONCLUDING OBSERVATIONS

- There are seven types of IPR and each has its own economic and commercial value
- IPR protection is required to incentivize the inventor/innovator by providing fair returns
- Consumer as well as producer surplus will be increased and will eventually lead to increase in the national as well as global welfare



So, to conclude the entire discussion we can just find here that there are seven types of intellectual property rights and every intellectual property rights has its own economic and commercial value, so whether it is copyright or the trademark.

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A man in a light blue shirt stands in front of a whiteboard. The whiteboard contains handwritten text and a diagram. The text on the whiteboard is:

Copyrights
Trade Mark
GI

Product
Consumer

Local Product

The diagram shows 'Copyrights', 'Trade Mark', and 'GI' on the left, with lines connecting them to 'Product' and 'Consumer' on the right. A box labeled 'Local Product' is at the bottom right, with an arrow pointing to it from the 'GI' text.

Or the geographical indication, we are finding that each intellectual property rights have its own economic value.

So, in case of copyright even after the death of the writer or the artist, the copyright protection is allowing that particular author to survive with their work even after the death. And there is a return economic incentive to their family members, even after the death of that writer and singer and musician. In case of trademark the particular identification of the mark is giving incentives to the consumer, in terms of getting the incentive in terms of getting the real product and giving the incentive to the producer in case of earning its economic value. So, trademark provides incentives to the producer as well as to the consumer. In case of geographical indication it protects the interest of the local in case of local product and locality of the product is saved for local identity of the product is protected through the GI registration.

So, we have seen in case of patent it gives a monopoly right to the patent owner, to survive with their product in the world and to get economic incentive, economic benefit from their product for many years. So, consumer as well as producers surplus will be increased. There is concept in economics of economics that concept is the consumer surplus and the producer surplus both these surplus can be achieved through the increased protection of the intellectual property and will eventually lead to the increase international as well as global welfare. As we have seen in our past lecture also that some of the developed countries such as United States is having a major share of their GDP through the intellectual property products.

So, a country like India or other country other developing country can also learn lessons from such examples and those success cannot be without a agreed value of intellectual property protection, I think with these different discussion on the types of intellectual property rights.

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The objective behind intellectual property rights, we are able to understand that how we have different type of intellectual property rights existing in the world today and different values and economic values are included in the protection of those intellectual property rights.

So, the objectives of protection of those intellectual property rights are not similar. It is different in nature. So, based on these experiences we can say that there is a need to protect the interest of intellectual property rights and such interest is important not only for the developed country, but also for the developing and least development countries. Because we are finding that in some cases, in some type of intellectual property such as geographical indications or in copyright or in some other sectors, we are finding that some of the developing countries and least developed countries are more advanced compare to the developed one.

But in case of patent, in case of trademark, in case of trade secrets, some of the developed countries are more advanced compare to the developing country and least developed country. So, we are finding the world is not having the equal platform in terms of intellectual property rights today. World is having very uneven base of intellectual property and very uneven conditions in terms of intellectual property products. So, we are not at the everyone is not at the same platform, but at the same time intellectual property rights allow you or the current set up of intellectual property rights governed by

the WTO or governed by the trade related intellectual property right system, we are finding that entire world is having a platform where they can really discuss their benefits and their laws.

They can really stop searching impingement and illegal or unfair practices of intellectual property rights because ultimate goal is to stop the free riders of intellectual property products and there was a time when many developing country uses to and many least developing countries including many developed country used to enjoy the benefit of free riding of intellectual property. But today we have realized that such freedom is now being challenged by many countries. In our further discussion, we will find out that how different disputes has been settled in WTO and how different disputes are coming up today, which is again one of the question for the very fair world of intellectual property rights.

In fact, we are having completely a very unfair world of intellectual property rights today and there is need to make it more fair use of intellectual property rights. I think these for the readings and some of the video will help you to understand the types of intellectual property rights and the objectives behind the protection of intellectual property.

Thank you.