

Copyright

Copyright is a long established form of intellectual property right. Modern Copyright laws protect literary and dramatic works, musical works, artistic works including maps and technical drawings, etc., photographs and audiovisual works (cinematograph films, video etc.).

The principal purpose of **copyright is to protect expression of thoughts and ideas.**

Copyright protects 'literary and artistic works' and includes every production in the literary, scientific and artistic domain, whatever may be the mode or form of expression. The expressions 'literary and artistic works' includes arts, writings, music, paintings and sculptures, softwares, etc and includes every original work of authorship.

Copyright protects any new and original arrangement or compilation of material by an author by using his own skills, labour and capital.

The Copyright Act, 1957 came into effect from January 1958. This Act has been amended five times since then, i.e., in 1983, 1984, 1992, 1994 and 1999, with the amendment of 1994 being the most substantial.

The Indian Copyright Act today is compliant with most international conventions and treaties in the field of copyrights. India is a member of the Berne Convention of 1886 (as modified at Paris in 1971), the Universal Copyright Convention of 1951 and the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS) Agreement of 1995. Though India is not a member of the Rome Convention of 1961, the Copyright Act, 1957 is fully compliant with the Rome Convention provisions.

The Berne Convention and the TRIPS Agreement stipulate the subsistence of copyright in original literary, dramatic, musical and artistic works; cinematographic film and sound recordings. These classes includes variety of works like books, pamphlets and other writings; lectures, addresses, sermons; dramatic or dramatic-musical works, choreographic works; musical composition, chirographic works; drawing, painting, architecture, sculpture, engraving; and lithography, photography, maps, plans, sketches, three dimensional works, translations, encyclopaedias and anthologies, softwares codes, multimedia productions, etc.

The duration of copyrights varies from country to country. The minimum duration of copyright protection under Berne Convention is 50 years. European Union and for countries of the European economic area and in the US the duration is 70 years. In India copyrights are protected for a period of sixty years from the beginning of the calendar year next following the year in which the author dies. The term of copyrights is calculated from the end of the year of the author's death.

Designs

A design patent protects only the ornamental appearance of an invention, not its utilitarian features. A utility patent would protect the way an article is used and works. It can be very confusing to understand the difference between a design patent and other types of intellectual property.

Information Required :

- Full names and addresses of Applicant as well as Designer.
- Name of Article to which a design is applied.
- Details of Convention Priority, if any- first filed country, filing number and date; the term of priority is six (6) months.
- Shape, pattern, and/or color may be protected individually or in combination.

Trademarks

A Trade Mark is a symbol in the form of a word, a device, or a label applied to articles of commerce with a view to indicate to the purchasing public that is a good manufactured or otherwise dealt in by a particular person as distinguished from similar goods dealt or manufactured by other persons.

The object of Trade Mark is to deal with the precise nature of the rights which a person can acquire in respect of a TM-The mode of acquisition of such rights -the method of transfer of those rights to others-the precise nature of infringement of such rights-and the remedies available in respect thereof.

A good trademark should be easy to pronounce and remember if it is word mark. In case of a device mark -should be capable of being described by a single word / not descriptive and easy to spell. It should be appealing and not belong to the class of marks prohibited for registration that should satisfy the requirements of registration.

Functions of a Trade Mark :

- It identifies the product of its origin.
- It guarantees its unchanged quality.
- It advertises the products.
- It creates an image for products.

Trademark is a major asset of any company. Hence ' trademarks management ' in an enterprise comprises two aspects :

- Trademark Policy.
- Trademark Protection.

Trademark policy is a marketing function. Normally the marketing personnel of an organization will take care of this trademark policy letter known as 'Brand Management'.

Trademark protection is a legal function .In small enterprise one of the tasks of the legal department is to assure the protection of company's trademarks. In large enterprises there is need to create a specific department known as 'Trademarks department' which will look after the 'Trademarks Management'. Trademark protection is a legal function.

Patents

Patent, under the Act, is a grant from the Government to the inventor for a limited period of time, the exclusive right to make use, exercise and vend his invention. After the expiry of the duration of patent, anybody can make use of the invention.

Patent Act may be called the Patents Act, 1970. It extends to the whole of India. It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Provided that different dates may be appointed for different provisions of this Act, and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

Invention is any new and useful :

- Art, process, method or manner of manufacture.
- Machine, apparatus or other article.
- Substance produced by manufacture and.
- Includes any new and useful improvement of any of them, and alleged invention.

Therefore an invention is the creation of intellect applied to capital and labour, to produce something new and useful. Such creation becomes the exclusive property of the inventor on grant of patent.