

IP Management and Technology Transfer
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Lecture - 09
Types of IP- GI and Trade Secret

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A very warm welcome in the 4th module of week 2 of the course, Intellectual Property Management and Technology Transfer titled, Geographical indication, Traditional knowledge and Trade secret. So, in this module we are focusing on three important intellectual property types that is geographical indication, trade secret and a traditional knowledge. We have already dealt with patent, trademark, copyright, industrial design, semiconductor integrated circuit layout design.

Now, we will focus on the geographical indication, trade secret and a traditional knowledge. Now, when we are talking about these three different types of IP, I should clarify that traditional knowledge as we have discussed in one of the session, we cannot consider it as a type of IP, but different traditional knowledge may be folklore or may be some medicinal knowledge or may be some other cultural activities.

They may be that all activities may be protect by some or the other type of a intellectual property type. So, now, where the major two types like a geographical indication and trade secret and along with that we are just giving you a little bit glimpses about a traditional knowledge. So, let us move and focus first on the geographical indication.

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Now, as a background as a name suggest it is a geographical indication. So, it is like a indicating geography, if I want to split that word that is a geographical indication, we can say

that it is indicating a geography. And we if I want to give you few examples, probably you can relate it more easily that if I say, Kanchipuram saree or if I say, Pashmina shawl or Chanderi saree, Kolhapuri chappal Solapuri chadar or rasgulla or Tirupati- ladoo.

So, whatever name I am taking, immediately you are relating it with a particular geography. So, that is what the geographical indication is. It is a (Refer Time: 02:48) system, you already know that particular thing and we have enacted this act to protect the particular specialty or a specific quality products of a particular region in the country.

Now, when we are talking about this geographical indication, you can just check here, that why this system is created or what is the reason behind that. So, it is for like as you can say promote a products commercially, that is a local products are there. So, you can protect it commercially then you can see that there is a generation of wealth so, for example, if I take example of a Darjeeling tea.

Now, you can just say that Darjeeling tea is so, popular in the world and particular area in that you can say that India, there is a Darjeeling area, which is producing that particular tea obviously, that economy of that particular region is completely changed because of this geographical indication. So, generate wealth definitely then there is a economic value, then there is a something related to counterfeit. Counterfeit word mostly we use in a trademark actually.

And if we have that particular geographical indication, when for example, if I want to explain it with the example, I can say that, Kolhapuri chappal if it is created or developed maybe in another part of the country, maybe in West Bengal, maybe the same procedure is followed. But as per the geographical indication act, we cannot say that particular chappal as a Kolhapuri chappal because it is not produced in the Kolhapur region.

Similarly, Darjeeling tea you can just take it and plant it in Kerala, because Kerala also tea plantation is there, but you cannot name the same what we can say the sapling whatever you

have taken of Darjeeling tea, grown in Kerala, you cannot say it Darjeeling tea because it is not grown in a Darjeeling.

So, such the geographical specification is very important and obviously, if we do such kind of thing that, that try to produce the product in another part of the country, probably mostly the fact is like that, you may not get the required quality because the particular way the soil, water everything is affecting or which is like having a good we can say the contribution in the production of that particular product.

And therefore, that counterfeiting is completely we can say avoid means it is completely restricted when we are talking that will be kind of a right word, I can say that is not possible to do the counterfeiting of that particular product. Export yes, we can doing the export of the products, Alphonso mango is a very classic example right and then obviously, all the geographical indication agricultural products if we see you can say that export activities majorly seen around that particular products.

Then there is a definitely domestic market is strengthened because of that particular product and probably that particular region we can say that the economy of that particular region definitely changes because of that geographical indication. Puneri pagadi's we can say the recent example that it was like recently that Puneri pagadi has received the geographical indication.

And because of that the group of people who were working in that particular area of producing that Puneri pagadi obviously got attention and there is a change obviously. Then it promotes a historical and cultural heritage because many a times we can say that it is a carrying that particular cultural we can say the specification of that particular and though particular region we can say and definitely it is promoting that.

So, these are the few reasons or we can say that these are the few important points we should remember when we are talking about a geographical indication.

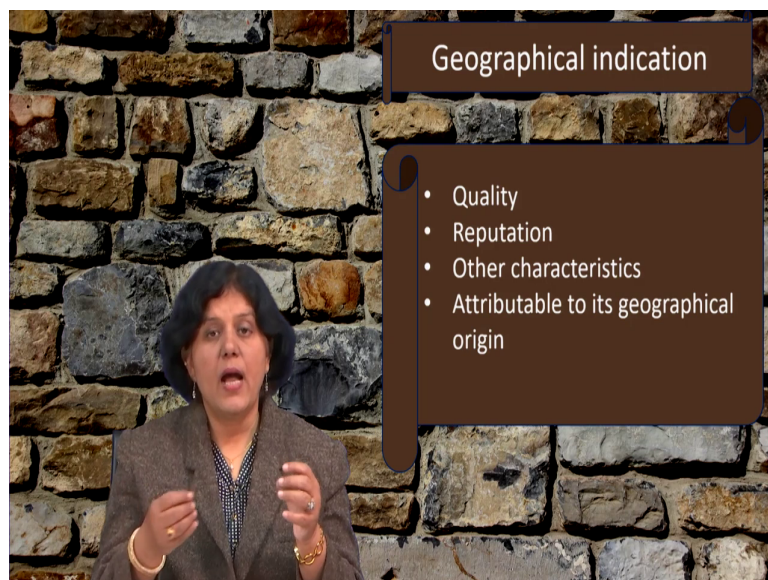
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Now, let us move further and what are the different types of you can see can be categorized or which can be getting the geographical indication you can see here it is a agricultural good, it may be a natural good, it may be a manufactured good and you can see that there is a logs or crafts or may be sarees ok. Then goods of handicraft is there then industrial goods are there and a food stuff is there rasgulla, Tirupati laddu all these examples are there.

So, agricultural products natural goods, manufactured goods then you can see the goods of handicraft then there is a industrial goods and a food stuff all this can be considered for the geographical indication protection. So, we got the idea why geographical indication why that act is there and which are the that goods which can be considered for the geographical indication and these are the we can say the categorize categories in this particular thing.

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Now, why means what is the specialty of a geographical indication? Quality, or reputation and then other specific characteristics if it is there and the attribution to that geographical origin, we have already discussed this particular thing that geographical origin is very important I have given you few examples also quality, reputation and other characteristics.

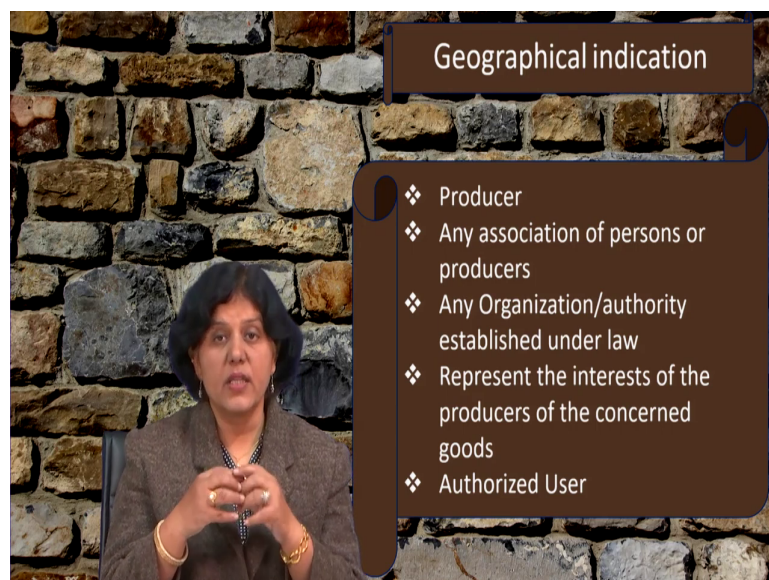
Obviously, when we are going for a geographical indication registration the it is a big documentation actually and in that documentation, what are that quality parameters are there, what are the different characteristics are there, what is that particular region actually.

So, everything is mentioned in that particular document and then only means after completion of that particular details only you are getting the geographical indication and if there is a

compromise with that quality definitely probably the arrangement is there that if somebody is producing the quality, which is not of that level.

Then probably this authorized user that one concept is there he or she may be removed from that particular geographical indication association that is that may be the arrangement made in the document actually. So, quality reputation is very important obviously, geographical indication that region is specified in that particular document ok.

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Now, there are few more details actually about that particular geographical indication that who is a producer how to form that association of a person or the things related to the any organization or authority which is established under law how to do that particular thing.

Then representing the interest of that particular producers of the concern good because maybe if you take example of say example, Alphonso mango then in that particular area in Maharashtra whole we can say that so many individuals are producing that particular product actually.

So, the interest of that producers is obviously, concern and then the that association and then how to become a member. So, that all things are there which is defined in the act actually and then the authorized user that you have to mention your name you have to take a certification as you are the authorized user of that geographical indication.

So, for example, if I am in West Bengal and I am producing rasgulla then I have to apply as a authorized user and I have to follow the quality and whatever the other characteristics are there I have to stick to that I have to give the product of that quality only ok. So, all these details are there in the act I guess probably you might be knowing or might not be knowing.

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So, what we can do here you can watch a video here related to little bit more details about this particular geographical indication that what is that form, what is the fee and how this association is formed. So, you can watch this video and you can get more idea about the geographical indication and if you want to go little further more detail about that you can go through the bear act related to that geographical indication.

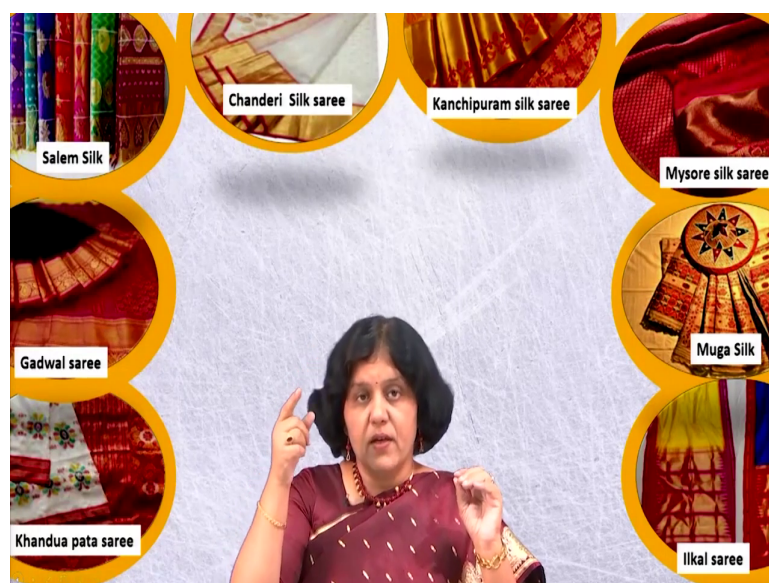
But when we are talking about IP management if you know the introductory part and basic idea why this geographical indication is I guess that is sufficient for you because most of the time what happens if agricultural universities are there or if any art related colleges are there probably, they may involve into more of this geographical indication.

And in the that case I will say that this much information that this video and the things which just now we have discussed it is sufficient for you for understanding the concepts of a IP

management and technology transfer. So, let us watch this video. So, now today we will go into details of the geographical indication which a sui generis system created in India. So, what is the meaning of sui generis system created in India?

The meaning is like that this is the act based on the trip's guidelines designed drafted by India to protect the specific specialties of the region and we will see now a few examples of that specialties. And then we will go into details of the some sections what is the definition of geographical indication according to act and we will just try to get understanding that how exactly the registration of geographical indication is done. So, what we will do now here we will see a few examples.

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Now, you can see here Khandua pata saree or Gadwal saree, Salem silk then you can see here Chanderi saree then you can see here Kanchipuram silk, Mysore silk then Muga silk or you

can just check now the Ilkal silk. So, these are the different varieties you can observe of the sarees and these are you can see which are a regional specific. When you say Mysore silk immediately you think about a Mysore so, in that way or Gadwal saree so, it is like a very specific to that particular region ok.

So, I hope you enjoyed the video and you got the idea about geographical indication you can this is one minute only we have then one or two minutes we could able to show you, but you can we will share the link and you can watch this video later. Now, let us move further on the next that is the trade secret and the traditional knowledge.

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Now, when we are talking about trade secret and traditional knowledge, I have already mentioned that traditional knowledge is like a there are. So, many varieties are there and different types of IPs can take care of that traditional knowledge protection. And I have given

you examples also folklore or a traditional medicinal example of medicinal things there are so many other things are there as a traditional knowledge.

But some or the other type of IP will take care of that particular we can say the traditional knowledge. We will go into details of that, but considering the trade secret I can say that it itself is a such a important part when we are talking about a business, when we are talking about IP management trade secret is we can say that one of the important we can say the IP and contracts is the only way in India by which we can protect the trade secret.

It itself is a secret it is not known, but obviously, when we are doing the activity or end activity or some other business related procedures, we are following we have to keep protect that particular trade secret. So, in this course actually I can just emphasize again we have already shared with you that this 20 our course is like just a primer for IP management.

Because IP management and technology transfer these subjects are like a vast subjects IP management itself is a 4 credit course, technology transfer itself is a 4 credit course again these are the kind of a basic course we can say and then we are going into detail. So, you can just imagine that this is a very basic level IP management and technology transfer course.

So, that you can get the idea now you have got idea pretty well idea about a intellectual property and then you know the details about a patent we have already recorded the course on patent that is roadmap for patent inflation and in detail we have dealt with the patent part there. Then we have entrepreneurship IP strategy where we were where we have considered the different types of intellectual property. Now, as we know that particular different types of IPs are there how they are related to entrepreneurship.

Now, we are focusing here in this course about the management a little bit next further we can say the step to manage that IP. But still, I can say that considering that IP management subject it is a just first step it is just a introduction to that IP management and technology transfer. So, when we are talking about a trade secret the part is covered in the technology transport part which is in week 6 afterwards.

So, week 7 and week 8 mostly we are focusing on technology transfer and there in the contracts how trade secret will be we can say the management of that trade secret is there we will focus there on that trade secret we can say. Otherwise, it is like a the considering the trade secret obviously, the no act is there in India and we have to focus on only the contract arrangement actually.

So, now what we will do we have already a recorded the we can say the video about the trade secret and the traditional knowledge. So, we can watch that video and get the idea about the trade secret and the traditional knowledge. Now, when we are talking about a trade secret and traditional knowledge as name suggest there is something secret about the trade as name suggest trade secret and traditional knowledge as name suggest knowledge, which is passed from traditions from one generation to next generation.

So, name itself is giving us the idea about what probably we are thinking about or what we are probably protecting as a intellectual property that trade secret and a traditional knowledge. Now, one more thing I should clarify when we have seen the types of intellectual property, we have clearly said that yes trade secret is a type of IP, but traditional knowledge we are not considering as a type of IP.

Now, there are so many discussions are going on and still there is no any conclusive result that whether we should consider traditional knowledge or IP or not, but frankly if based on the current scenario definitely we cannot consider traditional knowledge as a type of IP.

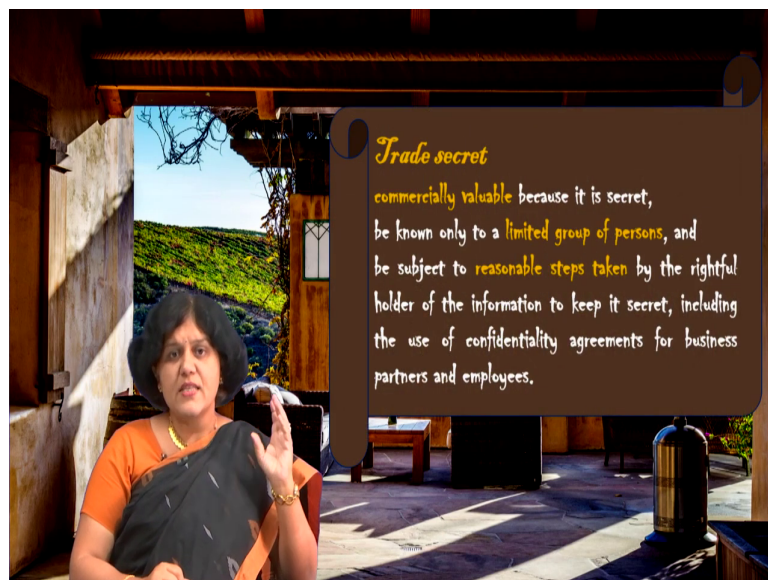
But definitely this is something which is giving know how tacit knowledge and so many learnings are there which probably are helping us to solve various problems in day to day life. I am talking about a traditional knowledge. Trade secret it is definitely helpful it is there and I just give you the first example of that and then we will go into the details about the theoretical understanding of the subject.

That when we are talking about a Coca-Cola that is a very famous case actually that they have the formula about the recipe or a formula about the Coca-Cola. And we consider this as a the

great or good example of a trade secret, but frankly speaking there are so many other so many secrets are there when we are talking about a especially in current scenario when emerging technologies are there.

Ah Definitely there are lot many trade secrets are there and without protection of that or without taking caution for their protection probably we cannot survive in this competitive world and trade secret is that one of the IP which definitely gives us a competitive advantage. So, with this note we will go into the details of that trade secret and traditional knowledge.

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Now, when we talk about a definition of trade secret as you can see here that this trade secret is a three points are important if you see here commercially valuable second is limited group of person and the third point like a reasonable steps taken. These three words or these three things are very very important when we are talking about a trade secret.

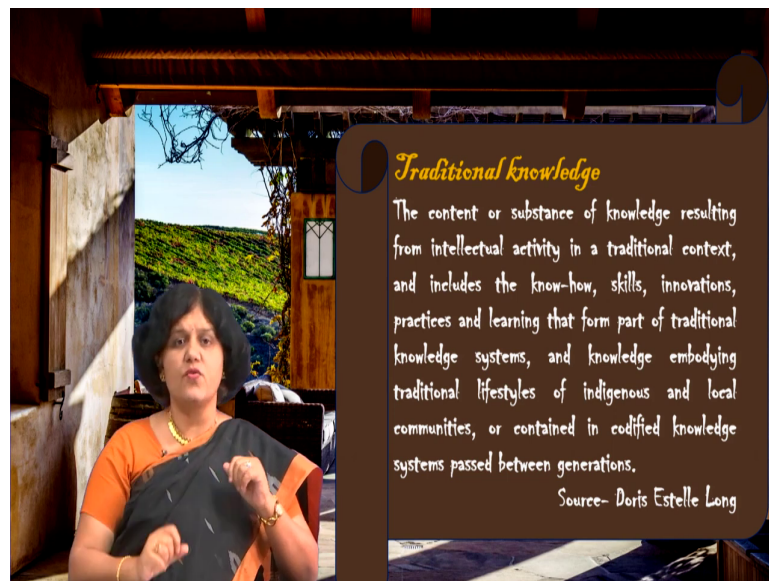
So, what exactly it is talking about that when we consider something as a trade secret. So, it should qualify three criteria it should qualify this three particular things it should be commercially valuable it may be secret, but if it is not commercially valuable we cannot say it is a trade secret. So, commercial value ability is very important next it is known to only limited group of person you cannot say that it is a secret, but 100 people are knowing about that or everybody in the company know about this it cannot be a trade secret then.

So, a limited group of persons are knowing or they are aware about that particular thing and hence it is a trade secret and the third point when we are talking about it is the subject to reasonable steps taken by the rightful holder of that information to keep it secret.

So, for example, if I am the owner of a trade secret whether I have taken a reasonable steps to protect it that is very important. So, commercially valuable limited group of person and reasonable steps whether I have taken to protect that particular information if I have done that three things then you can say that it is a trade secret.

So, why this is important to appreciate these three points because if unfortunately if there is a theft of a trade secret then court judge whenever they are going through the trial actually they will first ask about these three things whether the particular information is commercially valuable, whether limited group of person are aware about that and they will see that whether reasonable steps as owner I have taken to keep it as a trade secret. So, this is something like a trade secret.

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Now, we will go into the details of a traditional knowledge. So, we can get the idea the difference between that. What is traditional knowledge? It is the content or a substance of knowledge. It is a content or substance of the knowledge resulting from intellectual activity in a traditional context.

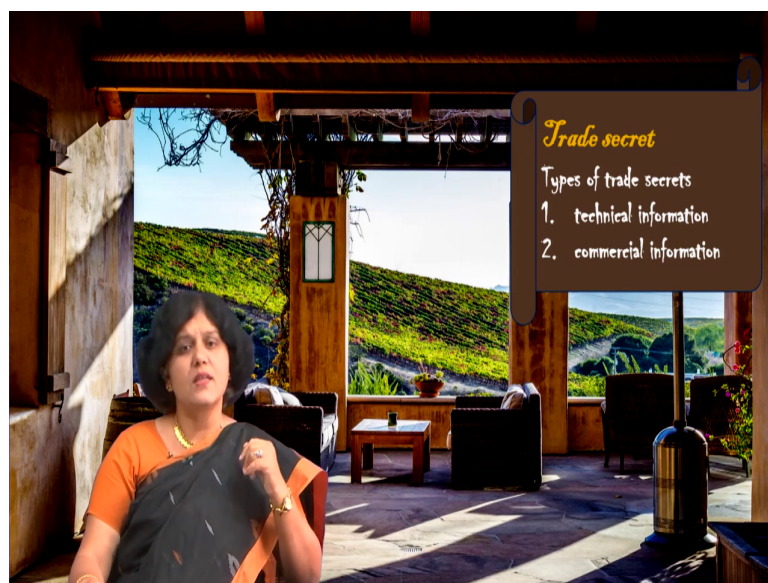
And includes the know how skills, innovations, practices and learning that form part of traditional knowledge system and knowledge embodying traditional lifestyles of indigenous and local communities or contain in a codified knowledge systems passed from generation to generation passed between generation.

Now, this is the definition which is given by Professor Doris Long and that is associated with a Chicago School of Law. So, according to Professor Long, this is the definition of a

traditional knowledge. So, if we want to get the meaning from that particular definition, we can say that it can be anything know how scale, innovation, practices, learning.

It is going from traditional, traditionally it is like going from generation to generation and it is a indigenous and the lifestyle of a indigenous and local communities. These few words are very important when we are talking about the traditional knowledge.

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If I want to classify this trade secret you can see here two points are there technical information and commercial information. So, trade secret can be technical information or it can be a commercial information. What is the meaning of that? That if technical information is something related to technology and when we are talking about a commercial it is something related to business development actually.

So, it encompasses this technical information mainly manufacturing process or pharmaceutical testing data or designs and drawings of computer programs. Then some commercial information examples if you want to take what are the distribution channels are there, supply chain or the suppliers and clients actually what are the advertising strategies this will come under the commercial information.

So, when we talk about a trade secret it can be this technical information or it may be a commercial information and this trade secret may be also made up of a combination of elements. So, probably both the elements commercial and technical may be aware may be in the public domain, but the combination whatever created that may be the secret.

So, that may be the possibility also and that probably that combination is giving you the competitive advantage. Now, the other few examples if I want to cite, we can say that financial information formulas, recipes, source codes all these are considered as a trade secret.

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Now, when we are talking about a trade secret what are the advantages we know that suppose patent is there what are the advantages if trademark is there what is the advantage what is the advantage of a trade secret protection. So, we can just say that there are if broadly we want to keep it that what are the advantages we can say that yes, it is indefinite in nature no registration cost is required immediate effect is there and not require compliance with a formalities.

So, if you if you can see here this four points are there it is a indefinite, no registration cost, immediate effect is there is not require a compliance with formalities. So, what exactly it is if we take or compare it with a patent for patent life is limited after 20 years you do not have control over that particular thing and it will go into public domain.

But with a trade secret if it is taken proper care reasonable steps are taken to protect that particular trade secret you can protect trade secret for 100 years 200 years generation after generation. So, centuries also if you take a caution, you can protect that trade secret. So, it can have an indefinite life for that trade secret that is the first manipulate. As you are not entering into any legal or a procedures like IP related procedures there is no any registration cost for that particular thing.

So, saving on that part also effect is immediately as soon as you are creating or whenever you are receiving that trade secret immediately you are getting the effect of that particular thing and obviously, there is no requirement of any compliance is or formalities because if any molecule is there or if any other probably the factors technical factors are there probably you have to go through the compliance and formalities, but that you will not require here.

So, these are the advantages these are the four we can say the advantages of a trade secret ok. So, I guess pretty well you got the idea about a trade secret traditional knowledge and now geographical indication also. So, we started with geographical indication then trade secret and then traditional knowledge and now as usual a quiz time.

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So, what you have to do now is like a please give the examples in your area about the geographical indication if any or a traditional knowledge if any anyone of this two, geographical indication if any you feel that yes, it is a very speciality of my area then you just identify that and then if you want to do the GI registration you can just contact us we will help you to do that.

So, GI is there and then the traditional knowledge you just find out if any traditional knowledge may be in your family may be around in your area if it is there any one example. So, you just write down in the comment box and let us see that probably we can have a very good report kind of a thing of a traditional knowledge in the comment box and geographical indication related information ok.

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So, with this we are coming to the end of this session see you in the next session.

Thank you.