



JIWAJI UNIVERSITY GWALIOR

SOS in Industrial Chemistry Department



Indian Perspective

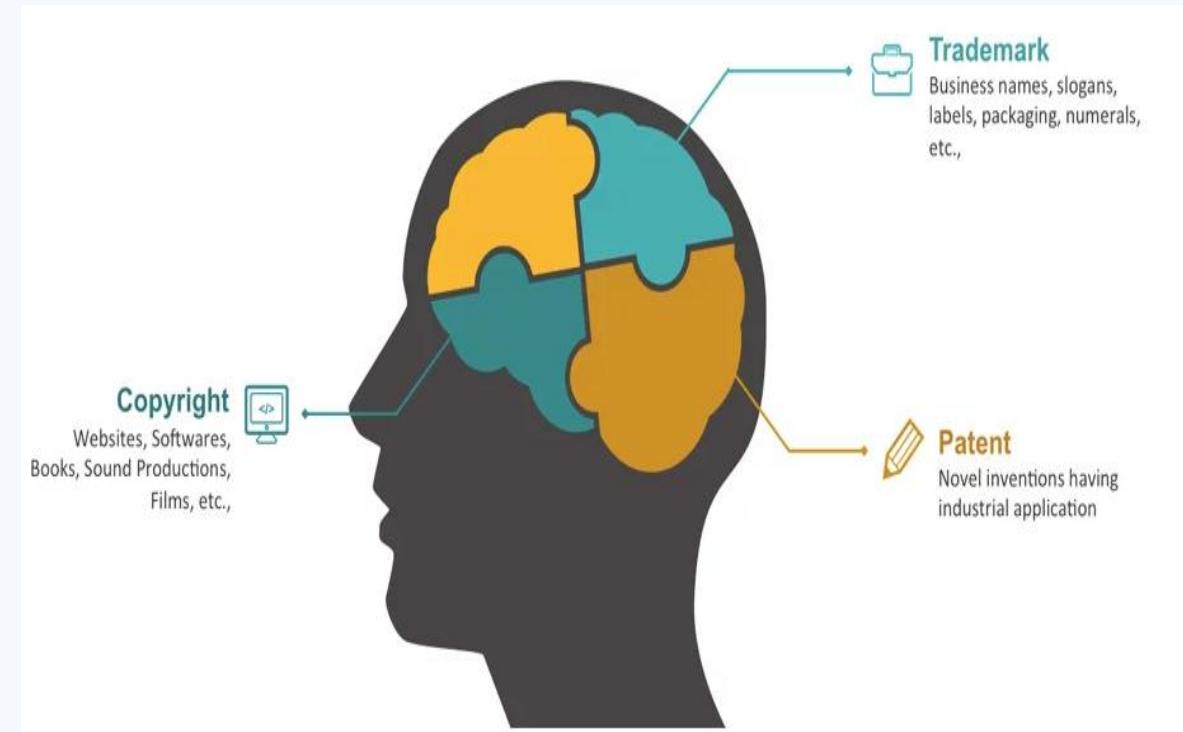
Intellectual Property Rights

**Lecture by
Ragini Tomar**

**Guest Faculty
SOS in Industrial Chemistry**

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Introduction

The pharmaceutical industry is one of the evergreen industries in the world. No matter what happens, whether the economy is on its most stable behavior or in recession mode. Any day a person can fall sick or might require his supplement pills. Basically the products are used 24/7.

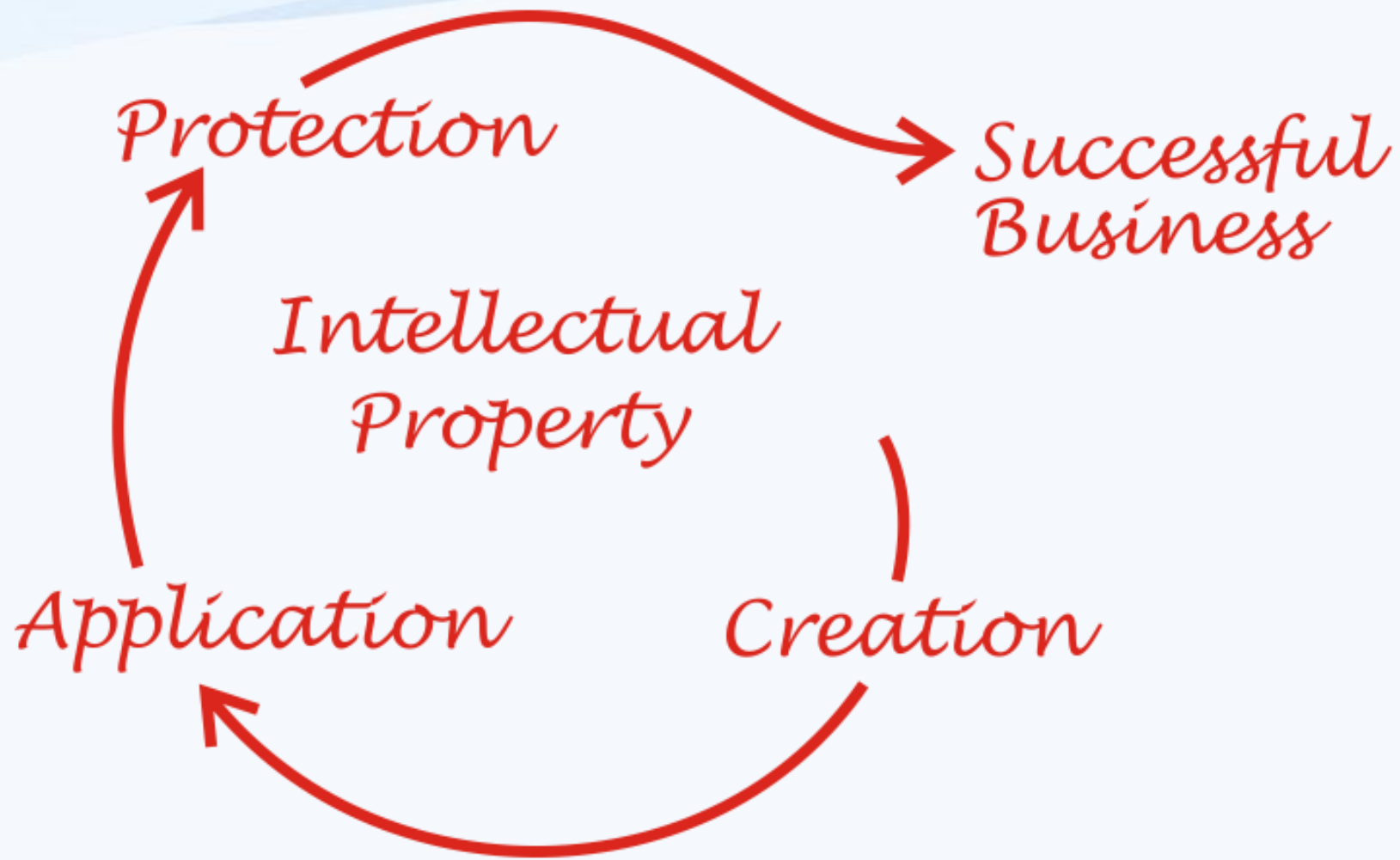
Introduction to Intellectual Property

- Intellectual Property refers to creation of mind i.e. inventions, industrial designs for article, literary & artistic work, symbols etc. used in commerce.
- Two categories: Industrial property & Copyright.
- Industrial property: Trademarks, Patents etc.
- Copyright covers Artistic works, Literary works etc..

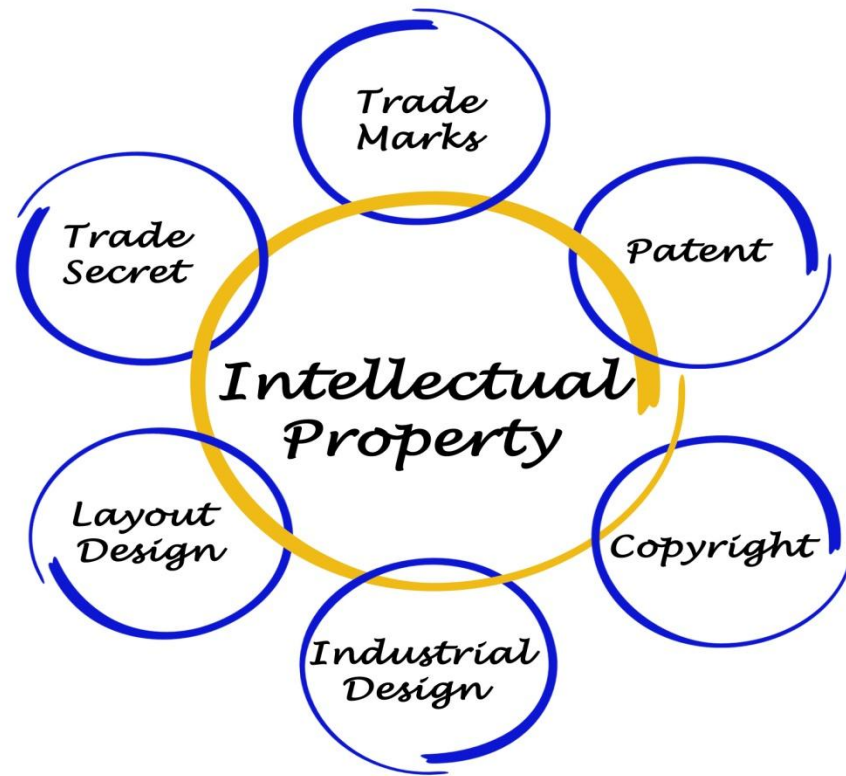
What Are Intellectual Property Rights ?

- *Rights which can be used for protecting different aspects of an inventive work for multiple protection.*
- *Outlined in Article 27 of the Universal Declaration of Human Rights.*
- *IPR are largely territorial rights except copyright, which is global in nature.*
- *IPR can be assigned, gifted, sold and licensed like any other property.*
- *Intellectual property rights as a collective term includes the following independent IP rights:*

Patents, Copyrights, Trademarks, Registered (industrial) design, Geographical indications, and Protection of undisclosed information



What are the types of IPR involved in pharmaceutical industry ?



Importance

Protection of invention:

You have designed or developed a drug and you need to protect it or else it is going to be stolen from you. So the way to protect is either by getting it patented or under trade secret. The problem with trade secret is that it the drug can be reverse engineered and hence your invention can be stolen. Whereas patent provides a much more water tight protection.

Economic growth and competitiveness:

IPR is very important for economic growth of a company. Awarding sole rights to the inventor gives him the privilege of reaping the profits without any division. The marketing rights over the product are solely the inventors and he can sell it or license it. The company can earn a lot and reinvest it. Investing in research and development is very important for a company as it has to stay in the forefront.

Protects consumers and families:

IPR's main interest lies in public safety. Protection and safety of public is always given importance. IPR helps the consumer in making the right choice when selecting a product. IPR helps in ensuring a standard and assures quality which helps the consumer make his choice and puts him at ease

Generate solutions to global challenges:

Promoting innovation is very important but at the same time you need funding to do it. IPR gives you the right encouragement to do it. There is a need for developing new drugs and vaccines as there are new diseases being discovered daily or there is resistance development by the pathogen.

Encourage innovation and reward entrepreneurs:

It is very important that the right push is given for inventors to keep them motivated. It is also important that they are recognized for their work. IPR gives them this encouragement.

It enables a free flow of information by enabling a safe environment. When you know it is safe to share your invention then there is going to be a safe channel for exchange.

Patents

- An exclusive right granted by a country to the owner of an invention to make, use, manufacture and market the invention
- The patent right is territorial in nature.
- Patents provide incentives to individuals by recognizing their creativity & these incentives encourage innovation.
- India is a member-state of World Intellectual Property Organisation (WIPO), Paris Convention, Patent Cooperation Treaty and Budapest Treaty.

Patents In India

- The Patents Act, 1970 (No. 39 of 1970) as amended by the Patents (Amendment) Act, 2005.
- Patent Offices, under the Department of Industrial Policy & Promotion, Ministry of Commerce & Industry.
- Patent Offices are located at Kolkata, Mumbai, Chennai and Delhi to deal with the applications for patents.
- Patent Information System (PIS) & Intellectual Property Training Institute (IPTI) located at Nagpur.

Trademarks

- A distinctive sign that provides to the owner of the mark by ensuring the exclusive right to use it to identify goods or services.
- Well-known, Associated trademarks, Service marks, Certification Trademarks, Collective Marks.
- Term of Registered Trademark: 10 years and Renewable.
- To register a trademark: appropriate national or regional trademark office. WIPO administers an international registration system for trademarks.

Industrial Designs

- The ornamental or aesthetic aspects of an article which may consist of 3D or 2D features, such as shape or surface, patterns, lines or color.
- It makes an article attractive and appealing; hence, they add to the commercial value of a product and increase its marketability.
- Any technical features of the article not protected by it.

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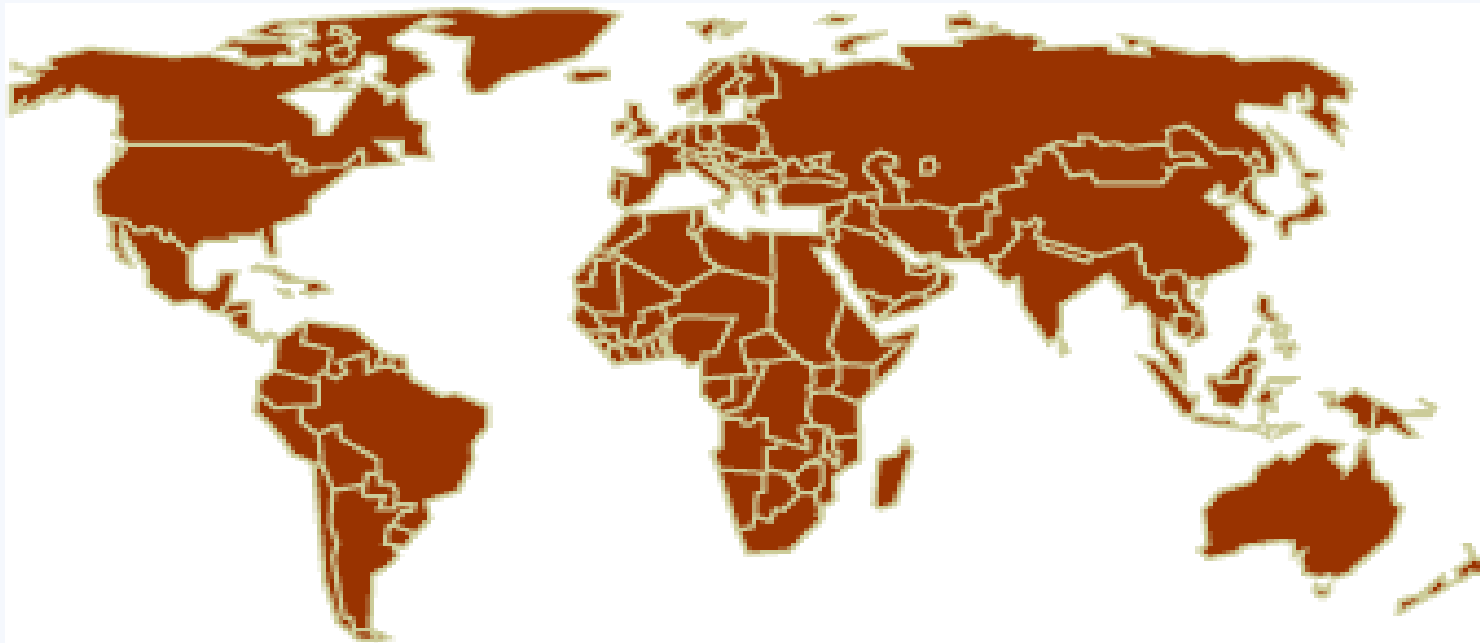
- Applicants can file a single international application either with WIPO or the national or regional office of a country party to the treaty.
- The design should be new or original, not previously published or used in any country before Registration.
- Total term of a registered design is 10 years + 5 years Extended Period.

Geographical Indication

- A sign used on goods that have a specific geographical origin and possess qualities or a reputation due to that place of origin.
- Registration of a GI: 10 years & renewable.
- The Geographical Indication of Goods (Registration and Protection) Act came into being in 2000.
- Imprisonment for a term between 6 months to 3 years and a fine between 50000 rupees to 2 lakh rupees in Act.

Law Applicable In India

- Geographical Indication of Goods (Registration and Protection) Act 1999.



Copyrights

- *Copyright is a legal concept, enacted by most governments, that grants the creator of an original work exclusive rights to its use and distribution.*
- *A right, which is available for creating an original literary or dramatic or musical or artistic work.*
- *In India, The Copyright Act, 1957 as amended in 1983, 1984, 1992, 1994 and 1999 is available.*
- *Registration can be done at the Office of the Registrar of Copyrights in New Delhi.*
- *Protection for the expression of an idea and not for the idea itself.*

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- The owner may assign to any person the copyright.
- Giving owner, incentives in the form of recognition and fair economic reward increases their activity.
- The work is open for public inspection once the copyright is registered.
- A provision of 'fair use' in the law, which allows copyrighted work to be used for teaching and research and development.

Case Studies

- *Bangalore Aug 10, 2003: Banashankari police arrested three software engineers for illegally copying software from a company they were working for.*
- *Chennai, February 2000: Pirated software worth Rs.1.11 crore (US\$ 253,200) was seized by the Chennai police. A total of 6 employees were arrested which included the Managing Director of one outlet and proprietors of each of the outlets.*

“Patent protections allowed Martin Shkreli (Turing Pharmaceuticals) to change the price of Daraprim, a medication used by AIDS patients, from \$13.50 to \$750 per pill in 2015.” and still on Hike.

A crucial situation for the patients in USA

Such cases demoralize the IPR law

Youngest Patent-holder on wheelchair



JAIPUR: Drawing inspiration from scientist Stephen Hawking, a wheelchair-bound nine-year-old boy here has invented a game of six-player circular chess. The boy, Hridayeshwar Singh Bhati has got the game's design patented in his name.

Facts

- In India, small and medium scale Industries are the ones who come out with maximum(90%) innovations.
- Students who do projects in their respective discipline, can register their projects under IPR if its really innovative.
- As soon as the duration of the protection through IPR is over, it becomes a public domain.
- Many companies use this IPR as a weapon to compete with the other players in the market.
- IPR is given to a product, only when its used for commercial purpose.

CONCLUSION

- Intellectual property rights reward creativity and human endeavor, which fuel the progress of humankind.
- Understanding the country's IP Rights and following the best practices can drastically reduce the risk of losing the company's intellectual property.
- Indian government has initiated various steps towards Intellectual Properties Rights Protection.

Thank You

