BLOGS

Types of Intellectual Property Rights

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INTRODUCTION

An intangible asset created by the human mind is known as intellectual property (IP). It alludes to mental constructions or intellectual outputs such as commercially useful symbols, names, and images as well as innovations, designs, literary and creative works.

The rights connected to intangible property that is owned by a person or business and is prohibited from being used without authorization are known as intellectual property rights (IPRs). Therefore, IP rights are those that pertain to the ownership of intellectual property.

TYPES OF INTELLECTUAL PROPERTY RIGHTS IN INDIA

1. PATENTS

One of the most significant categories of IPR is the patent. According to the definition, it is “A government authority or licence conferring a right or title for a set period, especially the sole right to exclude others from making, using, or selling an invention.”

When people or organizations create new products or processes, they go to the patent office, describe the invention in detail, and pay a fee to have their “property” protected. This is alright since these people spend many years and a lot of money creating something, and they deserve to be paid for it.

Patents are a crucial component of an innovation and growth-oriented culture since they serve as a motivator for the creation of new goods and procedures. Only a short time, like 10 or 20 years, is allowed for patent protection to be granted.

2. TRADEMARKS

The trademark occupies a significant place among the various forms of IPRs as a distinctive identifier of a business or a product. It is an assurance of a particular standard and quality and speaks to the reputation of a brand or business with consumers.

Trademarks require intellectual property protection because businesses spend a lot of effort and money creating their brands. The last thing they want is a swindler utilising their trademarks to sell goods or services while misleading customers and damaging their brand and finances. Names, logos, and designs used for packaging or the items themselves are examples of trademarks.

3. COPYRIGHTS

The words “All Rights Reserved” might appear when you view a movie, buy a book, or a DVD. This is merely a method of preserving the information contained in the movie, book, or DVD by stating that the publisher is the exclusive owner of the copyright and that nobody else is permitted to reproduce or otherwise use the content without their permission.

Any original creation, including movies, books, music, computer programmes, and paintings, is given copyright protection. Copyright has two facets: a moral aspect and an economic aspect. Authors have the right to be recognised as the creators of a specific work and to protest if it is presented in a distorted or altered form thanks to moral rights. The economic right offers the author more direct power and is more palpable.

4. INDUSTRIAL DESIGN

A certain product or article’s production method is called industrial design. For instance, a furniture manufacturer might develop a novel method of creating a sofa-cum-bed and want to prevent someone else from copying it. To be protected by industrial design law, an industrial design must be registered in many nations. Patents might as well work in other nations.

5. GEOGRAPHICAL INDICATION

Producers of some goods may seek intellectual property protection in order to prevent goods from other regions from abusing the geographic association that these goods have. For instance, Basmati rice has been registered as a product with a geographical indication with the Department

of Commerce in India. Only a particular variety of rice, produced in seven states in the foothills of the Himalayas, is given this label.

6. PLANT VARIETIES

Plant Variety Rights are a recognized form of IP that safeguards unique plant varieties, similar to copyright protection for books and patents for innovative products. Developing new plant varieties demands significant investments in skills, labour, resources, and time, spanning up to 10 to 15 years.

Without proper protection, breeders face the risk of others reproducing their varieties, undermining their ability to benefit from their investments. To encourage continued breeding efforts and innovation, an effective system of plant variety protection is crucial. This system not only protects plant breeders' rights but also fosters further advancements by ensuring that protected varieties can be freely used in future breeding programs, known as the 'breeder's exemption.'

The plant variety rights system allows breeders to earn royalties from the production and sale of seeds from their protected varieties. This arrangement has played a vital role in driving significant progress in plant breeding over the past four decades. By providing protection and incentivizing innovation, the plant variety rights system supports the development of new plant varieties for the betterment of society.

CONCLUSION

In conclusion, IPR plays a crucial role in today's knowledge-driven economy. They provide legal protection and recognition to creators and innovators, encouraging them to invest their time, resources, and talents into generating new ideas, inventions, artistic works, and more.

The seven main types of IPR include patents, trademarks, copyrights, semiconductors, industrial designs, geographical indications, and plant variety rights. Each type serves a specific purpose in safeguarding different forms of intellectual creations and commercial assets. These rights not only protect the interests of the rights holders but also foster innovation, creativity, and economic growth.

Also Read: Patent in Intellectual Property Rights