

Copy Right and Patents

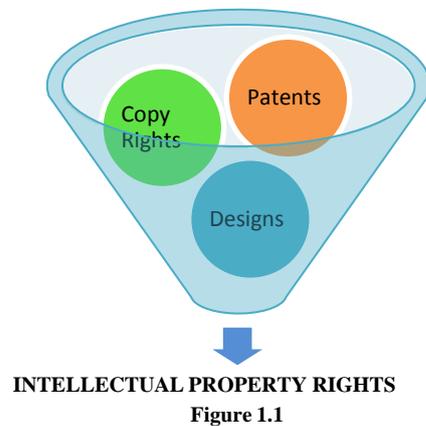
By Dr. Amitkumar S. Giri and Lt. Col. Navdeep Singh Multani

Abstract: The World Intellectual Property Organization is the leading guide on various inventions taking place across the globe. It is a body of professionals who govern the various acts of intellectual property rights which are registered in various countries. It lays down the guiding principles relate instruments like patents, designs, copyrights etc., its usage, rights and infringement policies. India is also the member of WIPO and has enacted laws related to patents, copyrights and designs. To suit the change of time there has been number of amendments made by the Indian legislative body. There are number of important things while filing of any intellectual property rights which one needs to be aware about.

The present article covers all the important aspects of intellectual property rights and rules related to them.

(**Key words** - inventions, patents, copyrights, designs, infringement, amendments, legislative)

I. INTRODUCTION



As per the current trends even the world economic forum in its report recognized that Industry 4.0 is the most disruptive socio-economic transformation that humanity will ever face. Intellectual Property Rights is a safeguard against the exploitation of novel ideas, thoughts, inventions etc., being used by others without the knowledge of the original scholar who with his efforts and hard work first discovered such a thing.

Intellectual Property Rights allow a bundle of rights with respect to a particular form or manner of ideas or retrieval of information which are expressed or developed not related to any other ideas or concept.

A] Copy Right

Copyright is a right given by the law to creators of literary, dramatic, musical and artistic works and producers of cinematograph films and sound

recordings. In fact, it is a bundle of rights including, *inter alia*, rights of reproduction, communication to the public, adaptation and translation of the work. There could be slight variations in the composition of the rights depending on the work. (1 - Source : <http://copyright.gov.in/documents/handbook.html>)

From above it is clear that copy rights is nothing but collection of works carried out by artists which may be further classified into literary works, pictorial, graphic, sculptural work, musical work, sound recordings, dramatic works, pantomime & choreographic works, motion pictures and other audio-visual works or architectural works etc., This aforementioned works when registered under copy rights are treated as original work and are protected by law if anybody infringe the law.

B] Patent

The primary goal of the patent law is to encourage innovation and commercialization of technological advances. Patent law incentivizes inventors to publicly disclose their inventions in exchange for certain exclusive rights. A patent protects inventions. These inventions can include new and useful processes, machines, manufactures, compositions of matter as well as improvements to these. Certain computer programs may fall within the subject matter protected by both patents and copyrights. In this respect the patent system compliments copyright protection by providing protection for functional aspects of the software, which are not protected by copyright. Unlike with copyright protection, to get patent protection one must first apply for and be granted a patent from the U.S. Patent and Trademark Office (USPTO). Unlike the copyright registration process, the patent application process is expensive, complex, difficult, and time consuming and generally should not be

attempted without the assistance of an experienced patent attorney or agent. (2 - Source: https://copyrightalliance.org/ca_faq_post/difference-copyright-patent-trademark/)

From the aforementioned paragraph we understand the patent law encourages inventions and in return protects the rights of the inventor. The inventions may be related to field of science and technology or music or any other subject which involves original work of the inventor. In such a case it is important to protect the right of the inventor and the novel idea of such a person. It is a costly affair to get a patent registered with the authorities compared to copy right registration expenses. Also it may be time consuming process when it comes to register the patent. One has to keep a lot of patience, until unless the patent gets registered in his/her name. The role of patent filing attorney's or agents is also vital.

II. LITERATURE REVIEW

Mainly for the study covers twenty books, ten research articles and online research papers on the present study was referred of the renowned authors of national and international stature. The authors of book have covered the meaning of copy right and patent, its application, the importance of the terms from business perspective, need of protecting the intellectual properties and scope of the act which is enacted to protect the interest of individual and community at large.

It also gives insight about various laws which are framed by the international institution to protect the right governed under the international laws for copy right and patents filing.

There are certain research objectives framed:

- 1) To identify different aspect of filing Copy Rights and Patents.
- 2) To understand the characteristics of Copy Rights and Patents.
- 3) To observe the latest trends in law governed for filing of Copy Rights and Patents.

III. RESEARCH METHODOLOGY

For this research paper, the main intention was to find out the practicalities of Intellectual Property Rights with respect to Copy right and Patents. For understanding this, mainly secondary data was

collected from various published sources viz., published books on the topic, research articles, published reports and online published research papers etc., Some diagrams have been used for better representation of the data. The new trends in the current topic were also collected from renowned sources and were acknowledged. An preliminary study helped us in construction of the review of literature and apply observation technique to build the peripheral discussion and analysis of the current study.

HYPOTHESIS

H_0 - The steps to file patents and copyrights is not available for end user.

H_1 - The steps to file patents and copyrights is available for end user.

SIGNIFICANCE

This study is significant for the end user who are looking for easy and simple method to file patents and copyrights with the authorities. The researcher in the current study has laid down the basic structure for filing of patents and copyrights.

UNIQUENESS AND ORIGINALITY

The topic patents and copyright is unique in itself. The study has been carried out by researcher on the problem faced by the end user for filing of patents and copyrights with minimal steps. The information compiled by the researcher is unique and original as it proposes basic steps in filing the patent and copyrights with the authorities.

IV. DISCUSSION AND ANALYSIS

The main focus of the study was to identify the differentiation points between how to exercise the rights given under Copy Rights and Patents. After a detailed discussion of study from the various sources we were able to analyse and identify the various common norms which are required to file a Copy Right or Patent. The same is reproduced below:

IV. A - Fourteen Important Steps to remember while filing a Copy right

1. Entitlement to Copyright
2. Works protected by Copyright

3. Rights granted by Copyright
4. Copyrights ownership – Who owns what in a Copyright work?
5. Copyright owner
6. Copyright ownership in Computer Generated Works
7. Copyright ownership in an Employer-Employee relationship
8. Ownership of copyright by staff
9. Copyright ownership in collaborative research
10. Copyright by students
11. Duration of Copyright protection
12. Infringement of Copyright
13. Library uses
14. How to file a Copyright application

IV. B - Sixteen Important Steps to remember while filing a Patent

1. Conditions to be satisfied by an invention to be patentable
2. Patentable Inventions under the Patents Act, 1970
3. Types of Invention which are not Patentable in India
4. Term of Patent in the Indian system
5. Essential patent documents to be submitted
6. Criteria for naming inventors in an application for patent
7. Where to apply?
8. How to Apply?
9. Why “Provisional “ Specification
10. Complete specification
11. Hierarchy of Officers in patent office
12. Register of patents
13. Working patents and compulsory licensing
14. Revocations of Patents
15. Term of Patents
16. Patent of Addition

V. RESEARCH FINDING AND CONCLUSION

There are some of the major research findings of this research which can be summarized as follows:

- 1) Both the Copy Rights and Patents are governed by international law under World Intellectual Property Organization.
- 2) The individual as well as organization have to follow the rules laid down under the various laws enacted for filing of Copy Rights and Patents.

- 3) The common norms to file Copy Rights and Patents by and large are similar in nature.
- 4) The future of law related Copy Rights and Patents is going to be a crucial concern of study for society at large.

VI. SUGGESTION

In India, Copy Rights and Patents law filing and implementation both play a vital role. An initiative has been taken under ‘Make in India’ program to boost the start-up and innovation under National Skill Development Corporation mission. More and more people are encouraged to come forward under start-up and innovation cell to share novel business ideas.

However, more investments are needed to encourage the people to convert the ideas into reality and for this initiatives are being taken from micro level to macro level in the Indian economy.

For achieving the success and encouraging people to file more Copy Rights and Patents a need is felt to develop clusters around districts of India. This structural networks will help achieve the objective.

More (Public-Private Partnerships) PPP model based initiatives need to be encouraged to fosters the Copy Rights and Patents.

CONTRIBUTION TO BODY OF KNOWLEDGE

The current research work has highlighted the basic methodology and explained the steps for filing of patents and copyrights. This will enable the end users to understand at a glance what steps to follow while preparing to file the patent or copyrights with the authorities. The contribution of this study is that it has made very simple to understand the procedure to follow in steps to file the patents and copyrights.

VII. SCOPE OF FUTURE WORK

Current research is mostly based on sources of data collected from secondary sources and which highlight the future prospects of Copy Rights and Patents filing.

Future research could be taken on a more in depth level for understanding the impact level in society. This shall lead to a clearer picture when compared

the past with the future scenario of Copy Rights and Patents.

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