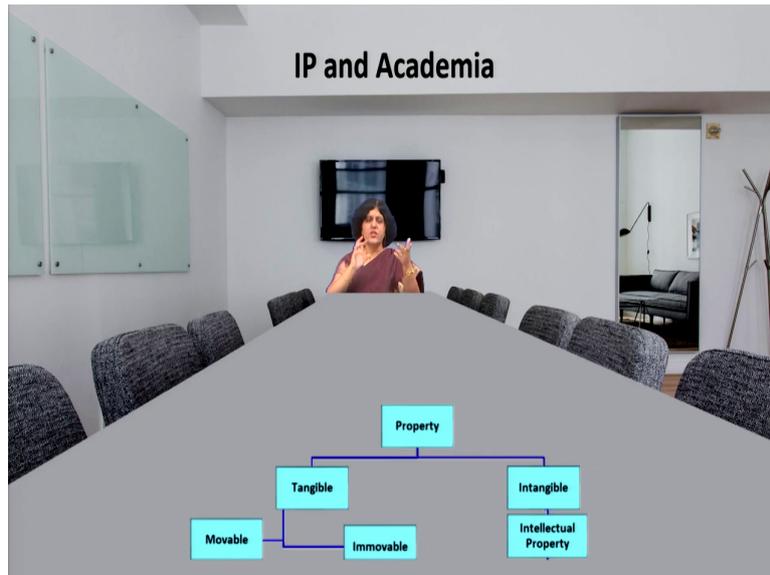


**IP Management and Technology Transfer**  
**Prof. Gouri Gargate**  
**Rajiv Gandhi School of Intellectual Property Law**  
**Indian Institute of Technology, Kharagpur**

**Lecture - 03**  
**IP and Academia - I**

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A very warm welcome in module 3 of week 1 of the course, Intellectual Property Management and Technology Transfer titled IP and Academia. We got idea now why this IP system actually that what probably happen if that IP system may not be there. What are the repercussions if that intellectual creation will not be protected, what kind of repercussions will be there? And why this system is evolved? We got some idea about this particular aspect in the previous section, a previous module we can say.

Now, in this module what we will do, we will try to understand that we are in a say academic institute and maybe in research organization, maybe you are a starter, we will try to

understand that what exactly that intellectual property, where exactly it fits in the domain of property if we take as a property, where exactly this intellectual property stands.

And then what are the different types of intellectual property, so that we can get idea about yes, when we are managing IP what exactly we are managing, we should know that details about that particular thing. Now, this particular property when we are talking about or intellectual property when we are talking about where exactly it comes as name suggest it is a part of a property.

Now, we know that when we are talking about a property it may be tangible property, it may be intangible property. Now, as a name suggest tangible means touch actually. So, the things which you can touch you call it as a tangible, things which you cannot touch it is a intangible.

So, when we see property as a such, we know that if it is a car we can touch that car, if it is a bungalow we can touch that bungalow, if it is a pen we can touch that pen, if it is a mobile we can touch that mobile ok or it is a TV we can touch that TV, this is the chair we can touch that chair, this is the table we can touch this table.

So, what exactly this is something all this is the property and I am able to touch it ok. So, that is something a tangible property actually and it may be movable and it may be non-movable. So, it is like immovable property and movable property actually that we are very well aware about that particular thing.

Now, the another type of property is there that we call it as a intangible property that is a which we cannot touch. Suppose I say that I am thinking about a patent actually, I am thinking about some invention. So, where it is actually, you cannot touch that thinking actually or if somebody saying I am writing a poem I am thinking about the poem you cannot touch that creation whatever is going on in the brain.

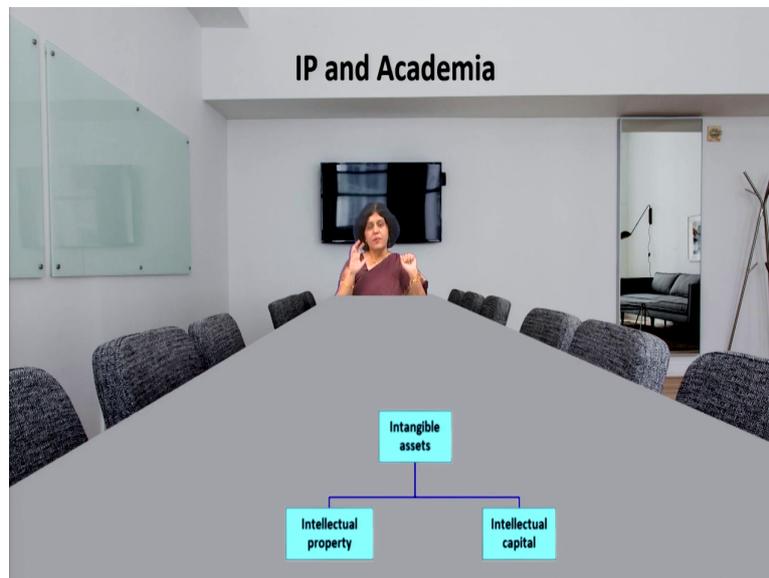
So, that is something which you cannot touch that is what the intangible is and now in that intangible this intellectual property comes. Now, why we are focusing on this particular sub-means details about this intangibles intellectual property and then types because many

times what happen if you see the news actually or if you see the newspaper means you watch news on the TV or newspaper the news is like something they use the terminologies very interchangeably they say to copyright, they will say industrial design to industrial design, they may say patent.

So, these words are used interchangeably and that is the major mistake we can say while reporting about that particular property is done by the news reporters. It should not happen actually because there is a very much different meaning about what is patent, what is copyright, what is industrial design.

So, this is very important to understand that and in this course we are learning that yes if these are the eight types of intellectual property how we can manage this types. So, that we can generate wealth because IPs for a wealth creation when we are creating this IP we are expecting that we are doing some we are getting some benefit out of that IP may be direct wealth creation or indirect effect may be there so, that intellectual property.

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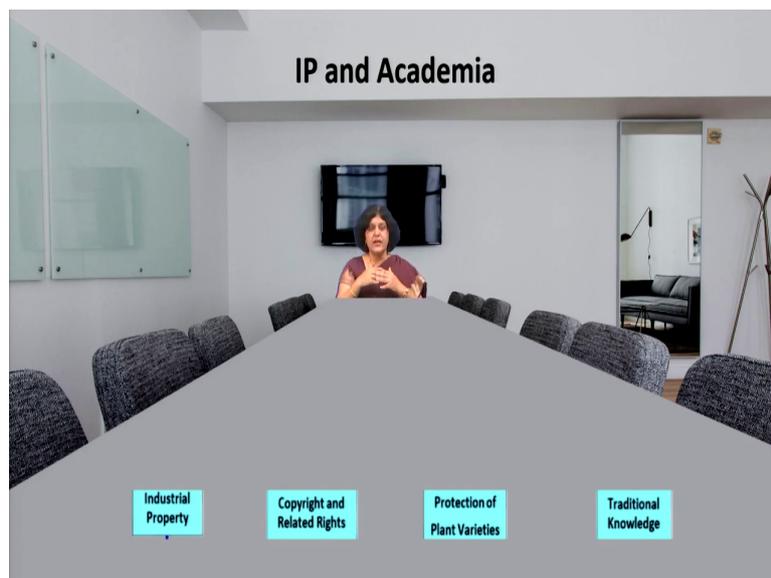
Now, when we move further and we try to understand the further classification of this intangible property it can be intellectual property and it can be intellectual capital. Now, what is the difference in that intellectual property and intellectual capital? Now, this intellectual property when we are talking about this intellectual property we will go further details of that, little bit idea about intellectual capital we will take here.

So, what is that intellectual capital? So, here when we are talking in this context because there is another context for intellectual capital also we are not going into that details. In this context intellectual capitalism the capability by which the IP or intellectual property is created and in short if I want to divide it intellectual capital broadly we can divide it as a human capital, structural capital and relational capital.

So, these major capitals are there, we will not require to go into details of that now. So, just remember human capital, relational capital and structural capital. Then further there is a cognitive capital, conative capital and affective capital I repeat cognitive, conative and there is a affective capital.

So, this six capitals human relational structural, cognitive, conative affective this six together forms the innovation capital and this innovation capital is responsible for creation of a intellectual property. This much information is good enough for us for understanding the concept of intellectual property.

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So, let us move further now and let us check that further classification that intellectual this intellectual property is divided as a industrial property then there is a copyright and related

rights are there, then there is a protection of plant varieties and farmers right is there and there is a traditional knowledge actually.

So, what is that exactly? So, when we are we will go into details of industrial property because industrial property is further classification is there. So, we will first focus on the copyright and the related rights. So, in the next week actually we are focusing on this little bit so that we can get idea about this particular types of IP. So, this copyrighted related rights when we are talking this copyright is related to the expression actually.

So, when one word if I am going to explain copyright and related rights the word is like a expression. So, this is a writing a poem is a expression of that creator that author actually. If drawing the picture is like expression of that creator the author, if somebody is taking a photograph it is a skill law for photographer actually how to capture that photo correctly.

Or a sculpture is there how to create that sculpture is a creation of that particular author because author is a common word I am using because in law the creator of a copyright is termed as a author and the ownership rights are always with a author. Now, let us move further and we will focus on a protection of plant varieties and farmers right.

Now, this is particularly very much focused on breeder's right and then the farmer's right and then whatever the agriculture related development is there, seeds are there, some plants are there, some wines are there. So, whatever that creation is there that is completely protected through this particular act actually.

So, here we can say that because this is when we will go in further one of the module we will see the difference in the jurisdiction that and I can give the idea here only that when we say protection of plant varieties and farmers right, it is a separate act if you go into US there is a plant patent actually in India we do not have that concept.

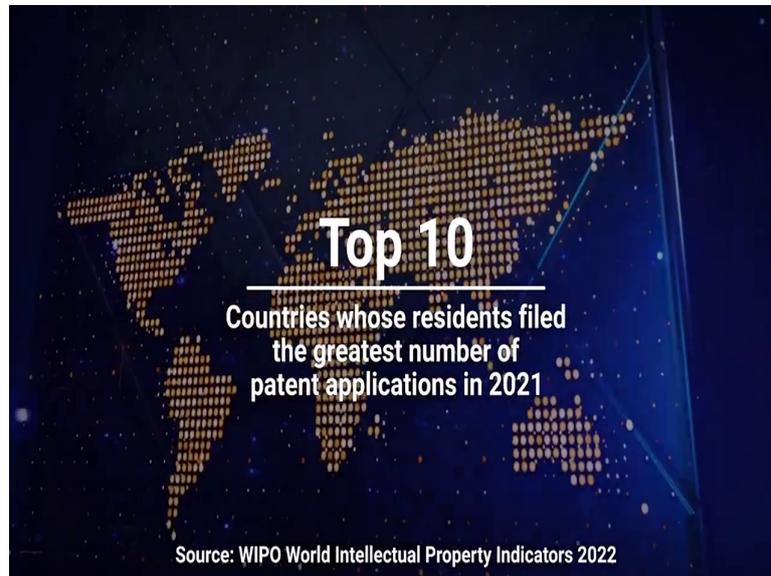
So, in one of the modules we will deal with that particular thing that jurisdiction wise the differences are there. So, this protection of plant varieties and farmer's right it is protecting the efforts which are put by plant breeder's and we can say that the farmers. So, it is we can

say it is the title is like a protection of plant varieties and a farmer's right ok. We will go in further details of that in upcoming module.

Now, the next is like a the that there is a traditional knowledge. Now, when we are talking about this a traditional knowledge it is something there is different opinion that whether traditional knowledge will be considered as IP or whether it is not IP. So, different opinions are there.

But that is one thing which is like we are not considering here as IP I am very clear on that, that when we are talking about intellectual property I will not put traditional knowledge as IP, but we should know that ok this is something considered actually ok. So, industrial property you can say copyright and related rights are there, then there is a protection of plant varieties and farmer's right is there and there is a traditional knowledge ok. Now, we will move further and let us watch one video and relax actually.

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**OF AMERICA**  
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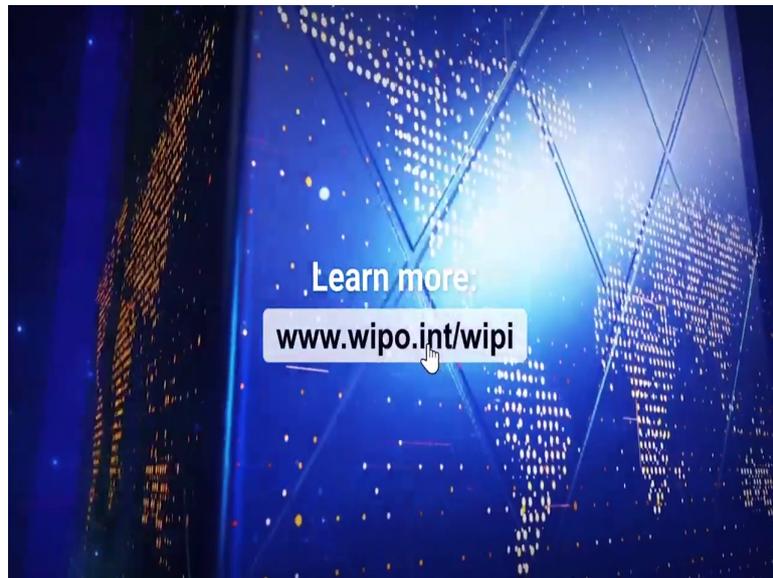
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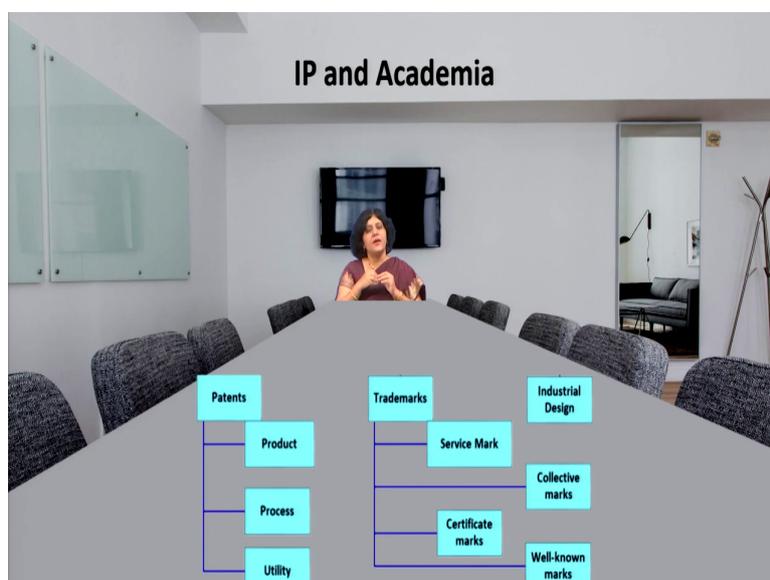
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I hope you enjoyed the video let us move further and just taken out the further classification of the industrial property. Now, this industrial property when we are talking about it is like a patent is there, trademark is there, then there is a industrial design ok. So, we will first focus on a patent when we are talking about a patent you can see here three types as a product patent, process patent and a utility patent, again jurisdiction wise if you see in India there is no utility patent.

So, there is only product patent and there is a process patent so, these are the two types of a patent. Then when we focus and if I want to give one word of patent I will say invention. So, patent is for invention of course, there is a innovation, but I do not want to confuse you invention innovation there is a difference maybe you can just try out what is the difference in invention and innovation ok.

So, invention innovation the patent will come, copyright is for what? Expression ok. Then protection of plant varieties is for what? It is related to agricultural products and traditional knowledge we are not considering here we will move further and check trademark.

So, what is the trademark actually? If I you I will use some words actually and probably you will gauge what I am talking about, if I say Bata, Mochi, Catwalk, Reliance, Mercedes Benz, Tata what exactly I am talking about. So, I am using one word or I can also say that 007 no explanation is required that one word or that one number is giving you whole idea about what I am talking about.

If I say Tata you just remembered maybe Taj hotels maybe you remember, TCS maybe you remembered, some Tata salt ok. So, if I say Reliance you maybe immediately thought about Ambani. So, it depends means how exactly means that one word, that Reliance Industry right.

So, one word is sufficient to give the information about that particular organization, about the quality, offerings of the quality whatever the products are given or offered by that particular brand that particular name immediately we remember that particular thing right. And then there are different types are there that certificate mark is there, textile mark is there, then word mark is there.

So, we will not go in details about that now in one of the modules we will check that particular thing. So, this is the trademark. Now, the next one the next one is like a we are talking about a industrial design. Now, what exactly industrial design? I will give you few examples so, that you can immediately relate that particular thing.

So, suppose I say Mercedes-Benz and if I ask you imagine that Mercedes-Benze. So, immediately a picture of Mercedes-Benz will come in front of you. Now, if I say Tata maybe Toyota car immediately you imagine the picture of that particular Toyota car. Now, if I say Dove immediately you think about that white color soap and that picture will come in front of you. If I say Parachute so, if I say Parachute oil actually I want to give the brand name

Parachute oil immediately that bottle with a blue color and then the coconut tree immediately it comes in front of you.

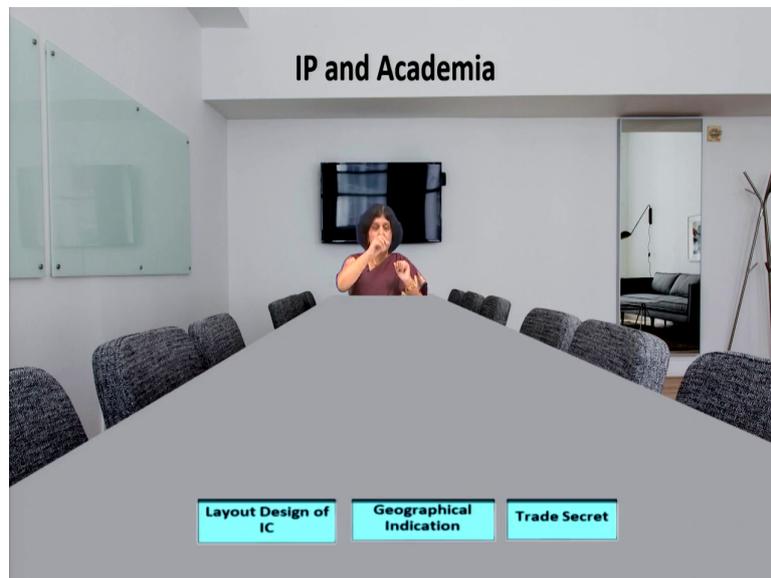
So, what exactly we are talking about? The external appearance of that particular product we are talking about that external appearance which we can see by naked eyes. So, some patterns are there, sometimes like some patterns lines, Bisleri bottle if I say that lines means that grooves are there on that bottle and all.

So, that particular pattern or if I say Colgate immediately that red and white color comes in front of you. So, what happen that whatever the packaging is there external packaging is there that particular comes immediately in front of you. And the protonic and that is very specific actually means when Colgate that red and white combination or Parachute that particular blue color with a that black colored coconut tree actually immediately it comes in front of a our eyes.

So, this particular design this particular appearance is a creativity it is a creativity and that is protected by one of the type of intellectual property that is the industrial design ok. So, industrial design is for external appearance, trademark is like one word or letter or number and that is representing the organization and patent is for invention or a innovation.

Copyright is for the expression, protection of plant varieties when we are talking it is for plant varieties, breeder's right, farmers right that is coming into the picture. If it is a geographical indication actually, we will move further and we will focus on that particular thing that geographical indication or a trade secret or a layout design of a integrated circuit is there.

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So, for geographical indication suppose I say Solapuri chaddar. So, I am talking about Solapur a place and the product right or if I say Tirupati laddu I am talking about the place Tirupati and that laddu. So, the place and the product if I say Pashmina shawl I need not to say it is from Kashmir because once I say that word immediately you think about the Kashmir and the shawl.

If I say Chanderi saree immediately you think about the saree ok. So, what happen that particular saree actually or Kanchipuram saree right or Banaras silk immediately that is linked with the particular region right and there is a product. So, as name suggests indicating geographical origin. So, it is a geographical indication means the product is related to that particular geography.

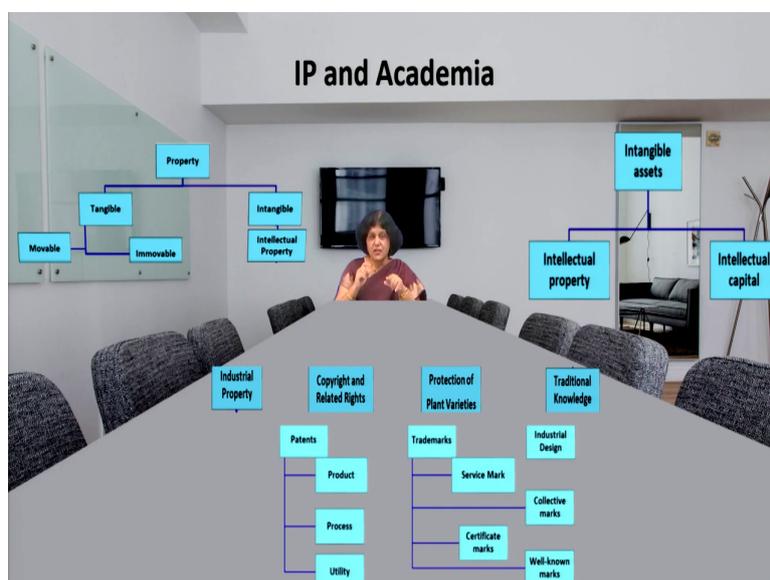
And that protection is given through this intellectual property regime statutory provision and that is the geographical indication act is there and through that this protection is provided ok. So, this is the geographical indication. Next is like a layout design of integrated circuit. So, semiconductor integrated circuit layout design act is enacted and it is in 2000 and this act gives us a protection of that particular that transistors are there, the resistors are there, that particular integrated circuit is designed.

So, how that arrangement is there and it is at a nano level actually we know that it is at a very nano level micro level also I am not talking it is a nano level arrangement is there and that particular arrangement on a particular vapour that whole mask work whatever we are talking about and that is unique actually. And protection for that is provided through the particular act that is called as a semiconductor integrated circuit layout design act.

So, that is a another type of a IP and then the trade secret actually and we know that is every domain every domain there is a trade secret, but in India we do not have statutory provisions for that particular thing as such, but a contractual arrangement is done and through that the trade secrets are protected and as a name suggest mostly it is a secret detail related to the trade.

And; obviously, it will kept in that confidential, it is a confidential information in a short or a I am talking it in a layman language it is a confidential information and all. But when we go into details about a trade the trade secret we will get the idea about that. So, something secret information which is a very useful for the business or that trade it is a trade secret as name suggest.

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So, we can say that I just summarize that there is a kind of a the if you talk about this particular thing that there are eight types of IP. Now, we can just say that yes there is a property and then there is a the types we have seen that there is movable property, immovable property and then there is like intangible assets and intangible assets we have seen that intellectual property and intellectual capital is there. And then you have seen that there are this industrial property, copyright, then protection of plant varieties and farmers right and there is a traditional knowledge.

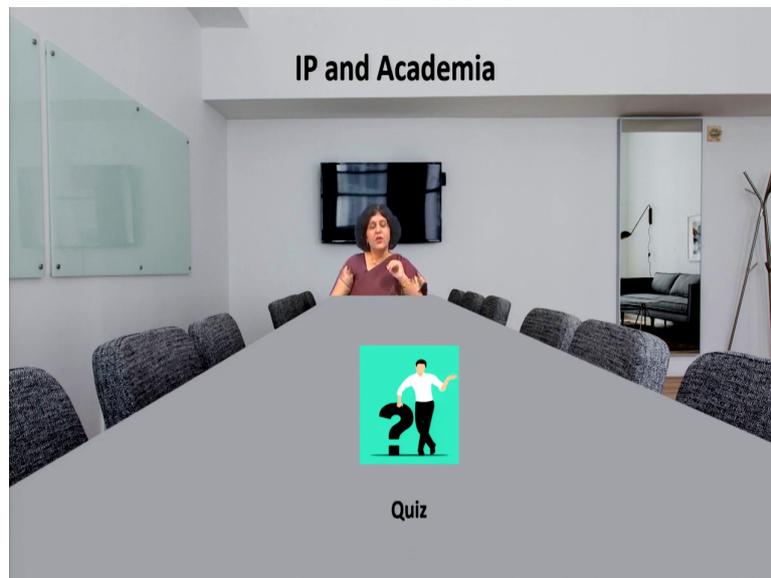
So, we can see here that there is a patent, trademark, industrial design, then there is a integrate the other apart from this copyright we have seen in protection of plant varieties five types we have covered. Then other than that what is that geographical indication just now we have seen then there is a trade secret and there is a semi-conductor integrated circuit layout design.

So, these are the eight types of IPs and when we are talking about the intellectual property ok and intellectual property management we are talking about these eight types. We are not considering traditional knowledge intellectual property it is very clear ok. So, I have already said that there are different opinions and as per this understanding I am of the clear opinion as of now maybe that opinion may change, but as of now traditional knowledge we cannot consider under the intellectual property ok.

So, this is what the types of IP which we are dealing with which we create in academia ok. So, if you are a student, if you are a faculty member I will suggest you that find out that what how many patents are there, how many copyrights are there, how many semi-conductor integrated circuit layout designs are there, plant varieties or a that other types of IPs around you in your academic setup actually.

We are having that particular thing we are not able to maybe we are not thinking or thinking about it. So, we are not able to probably identify that particular. So, in the upcoming modules we will get idea how exactly we can identify it and rotate that particular for a value creation and with this we are coming to the end of this session. So, now quiz time actually.

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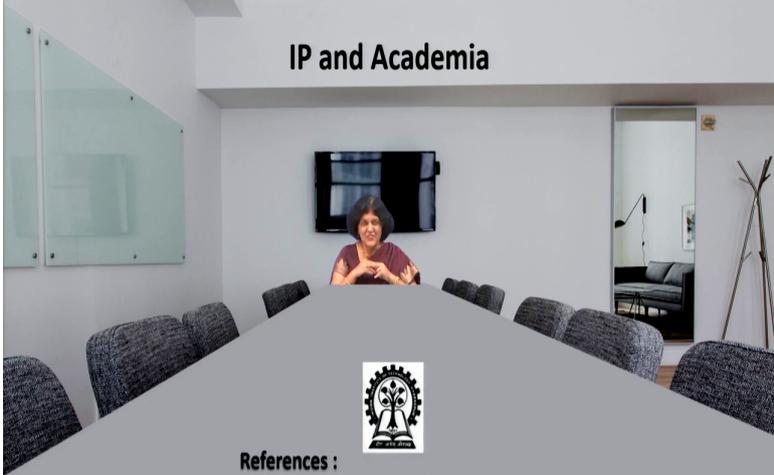
So, what I will suggest that there are eight types of IPs I request you that try to write down that all eight types in the comment box ok. So, that we can get idea that yes you are aware because we are focusing whole sessions now that further modules on that particular types of a IP when we are talking about technology transfer also we are considering it with the IP perspective actually.

So, please write down that what are the eight types of IPs and for what just like I have said that copyright is for expression, patent is for innovation or invention, if you could write down that in the comment box please try to write down ok. And with this we are coming to the end of the session; see you in the next session.

Thank you.

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## IP and Academia





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