

**ONLINE CERTIFICATE COURSE ON IPR BY INDIAN LEGAL  
SOLUTION (A UNIT OF RAGHVENDRA KUMAR AND  
ASSOCIATES LLP)**

**MODULE- I**

**Introduction to Intellectual Property Right Laws (IPRLs)**

**Introduction:**

- IPR basically means a right pervading some material object.
- It is a creation of intellect and involves a right pervaded in some property of real nature.
- It is fictional in nature and quite different from formal property.
- Halsbury's Law define it to be a property which belongs to a person exclusively of others and can be subjected to bargain and sale.
- It includes goodwill, trademarks, and patents.
- It is a right which involves the intellectual skills of an individual.
- It is a bundle of rights which can be transformed and transmitted.

**Attributes of IPR:**

- It is a fictional property and not a real property.
- It is a right pervading some material object or real property.
- It is confined or extended to some defined period of its life.
- In certain circumstances it is received even after its transfer to some person.
- It is a saleable and transferable right.

- It is a more valuable right than real property.
- It is protected by different legislations under different statutes.

### **Nature and Scope of IPR:**

- IPR are basically the rights of *jus in re propria* over intangible things.
- It is a right over the skills, ideas and intellect of a person.
- The scope of IPR is very wide and *WIPO (World Intellectual Property Organisation)* includes
  1. literary, artistic, scientific trade marks
  2. Service marks, commercial names & designations,
  3. All other rights resulting from intellectual property in artistic, scientific, literary or industrial works.

### **Kinds of IPR:**

- The subject matter of IPR is divided in two types:
  1. Industrial Property – includes patents, trademarks etc.
  2. Literary Property – includes copyrights, broadcasting rights etc.
    - A. **Copyright:** Exclusive privilege for printing, multiplying publishing and selling a literary or artistic work or technical production like a map, blue print, or sound recording, musical work etc.
    - B. **Patents:** Exclusive right granted to inventor or discoverer to make, sell or use his inventions or discoveries. Its characteristic lie in the power of excluding others if patentee doesn't wish to use the patent himself. Some important features of Patents are:
      - (i) It is a license granted by the state.
      - (ii) It is granted as to some invention to the applicant who claims for it.

(iii) It is an exclusive right conferred upon a person for a limited or specified time.

(iv) The license is a protection to use the invention as a monopoly of the person.

C. **Trademarks:** Any mark, symbol, pattern or any other devices with or without words, affixed to goods offered whereby the goods of a manufacturer can be at once distinguished from similar goods are known as trademarks. Generally trade name is used under which a person or a firm transacts his business whether or not in proper or less fanciful name of the product or services.

D. **Designs:** Basically means a right which connotes the features or outward appearance of the article and implies shape, configuration, and pattern and must relate to an article and must be novel and original.

#### **Benefits of IPR:**

- The interests of the individuals who won any intellectual property are safeguarded from undue exploitation and encroachment, infringement or violation thereof by virtue of IPR Laws.
- The role of investors are recognised and encouragement is forwarded to them for continuing researches in their respective fields in order to make advancement in their work.
- Protection of intellectual property has contributed more and more to the growth and development of various kinds of industries in states and international level.

## **Philosophies of IPR:**

- **Social Trust Theory:**

- The propounders of this theory advocate the fact that all creations are a product of communal forces.
- When we talk about communal forces, we basically state the fact about those forces which work together for the creation of a particular thing.

Now, the question is that since all creation is for the general...

... To be continued

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