

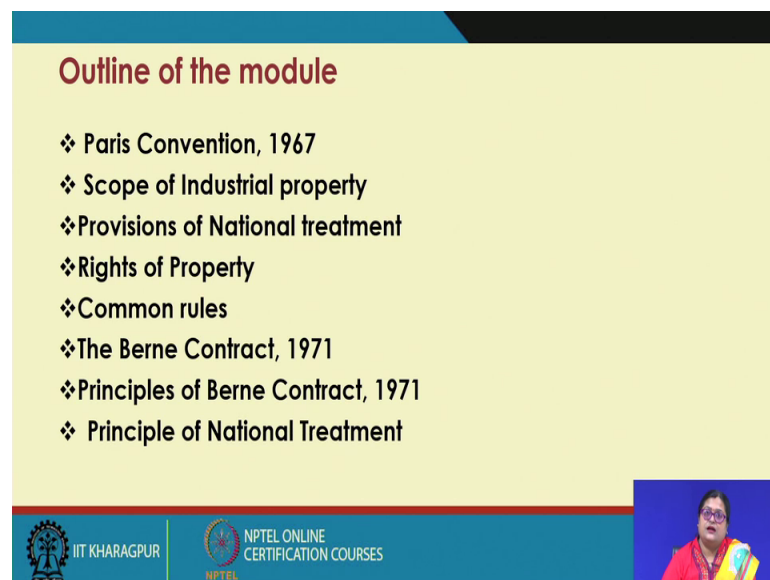
Ethics in Engineering Practice
Prof. Susmita Mukhopadhyay
Vinod Gupta School of Management
Indian Institute of Technology, Kharagpur

Lecture - 16

A brief on Paris Convention, 1967 & The Berne Contract, 1971

Welcome back. Today we will discuss in details about the brief convention Paris Convention 1967 and the Berne contract 1971. So, this we will be discussed in reference to the like WPIO website as it is mentioned over there.

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Outline of the module

- ❖ Paris Convention, 1967
- ❖ Scope of Industrial property
- ❖ Provisions of National treatment
- ❖ Rights of Property
- ❖ Common rules
- ❖ The Berne Contract, 1971
- ❖ Principles of Berne Contract, 1971
- ❖ Principle of National Treatment

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So, now we will go into the like out outline of today's module, which consist of, like the it discussion will be on Paris convention 1967, the scope of the industrial property, the provisions of national treatment, rights of property, common rules, the Berne contract 1971, the principles of the Berne contract 1971 and principles of national treatment

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Outline of the module

- ❖ Principle of "automatic" protection
- ❖ Principle of "independence" of protection
- ❖ Minimum Standards of Protection
- ❖ Common rules under Berne Contract, 1971

Source: The content for slides has been drawn from the Official website of WIPO (World Intellectual Property Organization) (<http://www.wipo.int/treaties/en/>)

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Then we will go for the principle of automatic protection, and principle of independence of protection. Minimum standards of protection and common rules under Berne; Berne contract 1971.

So, this content and the source of these slides have been from the official website of the WPIO, World Intellectual Property Organization, as you can see from here.

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Introduction

Paris Convention, 1967

It is one of the first; in a way intellectual property rights treaties which was signed in Paris, France on 20th March, 1883.

Its objective was to establish a union for protecting the industrial property. The provisions of the convention broadly fall into three main categories;

National treatment
Priority right and
Common rules.

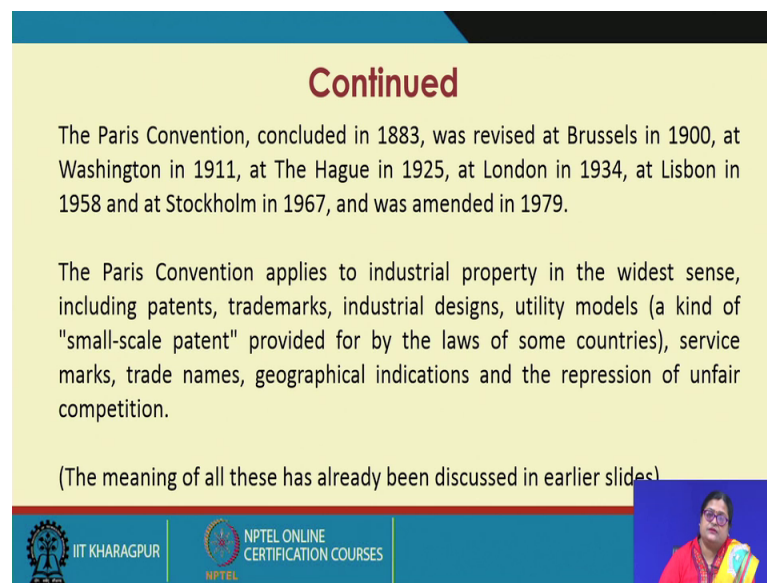
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So, we will start with a discussion with the what was the discussion in the Paris convention 1967 is that, it is one of the first in a way the intellectual property right

treaties which was signed in Paris France on twentieth march 1883. Its objective was to establish a union for protecting the industrial property, the provisions of the convention broadly fall into 3 main categories. The categories are national treatment, priority rights and, common rules.

Here we will visit all 3 of them.

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The Paris Convention, concluded in 1883, was revised at Brussels in 1900, at Washington in 1911, at The Hague in 1925, at London in 1934, at Lisbon in 1958 and at Stockholm in 1967, and was amended in 1979.

The Paris Convention applies to industrial property in the widest sense, including patents, trademarks, industrial designs, utility models (a kind of "small-scale patent" provided for by the laws of some countries), service marks, trade names, geographical indications and the repression of unfair competition.

(The meaning of all these has already been discussed in earlier slides)

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So, the Paris convention concluded in 1883 in and it was revised in Brussels in 1900, and Washington in 1911, in The Hague in 1925, at London in 1934, at Lisbon in 1958, at Stockholm in 1967, and was amended in 1979. The Paris convention applies to industrial property in the wider sense, including patents, trademarks, industrial designs, utility models, a kind of small scale patent provided for by the laws of some countries. Service marks trade names, geographical indications, and the repression of unfair competition.

In the previous 2 discussions we have already discussed about the terms mentioned over here in the slides. In today's discussion as we already discussed in the earlier 2 lectures, we will discuss in details about the provisions which would there in the Paris convention and the like that Berne in 1971.

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**Establishment of the Union; Scope of Industrial Property
(Article 1)**

(1) All the member countries to which convention applies constitute Union for protecting the industrial property.

(2) The protection of industrial property is applicable to patents, utility models, industrial designs, trademarks, service marks, trade names, indications of source or appellations of origin, and the repression of unfair competition.

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So, first we will discuss according to this convention, what is the establishment of the union and the scope of industrial property according to the article 1. So, all the member countries to which the convention applies constitute union for protecting the industrial property.

The protection of the industrial property is applicable to patents utility models, industrial designs, trademarks, service marks, trade names, indications of source or appellations of origin and the repression of unfair competition.

If we can connect all these were mentioned under intellectual property, acts and in trips under intellectual properties which are of industrial, like a property nature. So, this in this connection this discussion becomes very important.

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(3) Industrial property shall be understood in the broadest sense and shall apply not only to industry and commerce proper, but likewise to agricultural and extractive industries and to all manufactured or natural products, for example, wines, grain, tobacco leaf, fruit, cattle, minerals, mineral waters, beer, flowers, and flour.

(4) Patents shall include the various kinds of industrial patents recognized by the laws of the countries of the Union, such as patents of importation, patents of improvement, patents and certificates of addition, etc.

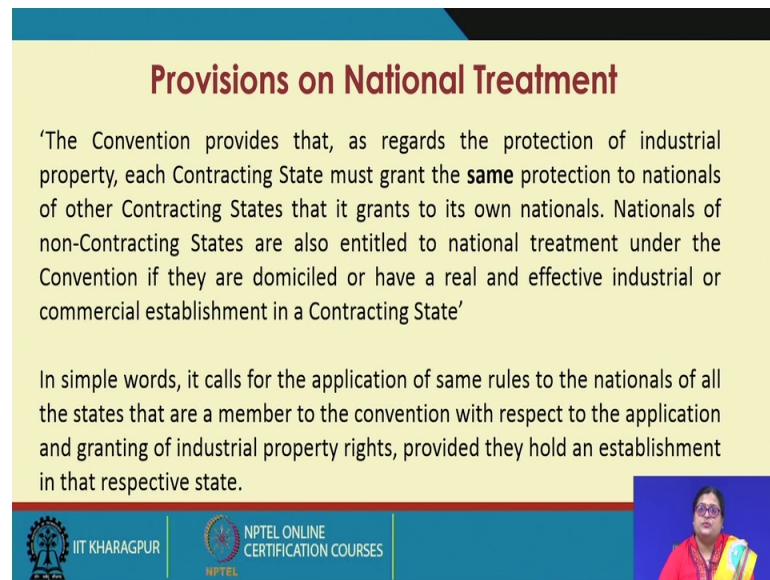
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Industrial property shall be understood in the broader sense and shall apply not only to industry and commerce proper, but likewise to agriculture and extractive industries and to all manufactured or natural products.

For example, wines, grains, tobacco leaf, fruit, cattle, minerals, mineral waters, beers, flowers and flower. So, what you see like even if you are talking of industrial property, it is the definition is very wide, and it gives coverage to almost, like the wide gamut of things starting from like manufactured products or natural products and like me to agricultural and extractive products also.

Patents shall include the various kinds of industrial patents recognized by the laws of the countries of the union, such as patents of importation, patents of improvement, patents and certifications of additions etcetera.

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Provisions on National Treatment

‘The Convention provides that, as regards the protection of industrial property, each Contracting State must grant the **same** protection to nationals of other Contracting States that it grants to its own nationals. Nationals of non-Contracting States are also entitled to national treatment under the Convention if they are domiciled or have a real and effective industrial or commercial establishment in a Contracting State’

In simple words, it calls for the application of same rules to the nationals of all the states that are a member to the convention with respect to the application and granting of industrial property rights, provided they hold an establishment in that respective state.

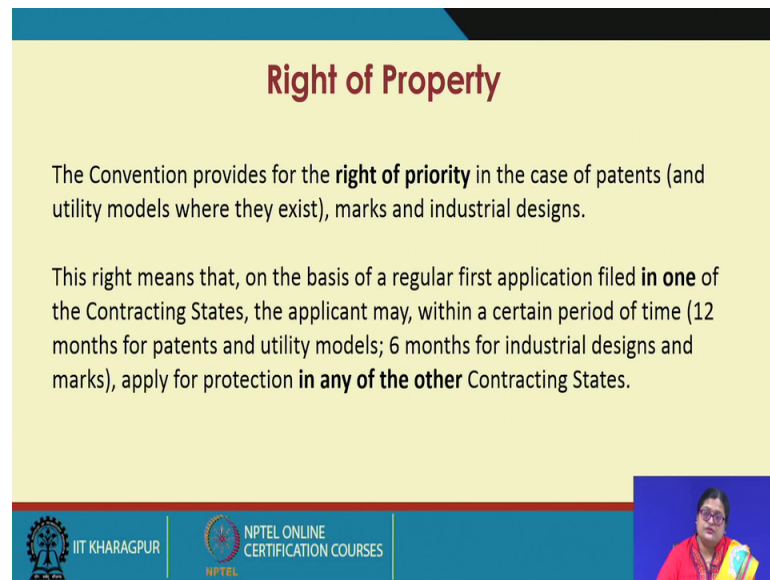
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What are the provisions of the national treatment? The convention provides that as regards the protection of industrial property, each constructing street must grant the same protection to nationals of other contracting states, that it grants to it is own nationals. Nationals of non-contracting states are also entitled to national treatment under the convention, if they are domiciled or have a real and effective industrial or commercial establishment in the contracting state.

So, it means in simple words; like, it words it calls for application of the same rules to the nationals of all the states that are a member of the convention with respect to the application and granting of industrial property rights, provided they hold an establishment in that respective state.

So, it talks of like equal treatment to everyone and not discriminating based on whether you belong to that country and contracting state or not.

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Right of Property

The Convention provides for the **right of priority** in the case of patents (and utility models where they exist), marks and industrial designs.

This right means that, on the basis of a regular first application filed **in one** of the Contracting States, the applicant may, within a certain period of time (12 months for patents and utility models; 6 months for industrial designs and marks), apply for protection **in any of the other** Contracting States.

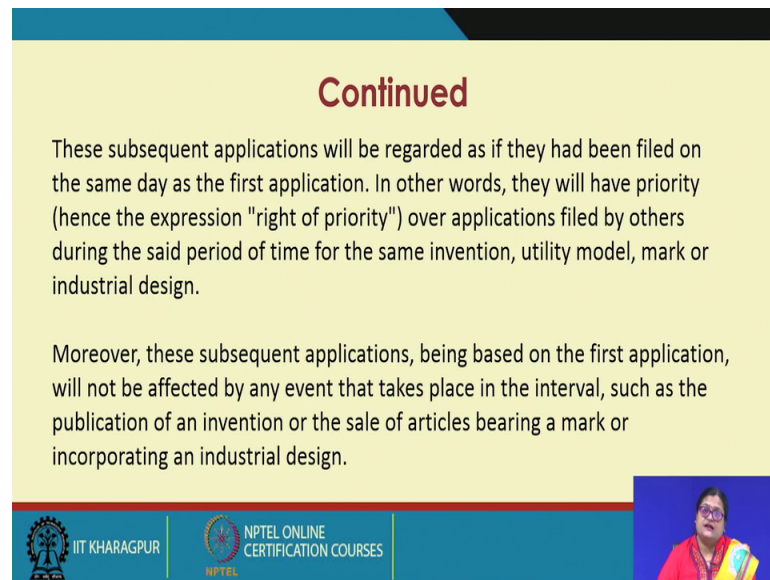
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Like equal treatment and equal opportunity given to everyone who has an establishment they are present in the contracting state.

Right to property or right of property; the convention provides for right of property in the case of patents and utility models where they exist marks and industrial designs. This right means that on the basis of a regular first application filed in one of the contracting states, the applicant may within a certain period of time 12 months for patents and utility models, 6 months for industrial design and marks apply for protection in any of the other contracting states.

So, with this right of property and this like opportunity for the person to within the 12 months for the filing of patents in one contracting state, or 6 months for industrial designs and marks, you are able to equally secure your right in other contracting states, gives you an immense opportunity so that you are get an equal treatment everywhere, and maybe nobody gets opportunity or encroaching on your rights.

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These subsequent applications will be regarded as if they had been filed on the same day as the first application. In other words, they will have priority (hence the expression "right of priority") over applications filed by others during the said period of time for the same invention, utility model, mark or industrial design.

Moreover, these subsequent applications, being based on the first application, will not be affected by any event that takes place in the interval, such as the publication of an invention or the sale of articles bearing a mark or incorporating an industrial design.

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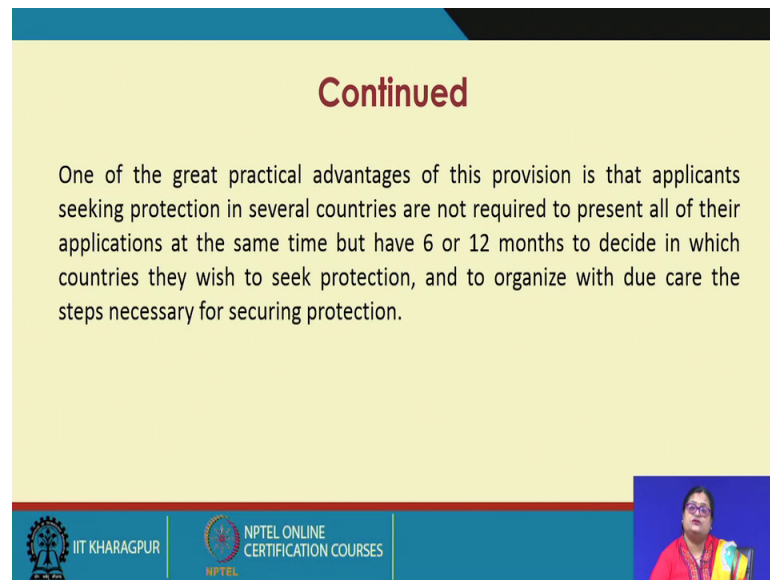
These subsequent applications will be regarded as if they had been filed on the same day as the first application. In other words, they will have priority as the expression right of priority over applications filed by others during the said period of time for the same invention utility model mark or industrial design.

Moreover, the subsequent applications being based in the first application will not be affected by any event that takes place in the interval, such as the publication of an invention or the sale of the articles bearing a mark or incorporating an industrial design.

So, this gives you like the again an immense opportunity, which talks of like even if situations have changed in between even if other like a other applications have come up with the same type, type of design or invention, but still your we will be given a priority, because you filed for the patent in one of the contracting state, and within 12 months or 6 months for industrial design, you are finding filing it for the next contracting states.

So, it will be given that advantage over there which is truly meaningful.

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One of the great practical advantages of this provision is that applicants seeking protection in several countries are not required to present all of their applications at the same time but have 6 or 12 months to decide in which countries they wish to seek protection, and to organize with due care the steps necessary for securing protection.

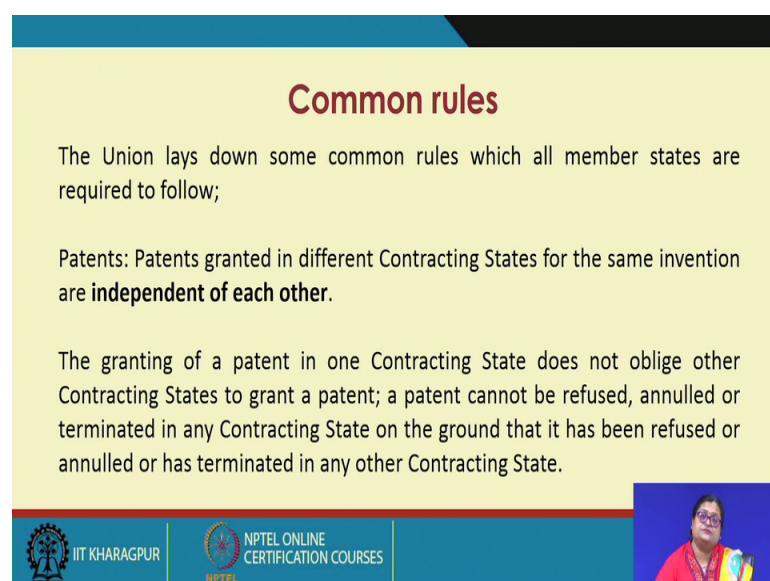
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Video inset: A woman in a red shirt speaking.

One of the great practical advantages of this provision is that applicant seeking protection in several countries are not required to present all of their applications at the same time, but have 6 to 12 months to decide in which countries they wish to seek protection and to organize with due care the steps necessary for securing protection.

So, it gives you a time to like, take a rational decision, work on a decision to find out like, where you are going to seek for the protection of your right.

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Common rules

The Union lays down some common rules which all member states are required to follow;

Patents: Patents granted in different Contracting States for the same invention are **independent of each other**.

The granting of a patent in one Contracting State does not oblige other Contracting States to grant a patent; a patent cannot be refused, annulled or terminated in any Contracting State on the ground that it has been refused or annulled or has terminated in any other Contracting State.

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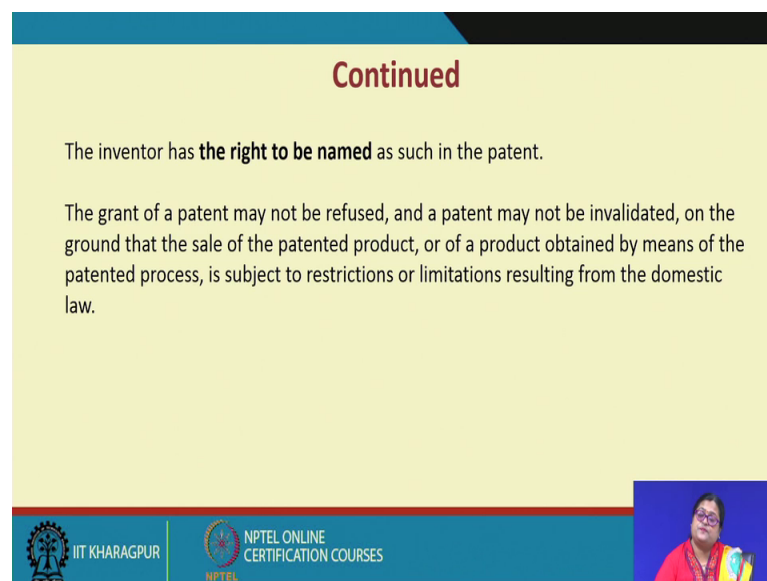
Video inset: A woman in a red shirt speaking.

Next we will discuss about the common rules. The union lays down some common rules which all member states are required to follow. Patents; patents granted in different contracting states for the same invention are independent of each other. The granting of a patent in one contracting state does not oblige other contracting states.

To grant a patent, a patent cannot be refused annulled or terminated in any contracting state on the ground that it has been refused or annulled or has been terminated in other contracting state. So, each contracting state can decide on whether to grant the patent or not to grant the patent right and. Like, if it has been refused or granted in one of the patent in one of the contracting state does not mean the same fate is awaited in other contracting states.

So, for the patents granted in different contracting states, but the same invention are independent of each other.

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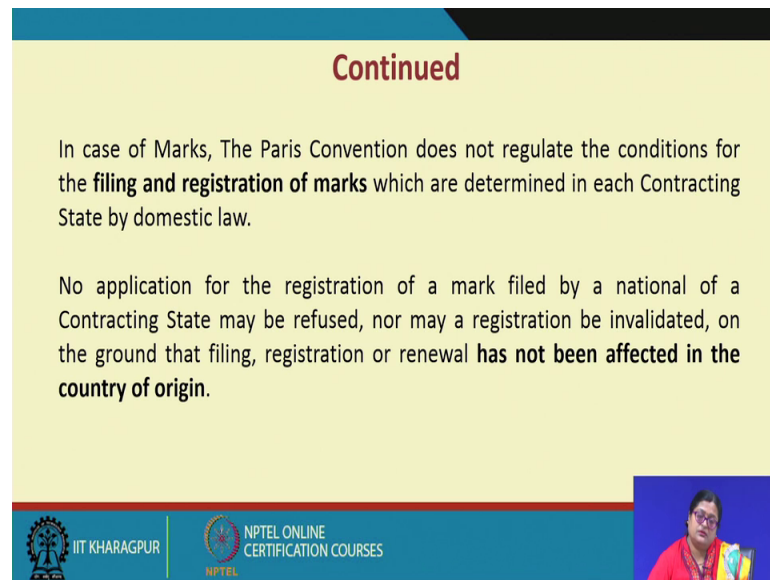
The inventor has **the right to be named** as such in the patent.

The grant of a patent may not be refused, and a patent may not be invalidated, on the ground that the sale of the patented product, or of a product obtained by means of the patented process, is subject to restrictions or limitations resulting from the domestic law.

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In case of Marks, The Paris Convention does not regulate the conditions for the **filing and registration of marks** which are determined in each Contracting State by domestic law.

No application for the registration of a mark filed by a national of a Contracting State may be refused, nor may a registration be invalidated, on the ground that filing, registration or renewal **has not been affected in the country of origin.**

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Video inset showing a person speaking.

In case of marks the Paris convention does not regulate the conditions for filing and registration of marks, which are determined in each contracting state by in domestic law. No application for the registration of a mark filed by a national of a contracting state may be refused nor may be a registration being invalidated on the ground that the filing or registration and renewal has not been affected in the country of origin.

So, these kind of protection that we get, helps us so, this is actually focusing on the due care this is actually focusing on the due care approach, which the convention has taken to take enough care and give enough space for the people to come up with inventions come up with new ideas and thoughts.

And so, that their ideas and the willingness to patent them is not, like threatened by the fact like what will happen if one in one contracting state it is rejected, what will happen if like it is not like within the maybe purview of the some of the domestic laws happening.

So, this protection this due care taken approach taken in the Paris convention, gives a lot of trust and it develops a lot of stability in the mind of the people to think freely about invention and good moving forward to patenting their ideas

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The registration of a mark obtained in one Contracting State is **independent** of its possible registration in any other country, including the country of origin; consequently, the lapse or annulment of the registration of a mark in one Contracting State will not affect the validity of the registration in other Contracting States.

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The registration of a mark obtained in one contracting state is independent of it is possible registration in any other country including the country of origin. Consequently, the lapse or annulment of a registration of a mark in one contracting state will not affect the validity of the registration in the other contracting states.

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In case of Industrial design:

Industrial designs must be protected in each Contracting State, and protection may not be forfeited on the ground that articles incorporating the design are not manufactured in that State.

Trade Names:

Protection must be granted to trade names in each Contracting State without there being an obligation to file or register the names.

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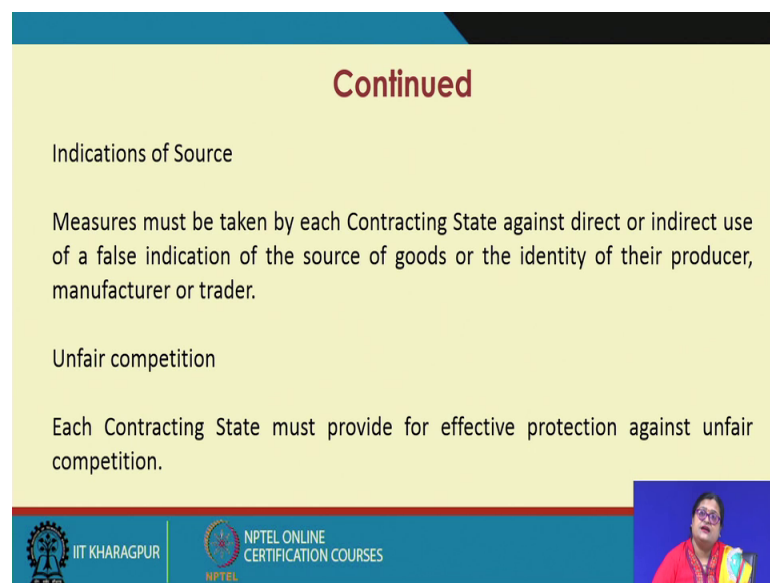


So, this kept independent of each other, because this we can understand sometimes some decisions or situation also, which may hold good for one country may not be applicable

for the other country. So, these provision keeps it is your scope open to file for a trademarks in different contracting states.

In case of industrial design, industrial designs must be protected in each contracting state, and protection may not be forfeited on the ground that articles incorporating the design and not manufactured in that state. Trade names; protection must be granted to trade names in each contracting state without there being an obligation to file or register the names.

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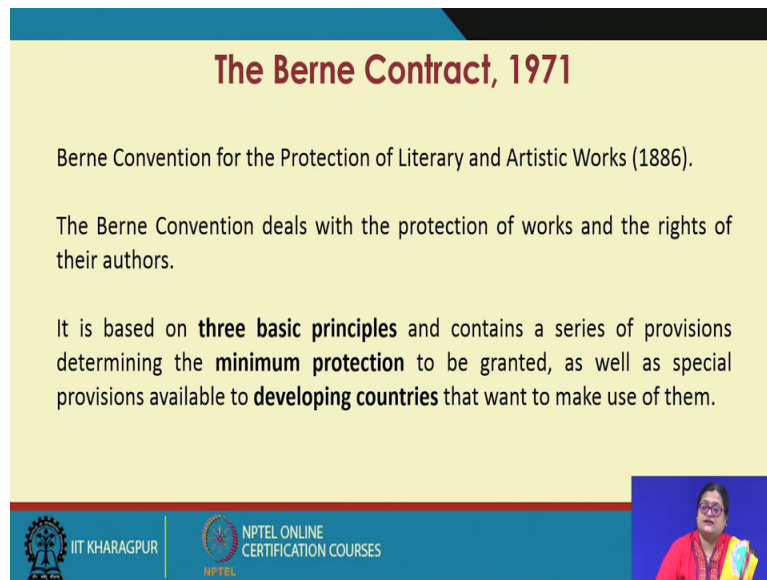


The slide is titled "Continued" in red text. It contains two main sections: "Indications of Source" and "Unfair competition". The text under "Indications of Source" states: "Measures must be taken by each Contracting State against direct or indirect use of a false indication of the source of goods or the identity of their producer, manufacturer or trader." The text under "Unfair competition" states: "Each Contracting State must provide for effective protection against unfair competition." The slide footer includes the IIT Kharagpur logo, the NPTEL logo, and the text "NPTEL ONLINE CERTIFICATION COURSES". A small video inset in the bottom right corner shows a woman in a red shirt.

Indications of source; measures must be taken by each contracting state is direct or indirect use of a false indication of the source of goods or the identity of their producer manufacturer or trader.

And fair competition, each contracting state must provide for effective protection against unfair competition.

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The Berne Contract, 1971

Berne Convention for the Protection of Literary and Artistic Works (1886).

The Berne Convention deals with the protection of works and the rights of their authors.

It is based on **three basic principles** and contains a series of provisions determining the **minimum protection** to be granted, as well as special provisions available to **developing countries** that want to make use of them.

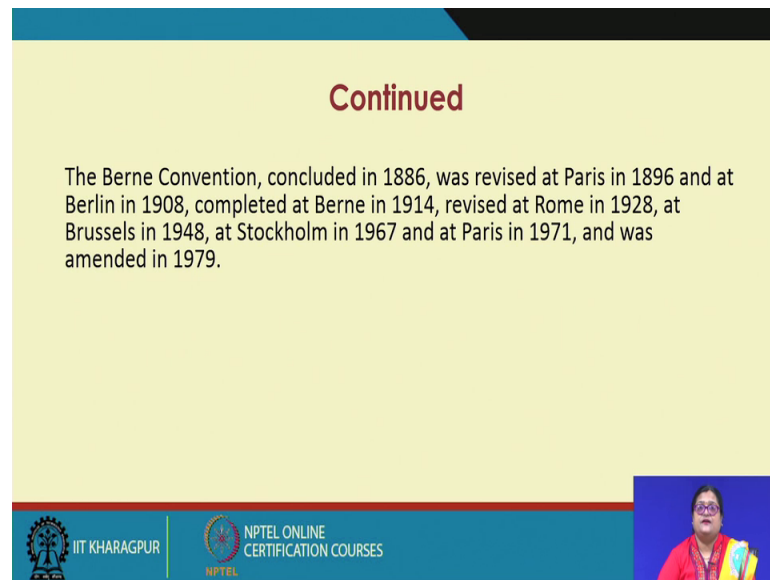
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Next we will discuss about the Berne contract of 1971 Berne convention for the protection of the literary and the artistic works in 1886.

The Berne convention deals with the protection of works and the rights of the authors. So, what we see over here? Like, if we can draw an analogy with the intellectual property rights and the 2 different types of rights we have seen one is about the industrial design property will like industrial designs. And other is for regarding like copyrights which is more of an intangible in terms of the protection an of the literary in artistic works which is more for the aesthetic type of things.

So, the Berne contract of 1971 deals with those kind of things, the second when you try future dealing like the copyright part. The Berne convention deals with the protection of the works and rights of their authors. It is based on 3 basic principles and contents a series of provisions for determining the minimum protection to be granted as well as special provisions available in developing countries that want to make use of them

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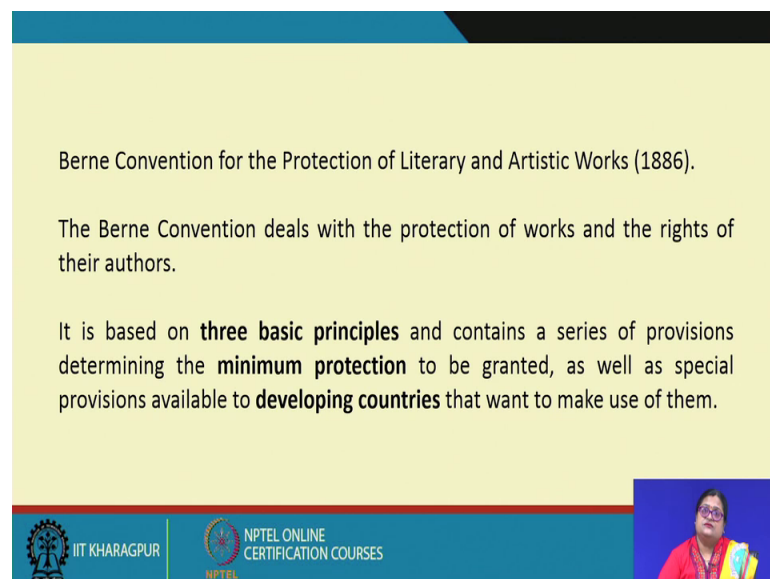
The Berne Convention, concluded in 1886, was revised at Paris in 1896 and at Berlin in 1908, completed at Berne in 1914, revised at Rome in 1928, at Brussels in 1948, at Stockholm in 1967 and at Paris in 1971, and was amended in 1979.

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The Berne convention concluded in 1886 was revised at Paris in 1896 and at Berlin in 1998 completed and Berne in a 1914 revised in Rome in 1928 and Brussels in 1948, at Stockholm in 1967, at Paris in 1971 and was amended in 1979.

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Berne Convention for the Protection of Literary and Artistic Works (1886).

The Berne Convention deals with the protection of works and the rights of their authors.

It is based on **three basic principles** and contains a series of provisions determining the **minimum protection** to be granted, as well as special provisions available to **developing countries** that want to make use of them.

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Berne convention is for the protection of literary and artistic works in 1886. So, it deals with the protection of the works and rights of their authors.

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Principles of Berne Contract, 1971

- A. Principle of National Treatment
- B. Principle of "automatic" protection
- C. Principle of "independence" of protection

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The principles of Berne contractor, the principle of national treatment, the principle of automatic protection the principle of independence of protection.

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Principle of National Treatment

Works originating in one of the Contracting States (that is, works the author of which is a national of such a State or works first published in such a State) must be given the same protection in each of the other Contracting States as the latter grants to the works of its own nationals (principle of "national treatment")

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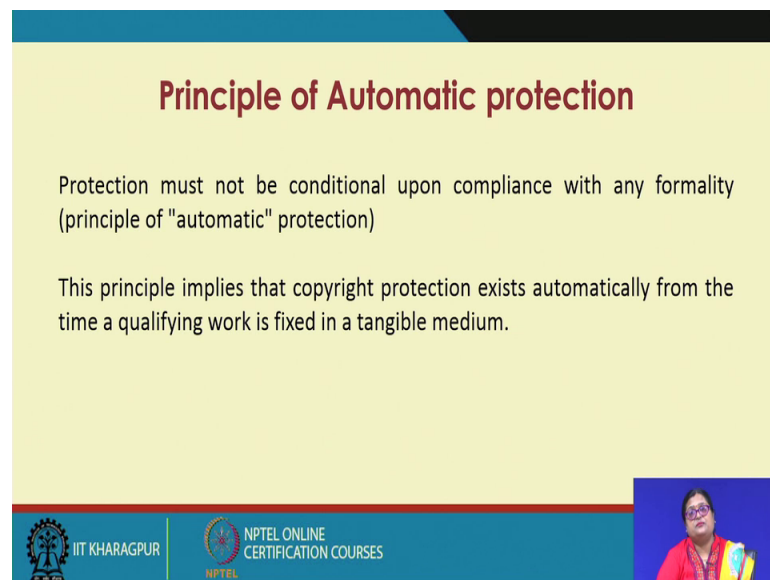
Principle of national treatment. Works originating in one of the contracting states, that is works the author of which is a nation is of national of such a state or a works first published in such a state, must be given the same protection in each of the other contracting states, as the latter grants to the works of it is own nationals like, principles of national treatment.

This is an important like, principle where we find the application of the rights and duties principle as we have discussed in the initial lectures. It is may be it looks into the duty of each of the contracting states to respect the rights of the authors of any works or artistic work maybe in another contracting state and to respect that right as we have would have done for their own nationals, and who have done some literary work in their own state.

So, because it is a duty to recognize and respect the right of the authors. And that is how they the authors can enjoy their rights of like having a protection, even if they are not within their contracting state and extending beyond it was.

So, the it is the mutual rights and the duty is perspective which is reflected over here.

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Principle of Automatic protection

Protection must not be conditional upon compliance with any formality
(principle of "automatic" protection)

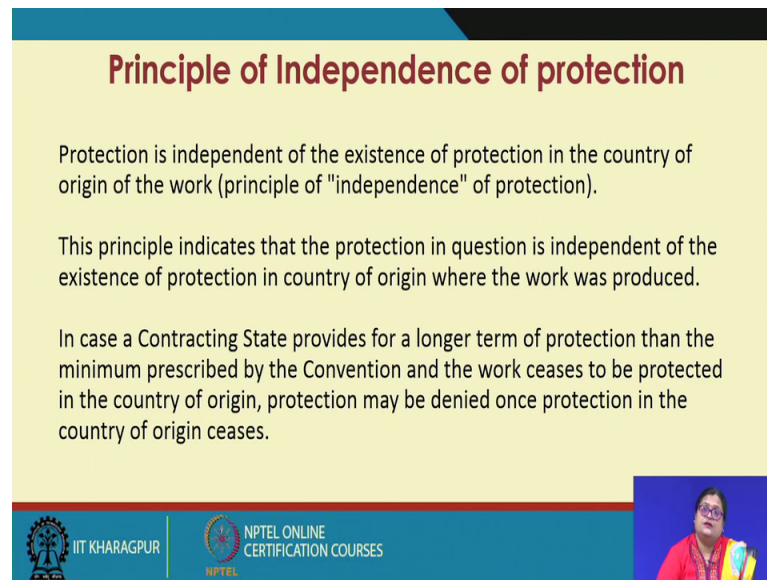
This principle implies that copyright protection exists automatically from the time a qualifying work is fixed in a tangible medium.

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Principle of automatic protection; protection must not be conditional upon complies with any formality. This principle implies that copyright protection exist automatically from the time a qualifying work is fixed in a tangible medium.

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Principle of Independence of protection

Protection is independent of the existence of protection in the country of origin of the work (principle of "independence" of protection).

This principle indicates that the protection in question is independent of the existence of protection in country of origin where the work was produced.

In case a Contracting State provides for a longer term of protection than the minimum prescribed by the Convention and the work ceases to be protected in the country of origin, protection may be denied once protection in the country of origin ceases.

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Principle of independence of protection. Protection is independent of the existence of the protection in the country of the origin of the work. This principle indicates that the protection in question is independent of the existence of protection in country of origin and the where the work was produced.

In case a contracting state provides for a longer term of protection, and the minimum prescribed by the convention and the work ceases to be protected in the country of origin. Protection may be denied once protection in the country of origin ceases.

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Minimum standards of protection

The minimum standards of protection relate to the works and rights to be protected, and the duration of the protection:

Works: the protection must include "every production in the literary, scientific and artistic domain, whatever may be the mode or form of its expression".

Exclusive rights recognized (subject to certain limitations/exceptions):

- the right to translate,
- the right to make adaptations and arrangements of the work,
- the right to perform in public dramatic, dramatic-musical and musical works,

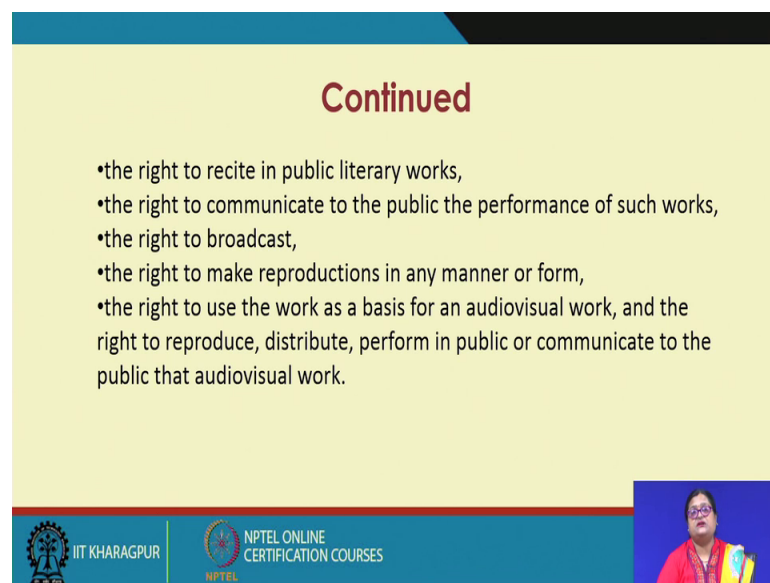
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Minimum standards of protection. The minimum standards of protection relate to the works and rights to be protected and the duration of protection.

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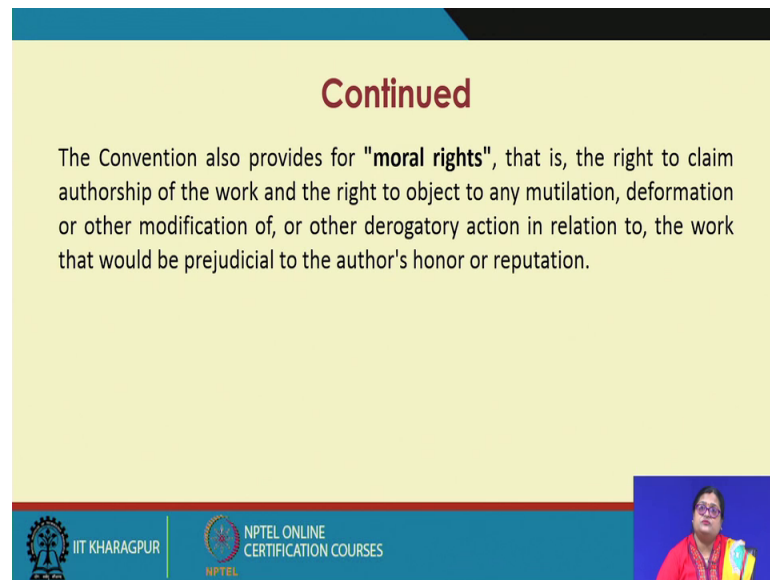
The slide is titled "Continued" in red text. It lists five rights of authors in a bulleted format:

- the right to recite in public literary works,
- the right to communicate to the public the performance of such works,
- the right to broadcast,
- the right to make reproductions in any manner or form,
- the right to use the work as a basis for an audiovisual work, and the right to reproduce, distribute, perform in public or communicate to the public that audiovisual work.

The slide footer includes the IIT Kharagpur logo, the NPTEL logo, and the text "NPTEL ONLINE CERTIFICATION COURSES". A small video inset in the bottom right corner shows a woman in a red shirt.

The right to recite in a public literary works. The right to communicate to the public the performance of such works, the right to broadcast, the right to make reproductions in any manner or form, the right to use the work as a basis for an audio-visual work, and the right to reproduce distribute perform in public or communicate to the public that audio-visual work.

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Continued

The Convention also provides for "**moral rights**", that is, the right to claim authorship of the work and the right to object to any mutilation, deformation or other modification of, or other derogatory action in relation to, the work that would be prejudicial to the author's honor or reputation.

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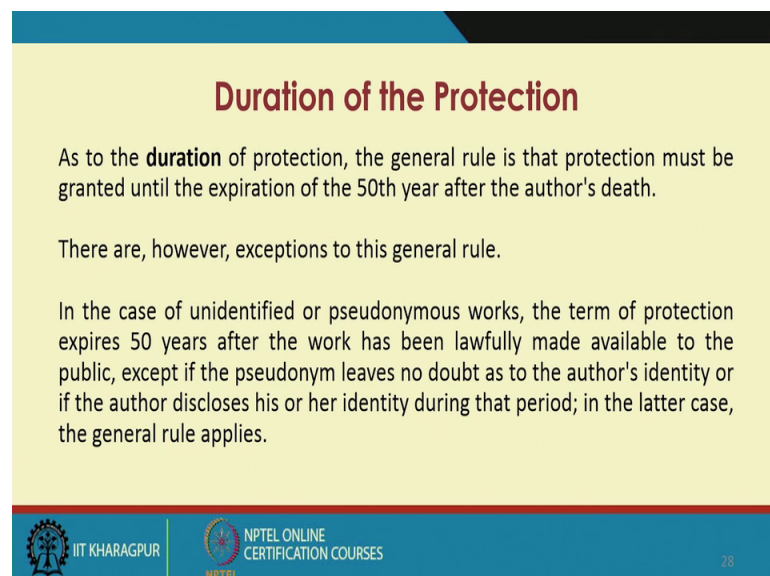
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The convention also provides for the moral rights, that is the right to claim authorship of the work and the right to object to any mutilation deformation and other modification of other derivative action in relation to the work, that would be prejudicial to the authors honour or refutation.

So, it talks of the right to claim authorship, and also the right to object and to protect against any mutilation deformation or other modification or other derivative reaction in relation to the work that would be prejudicial to the other authors honour or reputation.

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Duration of the Protection

As to the **duration** of protection, the general rule is that protection must be granted until the expiration of the 50th year after the author's death.

There are, however, exceptions to this general rule.

In the case of unidentified or pseudonymous works, the term of protection expires 50 years after the work has been lawfully made available to the public, except if the pseudonym leaves no doubt as to the author's identity or if the author discloses his or her identity during that period; in the latter case, the general rule applies.

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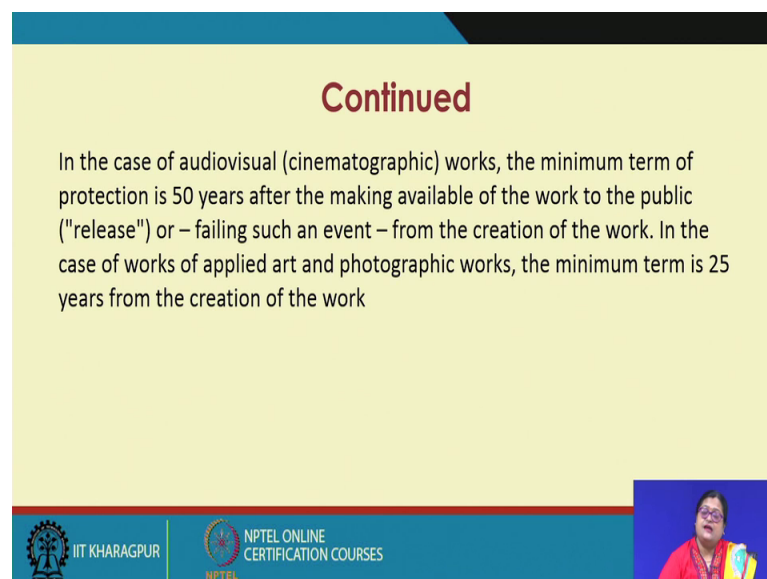
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Now very important part of discussion is about the duration of protection. In the earlier discussions also we have seen like if copyright there has to be a balance between copyright granted and the time for what it is granted. So, what is the time frame for which it is granted for what like things type of things copyright can be granted and all.

So, here in this discussion the duration of the protection is also very important. And let us see what this Berne contract tells about the duration. As we see, as the duration of the protection the general rule is that, the protection must be granted until the expiration of the 50th year after the authors death.

There are however, exception to this general rule. In the case of undefined or pseudonymous work, the term of protection expires 50 years after the work has been lawfully made available to the public; except, if the pseudonym leaves no doubt as to the authors identity or if the author discloses his or her identity during that period. In the latter case the general rule applies.

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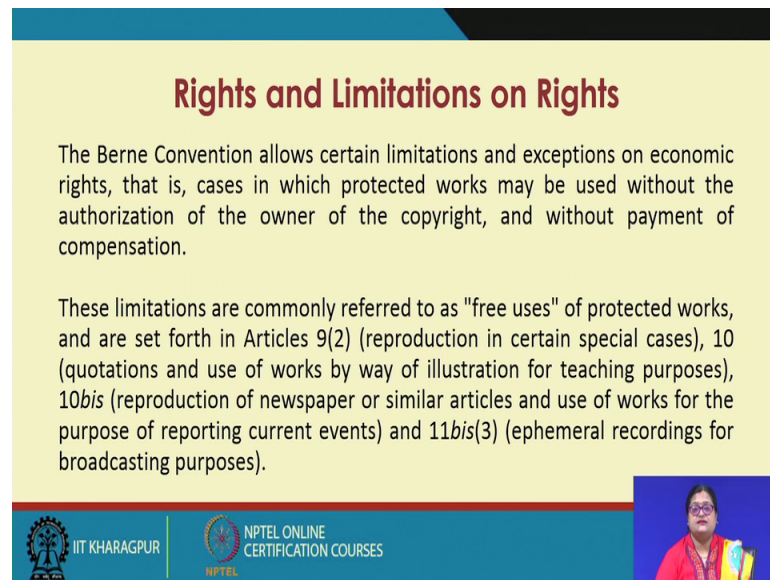
In the case of audiovisual (cinematographic) works, the minimum term of protection is 50 years after the making available of the work to the public ("release") or – failing such an event – from the creation of the work. In the case of works of applied art and photographic works, the minimum term is 25 years from the creation of the work

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In the case of audio visual or cinematographic works, the minimum term of protection is 50 years after the making available of the work to the public or release or feeling such an event from the creation of the work. In the case of works of applied art and photographic works, the minimum term is 25 years from the creation of the work.

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Rights and Limitations on Rights

The Berne Convention allows certain limitations and exceptions on economic rights, that is, cases in which protected works may be used without the authorization of the owner of the copyright, and without payment of compensation.

These limitations are commonly referred to as "free uses" of protected works, and are set forth in Articles 9(2) (reproduction in certain special cases), 10 (quotations and use of works by way of illustration for teaching purposes), 10*bis* (reproduction of newspaper or similar articles and use of works for the purpose of reporting current events) and 11*bis*(3) (ephemeral recordings for broadcasting purposes).

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What are there rights and limitations on the rights this is also an important part of discussion as we need to understand it is one side again it is having the right, and the other side it is also balancing about it.

So, other people also get an opportunity to work on similar nature of things. The Berne convention allows certain limitations and exceptions and economic rights, that is cases in which protection works may be used without the authorization of the owner of the copyright, and without payment of compensation.

These limitations are commonly referred to as free uses of protected works, and are set forth in articles 9 section 2 reproduction in certain special cases. 10, quotations and use of works by way of illustration for teaching purposes like, then 10 b it is the reproduction of newspaper or similar articles and use of works for that purpose of reporting of current events. And 11 b that is ephemeral recordings were broadcasting purposes.

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The Appendix to the Paris Act of the Convention also permits developing countries to implement non-voluntary licenses for translation and reproduction of works in certain cases, in connection with educational activities. In these cases, the described use is allowed without the authorization of the right holder, subject to the payment of remuneration to be fixed by the law.

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The appendix to the Paris act the convention also permits developing countries to implement non voluntary licences for translation and reproduction of the work in certain cases in connection with educational activities. In these cases, the desired use the described uses allowed without the authorization of the right holder, subject to the payment of remuneration to be fixed by the law. So, this we see this appendix to the a Paris act.

It allows like more research to happen rethinking to be happen on particularly literary work, which is already there and referring to it them stating it in the translations and mentioning it in part of a literary work. This encourage is more discussion revaluation of the literary work which ultimately enriches it and it is very important for like, enriching a particular domain.

So, the provision in this appendix to the Paris act helps us to reach that objective. The Berne union has an assembly and an executive committee. Every country that is a member of the union and has added to it at least the administrative and the final provisions of the Stockholm act is the member of the assembly.

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Continued

The Berne Union has an Assembly and an Executive Committee. Every country that is a member of the Union and has adhered to at least the administrative and final provisions of the Stockholm Act is a member of the Assembly. The members of the Executive Committee are elected from among the members of the Union, except for Switzerland, which is a member *ex officio*.

Under the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement), the principles of national treatment, automatic protection and independence of protection also bind those World Trade Organization (WTO) Members not party to the Berne Convention.

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The members of the executive committee are elected from among the members of the union except for Switzerland which is the member *ex officio*.

Under the agreement on trade related aspects of intellectual property rights trips agreement, the principles of national treatment automatic protection and independence of protection also binding those WTO members not party to the Berne convention.

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In addition, the TRIPS Agreement imposes an obligation of "most-favored-nation treatment", under which advantages accorded by a WTO Member to the nationals of any other country must also be accorded to the nationals of all WTO Members. It is to be noted that the possibility of delayed application of the TRIPS Agreement does not apply to national treatment and most-favored obligations.

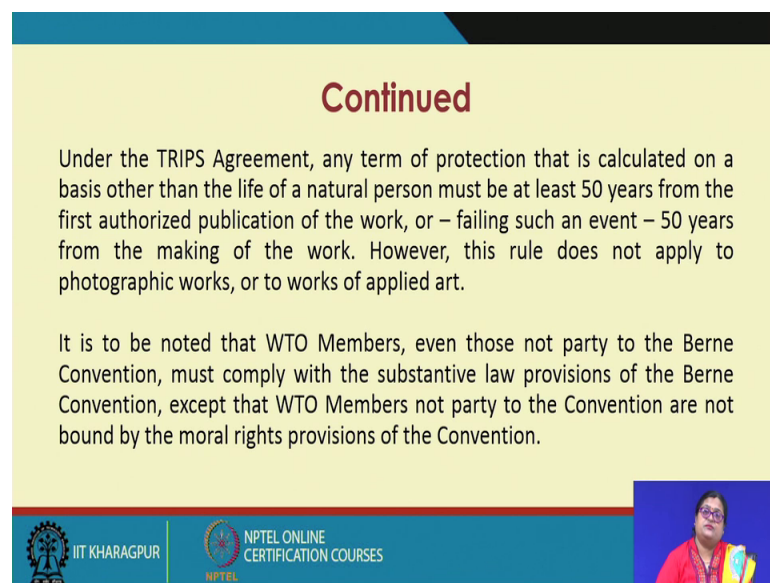
Under the TRIPS Agreement, an exclusive right of rental must be recognized in respect of computer programs and, under certain conditions, audiovisual works.

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In addition, the TRIPS agreement imposes an obligation of most favored nation treatment under which advantages accorded by a WTO member to the nationals of any other country must also be accorded to the nationals of all WTO members.

This is to be noted that the possibility of delayed application of the TRIPS agreement does not apply to national treatment and most favoured obligation. Under the TRIPS agreement an exclusive right of rental must be recognized in respect of computer programs, and under certain conditions audio-visual work.

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Under the TRIPS Agreement, any term of protection that is calculated on a basis other than the life of a natural person must be at least 50 years from the first authorized publication of the work, or – failing such an event – 50 years from the making of the work. However, this rule does not apply to photographic works, or to works of applied art.

It is to be noted that WTO Members, even those not party to the Berne Convention, must comply with the substantive law provisions of the Berne Convention, except that WTO Members not party to the Convention are not bound by the moral rights provisions of the Convention.

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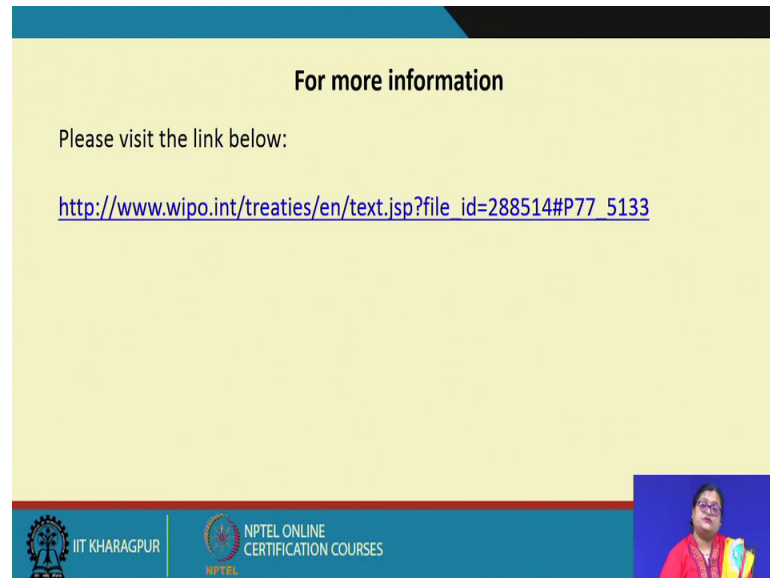
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It is to be noted that the WTO members even those not party to the Berne convention must comply with the substantive law provisions of the Berne convention; except that WTO members not party to the convention are not bound by the moral rights in provisions of that convention.

So, here we find like this convention this contract and also in that with respect to TRIPS. There are certain points which I come on which are applicable to all, and there are

certain restrictions and also correspondingly there are certain relaxations also as for whether you were party to that convention we were member to the convention or not.

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. So, the details of this information can be more details can be found out in this website. Here in this lecture we have tried to sensitize about the Berne contract and the Paris convention and it is relationship, to trips like, what are the common points where they come together, what are the parts of life where they are diverging from each other, what are the relaxation given to non-member countries and like what are the common points which needs to be followed by everyone whether you are a member country or not.

As a totality it helps in the protection of the intellectual property of the like individual or the, for the products which are designed all for all for the copyrights for when you talking of in terms of maybe goods or services, and artistic works event. This is important for the engineers to know about it. Again, like when you are there thinking of some prototype building model building coming up with designs, and then if they want to protect it so that from getting copied by others and want to be like financially gaining from it.

The knowledge of this part of patents, then in protection of trademarks protection of industrial designs in copyrights, becomes very relevant for them.

And if they have to like, due this you know larger range where maybe different nations will is where they are aiming for a greater scope and reach then of course, other countries are going to get included in it.

And in that case they need to understand the provisions of these conventions so that their rights can be protected in all the contracting states. And as a result the, they can like get their rights protected in the all the contracting states.

And also like, the others who want to start, who were started late or who wants to improve on the earlier designs, they also get to understand, what are the scope, and what are the provisions for them so that in spite of having the fact like, somebody must we have holding a patent of something. Somebody must be having a copyright of something.

Then what is the opportunity present for the new entrants, who want to improve on that or who want to research on that, and add value to it or do something different?

Thank you. In the next class we will discuss about the ethical issues related to computers and the other digital world.

Thank you.