

ROADMAP FOR PATENT CREATION

WHAT IS IPR?

LECTURE 03

A warm welcome to the topic 3 of the week of the course, Roadmap for patent creation

Today we will see “What is IPR?” in the previous module, we learnt about the property and Intellectual Property and what are the similarities and differences between them. We are now also aware about what are the different rights of the owner of the property In this session, we will try to understand what are Intellectual Property Rights. As this module will cover various terminologies, for the ease of understanding of the subject we have divided this module in part I and part II So here we go. As discussed in earlier module

“Intellectual properties are the **creation of mind** such as inventions, literary and artistic works, and symbols, names, images, and designs used in commerce.”

the above-mentioned sentence depicts various creations of mind such as

1. Inventions
2. Literary and artistic works
3. Symbols, names, images
4. Designs

And the other important word mentioned is ...commerce, So, you might have guessed now that there might be different types of intellectual property which can protect these different creations and these are useful in commerce.... Your guess is correct.... Different types of intellectual property are used in business to create wealth... Remember, high-quality IP will create more and more wealth... Also, please note, generally, any IP is created for wealth generation or strategic benefit Rather with reference to patent it is mandatory as per Indian Patents Act to declare the working of the patent..

Please check this example of how a patent is used to create wealth (Patent - wealth creation video). Coming back to what is IPR These are Rights gained over creation of

intellect These Rights over property are result of intellectual effort These IPR provides Exclusive rights so, what are the types of IPR

As per classification of property.... We have seen that; the property is divided into two main types as

tangible and Intangible We have seen in details in earlier module what is tangible and intangible... Right?

This tangible property can be further divided into movable and immovable properties. So, for example movable property will be car, jeweler, bicycle, railway etc.

And immovable will be house or bungalow, or college building or bridges etc. Intellectual property is type of intangible property. As per another classification basis, we can classify Intangible assets into Intellectual Property and Intellectual capital. For this course, we will focus only on intellectual Property. However, we will see. very briefly. what is intellectual capital ...We are constantly saying that India is very rich in intellectual capital so what do you mean by this intellectual capital....This intellectual capital is divided into three subtypes: human capital, relational capital, and structural capital. Along with these three capitals that is human, relational and structural capital; cognitive capital, conative capital, and affective capital are the parts of the intellectual capital. cognitive capital, conative capital, and affective capital...and human, relational and structural capital; These six forms of intellectual capital together make up the innovation capital of an organization. Innovation capital is responsible for creation...creation includes innovations and inventions. So intellectual capital is human, relational and structural capital and cognitive, conative, and affective capital they form innovation capital

So next question is What is Human capital, Relational capital, Structural capital, Cognitive capital, Conative capital, Affective capital we will not go in the technical details although we will try to understand these terminologies by an example So, take any example of organization...say the school in which you are learning or a college or organization in which you are working ... So, what is human capital of your college or school all students, teachers, nonteaching staff etc. they form human capital What is Relational capital ... relational capital of your college will include vendors, suppliers, any collaborations with other organizations etc. So, you can add up in this list.... now Next is Structural capital...this includes the infrastructure of your college or school So, these three are major types of intellectual capital.... now

The next important is Cognitive capital. don't get bothered by these terminologies Just try to understand the concept.....So cognitive capitalit is the mental action or process of acquiring knowledge and understanding through thought, experience, and the senses I repeat Conative capital is any natural tendency, impulse, striving, or directed effort. Affective capital is related to your moods, feelings, and attitudes. to understand these last three capitals. That is cognitive, conative and affective We will take example say Volkswagen Have you seen its advertisement...a commercial of Volkswagen? In this you might have seen A scientist feeling nostalgic when the car moves out from the factory... So, this is affective capital. a feeling for that creation This feeling. it is affective capital

Let us have a look at that commercial. Volkswagen advertisement Then what is cognitive capital here Scientists have put their thinking reasoning to develop this car model that is cognitive capital and Many times, during development process of the car, they might have taken decisions based on their intuition...correct? off course that intuition is based on their knowledge in that subject so that is conative capital So, these three conative, cognitive and affective and then human, structural and relational all together forms innovation capital

This innovation capital creates invention or innovation...or any other type of creation...Ok so now these two terms innovation and invention what do you understand by innovation and invention? Both are same or they are different? Please find out You can google if you are not knowing the answer... Yes...innovation and invention... These are two different terms having different meaning ...But for both you can get patent ...The innovation and inventions are necessary to generate a patent....in turn to generate wealth So, this is intellectual capital Which creates intellectual property But before that do you found out meaning of innovation and invention? Take your time.... Now we will see in detail various types on intellectual property

Many times, we see people use the words patent, copyright industrial design and so Are these terms same or different...? Definitely different... However, sometimes in newspaper you see the reporter have used these terms interchangeably. Actually, such use of words without understanding the meaning is disturbing.... you see many people use word copyright to patent, patent to design and so on.... So please concentrate now...We will see the differences in all these types....So, you can correct such mistakes if anyone is doing...The

first broader classification of intellectual property is industrial property and copyright and related rights Industrial Property includes patents, trademarks, industrial designs and geographical indications mainly Copyright covers literary works (such as novels, poems and plays), films, music, and artistic works (e.g., drawings, paintings, photographs and sculptures) and architectural design. Rights related to copyright include those of performing artists in their performances, broadcasters in their radio and television programs So copyright and related rights

Related rights are

1. Performers right
2. Broadcasting rights

Copyright and related rights itself is very vast subject. And it is very important mainly for film industry, publishing industry ...We are not going in details of it here Then industrial property This is divided into as earlier said...patent, industrial design trademarks and geographical indications.... Patent is further divided into product patent and process patent In India we don't have utility patentOnly product and process patent. two types. we are learning in further modules details of patent...another huge IP area.... Then comes trademark... You have heard brand names... Say TATA, reliance, Bombay dyeing, Patanjali, Maul... With single word you appreciate certain things.... TATA when we say we immediately remember some unique qualities Reliance ...immediately some framework comes in mind Bombay dyeing immediately quality bedsheets you remember Patanjali. immediately you remember Patanjali toothpaste or like Maul. only one word immediately you think of Gujrat and milk ...right....

So, this is trademark ...a single logo, name sign ...symbol.... represents a business. There are various types of trademark and again a very important vast IP subject... Next IP is industrial design... Can you see the car design here ...? Just check what picture comes if I say Mercedes Benz car.... A special design Bisle bottle again a special design A dove shampoo bottle a specific design Thus, with these names some design comes in front of your eyes.... this is what the industrial design is... Again, one more type of IP....IN India we say industrial design in USA there is design patent we are not going in these details here ... Next is geographical indication

So, suppose now I say Tirupati ado, derailing tea, Kolhapur chappal, regular what happened? A particular region you immediately remembered right? The unique qualities

due to geographical location.... Geographical indication of goods is another type of IP...India is rich in GI.... which we can leverage for wealth creation... So, patent trademark industrial design and geographical indication are major industrial properties.... then there is semiconductor layout of design. another type of intellectual property... Then trade secret. a very important aspect of business...we are considering it under intellectual property here although there is no any dedicated Act for its protection...as it is secret ...a trade secret....

So, you know many times in small businesses also the owner keeps something related to business very secret only he or a few members know that particular thing... especially in family businesses ... this something which is kept secret to run the business in unique way is the trade secret.... Again, this is another vast area of IP....

So, in this classification we are considering patent, trademark, industrial design, geographical indication, semiconductor layout design and trade secret under industrial property.... The next type of IP is related to plants and farmer's right a separate act is enacted to protect this ...another type of IP that protection of plant varieties and farmers right Traditional knowledge is again an important are We are rich in traditional knowledge ...a knowledge which is transferred from one generation to other Again, A vast subject So, these are the various types of IP... so there are 8 types of IP with reference to traditional knowledge, some research scholar considers it separate domain some consider it in IP....So, we will follow a classification as shared here as intellectual property Classified into two industrial property and copyright and related rights...1 type Industrial property include patent, trademark, industrial design, geographical indication, semiconductor layout design and trade secret...6 types

Then protection of plant varieties and farmers right. 1 type thus total 8 types and then a traditional knowledge Various acts are enacted in India to protect these intellectual creations...These are

Patents Act, 1970 Copyright Act, 1957 Trademarks Act, 1999 Designs Act, 2000 Geographical Indication of Goods (Registration and Protection) Act, 1999 Protection of Plant Varieties and Farmers' Right Act, 2001 Semiconductor integrated circuits layout- Design Act, 2000 and Biological Diversity Act, 2002, again a very important Act Now we know the details about intellectual property Ok So tangible property and intangible property what is the status of percentage of tangible property and intangible property in any organization? Here it is

In 1980 scenario was 80 percent of an organization assets were tangible assets and now... we mentioned earlier we are in knowledge economy can you guess what is the percentage now here it is now it is reverse 80 % or more are intangible assets and only 20 % tangible assets so, coca cola, Kellogg's have 95 % intangible assets IBM is having 92 % And Microsoft 88 % You can appreciate the shift and importance of IP So again, check this classification Industrial property and copyright and related rights Now a few more clarifications this is the classification of IP India....in other countries this classification may different So, in USA there is plant patent ...so such difference and a few more such variations we will see in upcoming modules So, in India these are the types of IPR..... We are concentrating here only on one type that is patent

Now you can appreciate how vast is the subject...these are the just types I have mentioned the objective is that henceforth when you will use terms patent or copyright you will appreciate a difference among these types.... Moving further,

Mainly there are seven types of Intellectual Property; Patent, Copyright, Trademark, Geographical Indication, Trade Secret, Layout Design of IC and Plan Verities. Apart from this, we have traditional knowledge which is also considered as an Intellectual Property. Other than this classification, we have a separate head that is industrial property under which those intellectual properties which have some application in industry fall. The major IPs are Patent, Trademark, Industrial Design of IC and Trade Secret.

All these intellectual properties possess great commercial value in the market. This can be understood by the fact that there are many infringements and passing off cases filed in the courts. Another example to understand the importance of these IP is through an interesting case of "Rosogulla" which is related to the Geographical Indication (2-3 minutes video, focusing mainly on the facts of the case and why the case was filed i.e. to gain commercial benefit from the manufacturing of Rosogulla)

I hope you enjoyed the case. Further, Patent is classified in three categories namely; Product, Process and Utility. India allows product and process patent but do not allow process patent. There are four types of Trademarks: Service mark; Certificate Marks; Collective marks and Well-known marks. Next, we need to know various acts and laws governing the protection of the Intellectual Properties. The basic acts and laws which

protect the intellectual property in India are: Patent Act, 1970 which protects inventions Copyright Act, 1957 that protects art, literature works, dramatic works, cinematographic works etc. Brand names, logo is protected by Trademarks Act, 1999 Designs act, 2000 protects the design of anything which is original Geographical Indication of goods (registration and Protection) Act, 1999 is for the protection of manufactured, produced or naturally occurring things which is associated to a particular place.

And further we have: Protection of Plant Varieties and farmer's Right Act, 2001 Semiconductor and Integrated circuit layout- Design Act, 2000 And at lastly Biological Diversity Act, 2002 Before proceeding further, it is to understand the importance of tangible and intangible assets. This can be understood with the help of this table which shows the profit earned by big companies using their intangible assets. Coca- Cola and Kellogg's have 95% of market capitalization using intangible assets. IBM have 92% of intangibles to market capitalization. Pfizer has 91%; Disney 90%; American Express 89%. Microsoft and Telstar have 88% of market capitalization in intangibles. Exxon has 75% and Nike has 72%

This data clearly shows how important tangibles have become in this competitive world. Now you can appreciate how vast is the subject...these are the just types I have mentionedthe objective is that henceforth when you will use terms patent or copyright you will appreciate a differences among these types.... So with this we to an end of this module ..types of IPR.... Next module is completely dedicated to cover what are the future upcoming areas related to IP ...you will be surprised with these new areas and complexity and coverage of the subjectIPR ... See you in the next module....

Thank you

