

IP and Development

K M Gopakumar and
Sangeeta Shashikanth

Third World Network (TWN)

PART 1

Introduction to IP

Types of Intellectual Property Rights

Patents

Copyrights

Trademarks

Plant variety protection

Trade Secret

Industrial Designs

Geographical indications

Protection of design of IC

Utility Models

Patent

- Protects inventions
- Two types: product and process
- Criteria: Novelty, inventive step and industrial application
- .Prevents others from using the patented invention for a limited period
- Provides against an application after an examination
- Comes with safeguards to prevent abuse of patent monopoly (Compulsory License)

Copyrights

- Protects art, literary, dramatic, musical and artistic works (computer programmes) and performance
- Criterion: Original Work
- A bundle of rights
- Duration varies country to country
- Registration is not mandatory

Trademarks

- Protects brand names but now even includes 3d images in certain jurisdiction
- Criteria: Distinctiveness
- Registration is optional
- Protects brand names in specific classes
- Can be perpetual

Plant Variety Protection

- Protects new varieties
- Provides limited monopoly to variety satisfies three criteria viz. new, distinct, uniform and stable
- Provides exclusive rights to breeders
- Registration is mandatory

Other IP

- ***Utility models:*** Not mandated by TRIPS Agreement. Similar to patents but confers rights for a shorter duration to certain kinds of small or incremental innovations. The requirements for acquiring a utility model are less stringent than patents. Usually need to prove “novelty” but may not need to prove “inventive step” or “non-obviousness”
- ***Industrial Designs:*** Industrial designs protect the aesthetic aspects (shape, texture, pattern, colour) of an object, rather than the technical features. TRIPS, requires that an original design be eligible for protection from unauthorised use by

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