



# INTELLECTUAL PROPERTY RIGHTS

## CHAPTER 6



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# INTELLECTUAL PROPERTY

- Intellectual property is a category of property that includes creations of the human intellect, and primarily encompasses copyrights, patents, and trademarks.
- IP rights can be seen as a package.
- Just as the components of a software combine to form a package, different rights protects different sub products of a whole product.

# WHAT DOES INTELLECTUAL PROPERTY INCLUDE?

- In the modern context the term intellectual property, covers the following aspects in the relevant categories namely:
  - **Copyright:** literary, artistic and scientific works covering books, journals, magazines, written articles etc.
  - **Trademarks:** trademarks, merchandise marks, service marks, commercial names and designations like logos or names for a product

# WHAT DOES INTELLECTUAL PROPERTY INCLUDE?

- **Patents:** inventions like a new form of airplane engine, a floor cleaner, etc.
- **Designs:** it includes the shape of a bottle, machine, model of luxury car or any other product, etc.

# WHAT ARE INTELLECTUAL PROPERTY RIGHTS?

- Intellectual property rights are such rights which are given to persons who are the authors or creators of the new and original literary and artistic works such as books, articles , other writings ,paintings , musical compositions, sculpture , films and computer programs by application of their creativity process and intellect.

# WHAT ARE INTELLECTUAL PROPERTY RIGHTS?

- IP rights are given to such individuals to compensate for their suffering during such creative process and their investments.
- These rights are given for a certain period of time and after which general public have the right to freely benefit from them in their benefit and use.

# NECESSITY OF INTELLECTUAL PROPERTY RIGHTS PROTECTION

- Intellectual property rights protection is necessary due to following reasons:
  - Encouragement to creativity
  - Innovations in technology
  - Protection of users and consumers
  - Stop others using, making, selling or importing it without your permission
  - Make money by selling it
  - Protect it against infringement by others and ultimately defend in the courts your sole right to use, make, sell or import it

# WORLD INTELLECTUAL PROPERTY ORGANIZATION

- World Intellectual Property Organization (WIPO) was established on July 14, 1967 at Stockholm.

# INTELLECTUAL PROPERTY ESTABLISHMENTS IN PAKISTAN

- All the Intellectual Property Rights laws in Pakistan are being administered and managed by three different ministries of the Federal Government, which are as under:
  - Ministry of Education: the Copyright Ordinance, 1962.

# INTELLECTUAL PROPERTY ESTABLISHMENTS IN PAKISTAN

- Ministry of Industries and production:
  - The Registered Designs Ordinance, 2000.
  - The Registered Layout-Designs of Integrated Circuits Ordinance, 2000.
  - The patents ordinance, 2000.
- Ministry of Commerce:
  - the Trade Marks Ordinance, 2001.
  - the Merchandise Marks Act, 1889.

# COPYRIGHT

- Copyright is a legal right , existing in many countries, that grants the creator of an original work exclusive rights to determine whether, and under what conditions, this original work may be used by others.
- In simpler terms, copyright is the right to copy. This means that the original creator of a product and anyone he gives authorization to are the only ones with the exclusive right to reproduce the work.

# COPYRIGHT

- It protects more items generated by businesses or individuals than any other aspect of IP rights.
- It protects the form in which words, numbers and drawings are laid out.
- It can therefore protect business letters, manuals, diagrams, computer programs and different lists for examples of customers and suppliers.

# COPYRIGHT

- Copyright law gives six exclusive rights to the owner of the copyright
  - Copy the work
  - Issue copies to the public
  - Lend the work to the public
  - Perform, play or show the work in the public
  - Broadcast the work in the public
  - Make an adaptation of the work

# COPYRIGHT WORKS

- Copyright works are the things protected by copyright law.
- There are different type of works
  - Original literary, dramatic, musical and artistic work
  - Sound recordings, films, broadcasts and cable programs
  - The typographical arrangement of published editions.
- Databases and computer programs are also protected by copyright laws.

# DURATION OF COPYRIGHT

- Copyright does not last forever and its duration varies between different categories of work. In the case of
  - Literary, dramatic and artistic work, copyright expires at the end of the period of 70 years after the death of author.
  - Sound recordings, copyright lasts for 50 years from the time it is made or released.
  - a film, copyright lasts for 70 years after the death of relevant persons.

# DURATION OF COPYRIGHT

- Broadcast or cable program, copyright continues for 50 years from the date of broadcasting.
- Typographic arrangement of a published edition, copyright lasts for 25 years from when it was first published.

# INFRINGEMENT OF COPYRIGHTS

- Infringement is the action of breaking the terms of a law or agreement.
- There are two categories of infringement of copyrights
  - Primary infringement
  - Secondary infringement

# PRIMARY INFRINGEMENT

- Anyone who performs any of the six acts that are exclusive for the copyright owner, without his consent is liable for primary infringement of copyrights.
- It can be committed entirely innocently so it is not regulated by criminal law, it infringes only the civil rights of the owner.

# SECONDARY INFRINGEMENT

- Beside breaching the civil rights of a copyright owner, secondary infringement also accounts to a criminal offence punishable by a fine or imprisonment.
- It is designed to catch those who trade in and make profit from pirated goods.

# SECONDARY INFRINGEMENT

- It occurs when a person
  - Imports an infringing copy other than for private and domestic use
  - Possess an infringing copy in the course of a business
  - Sells or let for hire an infringing copy
  - Transmits the work by mean of a telecommunication system

# THE COPYRIGHT ORDINANCE 1962

- Any person violating the said ordinance shall be punishable with imprisonment which may extend to 3 years or with fine which may extend to 100,000 rupees- or with both.

# DESIGN

- **What is a design?**
  - The appearance of a product, in particular, the shape, texture, color, materials used, contours and ornamentation. To qualify as a new design, the overall impression should be different from any existing design.
- **What is a Design Right?**
  - A design right is an intellectual property right that protects the visual design of objects.

# DESIGN

- **Who owns the design right?**
  - Typically the creator of the design owns any rights in it, except where the work was commissioned or created during the course of employment, in which case the rights belong to the employer or party that commissioned the work.

# PATENTS

- A patent gives the patent-holder the right to stop others from producing, selling or using his or her invention.
- Unlike copyrights, patents protect the idea or design of the invention
- To patent something you have invented , you have to demonstrate that
  - your invention is a significantly original creation
  - it is unique enough to distinguish it from existing inventions
  - it is innovative enough that it wouldn't be obvious to others.
- Patents provide protection for 20 years. After that, the invention is public property.

# IC'S TOPOGRAPHY??

- Configuration of electronic circuits embodied in integrated circuit products or layout designs.
- Used in many technologies, such as:
  - Computers
  - Automobiles
  - Pacemakers
  - Industrial Robots
  - Cameras
  - Spacecraft
  - Etc.

# TRADE MARK

“Any word, name, symbol, or any combination, used, or intended to be used, in commerce to identify and distinguish the goods of one manufacturer or seller from goods manufactured or sold by others, and to indicate the source of the goods. In short, a trademark is a brand name.”

# TRADE MARK

- The trademark owner can be an individual, business organization, or any legal entity.
- A trademark may be located on a package, a label, a voucher, or on the product itself and often displayed on company buildings.

# THE TRADEMARKS ORDINANCE, 2001

- A trade mark may be registered in accordance with the provisions of this ordinance in respect of:
  - goods
  - services or
  - both goods and services,

|                                     | <b>Copyright</b>  | <b>Patents</b>   | <b>Trade Mark</b>   |
|-------------------------------------|---|--|---|
| <b>What's Protected?</b>            | Original works of authorship, such as books, articles, songs, photographs, sculptures, choreography, sound recordings, motion pictures, and other works | Inventions, such as processes, machines, manufactures, compositions of matter as well as improvements to these | Any word, phrase, symbol, and/or design that identifies and distinguishes the source of the goods of one party from those of others |
| <b>Requirements to be Protected</b> | A work must be original, creative and fixed in a tangible medium  | An invention must be new, useful and nonobvious  | A mark must be distinctive (i.e., that is, it must be capable of identifying the source of a particular good)                       |
| <b>Term of Protection</b>           | Author's life plus 70 more years  | 20 years   | For as long as the mark is used in commerce   |
| <b>Rights Granted</b>               | Right to control the reproduction, making of  | Right to prevent others from making, selling   | Right to use the mark and to prevent others from using similar  |