

Legal IP Rights in India

With the fast globalization of the Indian economy, Intellectual Property has turned out to be one of the most significant drivers in the current international trade. Intellectual Property Rights (IPR), are the legal rights given to people over the unique creations of their minds. These rights have recently attained more recognition and protection. In May 2016, the National Intellectual Rights policy was officially agreed upon in India with regards to the Trade Related Aspects of Intellectual Property Rights (TRIPS) agreement. Furthermore, the Controller General of Patents, Designs, and Trademarks (CGPDTM), which is a subordinate office of the Indian government, supervises the Indian Law of Designs, Patents, and Trademarks.

As per the TRIPS agreements, the Intellectual Property Rights in India are as follows:

1. TRADEMARKS

The Indian Trademark Law protects the trademarks and governs with the mechanism of Trademark Registration according to the Trademark Act of 1999. A trademark could be any logo, symbol, name, color, sound, phrase, or 3D mark that distinctively identifies the source or origin of the products and services. Trademarks help in distinguishing the products and services of one manufacturer from the other and further aids the customers to buy the products as per their choice. In India, protection for trademarks is available for ten years from the date of application, renewable every ten years on payment of the required fee.

2. COPYRIGHTS

The Indian Copyright Act of 1957 (amended frequently) along with the Indian Copyright Rules of 1958, govern and deal with the system of copyrights in India. Copyright Protection extends to the original works or expressions of artists like painters, sculptors, photographers, musicians, and authors. Also, software programmers or developers can protect their source code or object code using copyrights. In India, copyright protection is available for 60 years. For artistic works, copyright protection extends for the lifetime of the author and 60 years from the year in which he dies.

3. PATENTS

The present Patents Act, 1970 came into existence and enforcement in the year 1972 in India. Patents are exclusive Intellectual Property Rights granted to a person whose labor or



skill produces the idea of a new process or manufacture. For seeking Patent Protection, the inventors must ensure that their inventions are novel, useful, and non-obvious. In India, patent protection is available for 20 years from the date of application.

4. INDUSTRIAL DESIGNS

In India, the Design Act of 2000 protects the industrial designs possessing the features of configuration, shape, pattern, ornament, or composition of colors or lines, which when applied to a 2D or 3D functional article, makes it novel by improving its visual appearance. Protection for industrial designs lasts for ten years from the date of filing, renewable every five years. For seeking the Industrial Design Protection, the applicant must ensure not to disclose the design before its registration.

5. GEOGRAPHICAL INDICATIONS

The Geographical Indications of Goods (Registration and Protection) Act of 1999 protects the GIs in India. A Geographical Indication or GI is a sign, symbol, or name used on certain products corresponding to a particular geographical location, which further indicates that the product of a specific origin possesses various unique characteristics and attributes. Darjeeling Tea, Basmati Rice, Agra Petha, to name a few, have achieved the GI tag in India. Protection for geographical indications is available for ten years in India, renewable from time to time as per the provisions of this IP Right.

