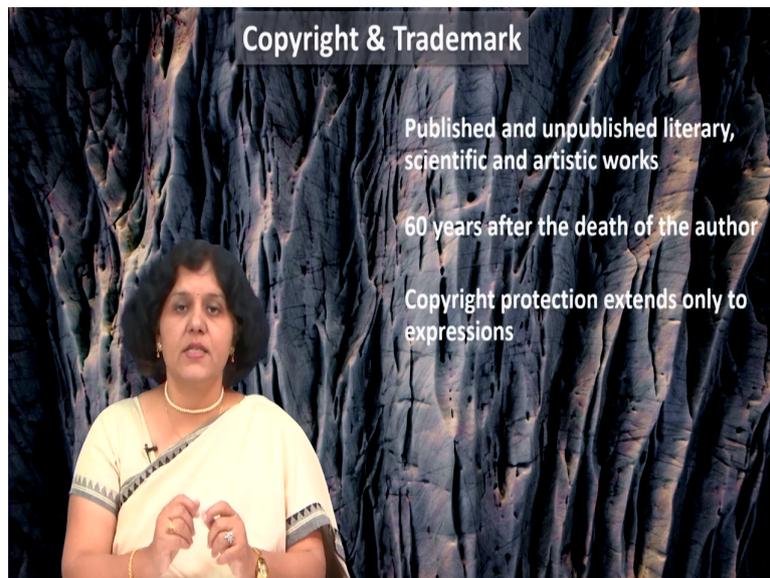


IP Management and Technology Transfer
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Lecture - 07
Types of IP- Copyright and Trademark

A very warm welcome in module 2 of week 2 of the course, Intellectual Property Management and Technology Transfer titled Copyright and Trademark. In the last session, we have focused on patent and we have already given you idea that how exactly this week is covering the brief review about the IP. So, now today we will go into details about the copyright and trademark and also, we will give you the references and we will share the links for that particular videos in the reading material folder.

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So, when we are talking about the copyright, what exactly this copyright is? Now, you can check here that what it is? It is a published and unpublished literary, scientific and artistic work. So, it is a literary, scientific and artistic work. It may be published; it may not be published and that is what covering the copyright actually.

And then it is very important that one word for copyright if I have to give, I will say expression. So, if patent what is that one word? Yes, invention or innovation. When we talk about copyright, the one word is a expression. And that what is the word? It may be published; it may be unpublished. So, for example, you are writing notes now whether it is published. Not, but whether it is a copyrightable material? Yes.

It is a literary work and it is a copyrightable work. Already you have received the copyright and thanks to which convention? There is a (Refer Time: 02:10) convention which gives a right, that copyright to create as soon as that material that creation is like created. It may be literary work; it may be scientific or it may be artistic work. We will just try to understand now the life of that copyright. So, it is 60 years, plus life of the author.

So, life of the author, the 60 years I am talking about India and in India the life is like a life of the author and then 60 years is a total life of a copyright material, ok. Pretty well, pretty long actually, ok. So, this is the basic understanding about a copyright. Now, we will move further and we will just try to understand that ok, what is the subject matter of a copyright.

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Now, you can see here there is a motion pictures and other audio visual work, then there is a Pantomime, Pantomimes, and the choreographic work, then there is a architectural work, then there is a musical work, then there is a literary work, then sound recording is there dramatic work is there and then the pictorial, graphical and the sculptural work is there.

All these are contributing or all these are the subject matter of a copyright. So, you can just take any example, any good architectural building, any music work which is created, any literary work, tables, maps, everything will be covered under literary work, sound recording is there. So, all this is like a under that particular, we can say that subject matter of the copyright.

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Now, just check here this session on the copyright subject matter, it is one of the session in the course, entrepreneurship and IP strategy. So, please watch this video to know little bit more details about this particular subject matter, the definition of that subject matter, that what is literary work, what is musical work, who is the author because author is the owner of that particular creation, just like in patent, who is the owner? Applicant is the owner. Similarly in copyright, author is the owner, ok. So, let us watch this video.

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So, next is like a literary work, ok.

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Now, what that literary work is, any work written or printed in any language. For example, novel poetry or books on any subject including tables, compilations and computer programs. So, this will come under a literary work. Now, any material, computer program, we will elaborate little bit more later but it is coming under the literary work. Next is like a dramatic work.

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So, dramatic work, any piece of recitation, choreographic work or entertainment in a dumb show, the scenic arrangement or acting from which is fixed in writing or otherwise, that will come under a dramatic work. So, here is a one dramatic work, we will just watch that particularly.

(Refer Time: 05:27) So, let us be with the noble Brutus and told you Caesar was ambitious. If it was served, it were a grievous fault and grievously, that sees an answer in it. Any piece of such kind of work, obviously, it will come under a dramatic work and it will be protected under the copyright act. Moving further, next is a musical work. Any combination of what is that musical work?

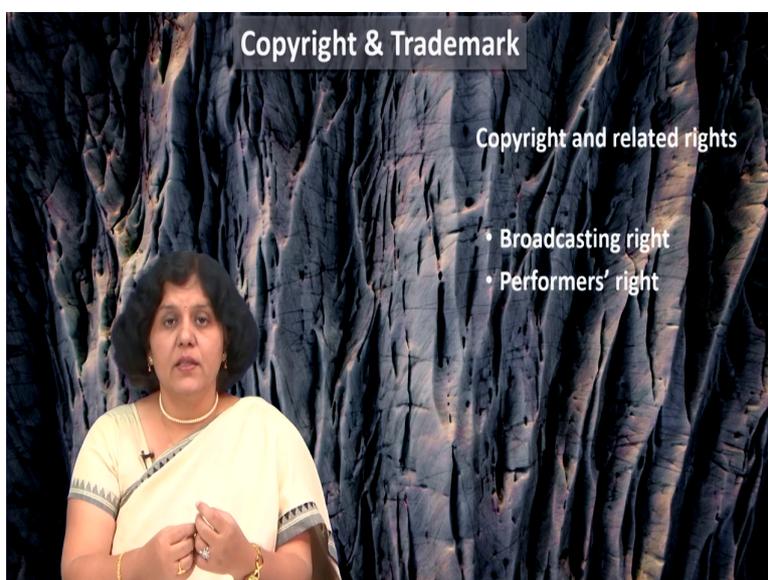
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So, any combination of melody and harmony or either of them printed, reduced to writing or otherwise, graphically produced or reproduced, this will come under the musical work. So, again you can see that tangible thing, that will come into existence means, tangible something, it should come under the tangible form is very important.

And therefore, that graphical note in music work is a very important. In earlier example, that is the drama, we have seen that it will come into the form of either CD or it will be recorded in any form that is coming into the tangible form, ok. I hope you enjoyed this video, let us move further. And we will move to the next, that is the copyright and a related rights.

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Now, what is that related rights are? It is a broadcasting rights and it is a performers right. So, these are the two related rights. So, what is the meaning of a broadcasting right? So, now the FIFA World Cup is going on. So, it is broadcasted, right? Then the if you are watching some TV shows say for example, KBC is going on. So, Amitabh Bachchan is performing.

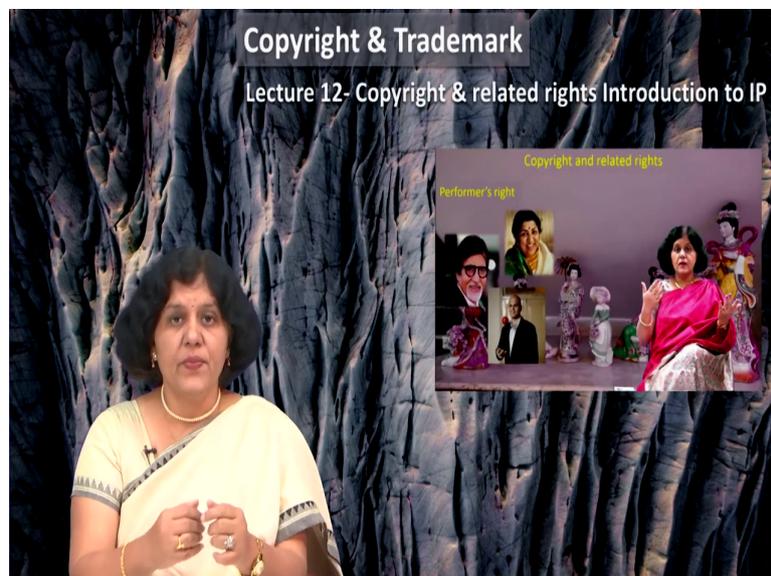
So, that is what the performers right is or suppose you are watching speech by the politician. So, the politician is performing or you are watching the TV show. So, in that TV show you can say that just like example of KBC, any other TV show you take, they are performing, right. Or if any musical concert is there, then we can say that the singer is like a performing in that musical concert actually.

So, the point here we have to note is like that, there are two related rights broadcasting right and performers right. So, now what is the life of this? Because this is something different than

the other copyright material whatever he have seen that literally emotion picture, sound recording, photographs, sculpture, all this we have seen. So, that is the; that is the different subject matter. Now, this is the related right broadcasting and performer.

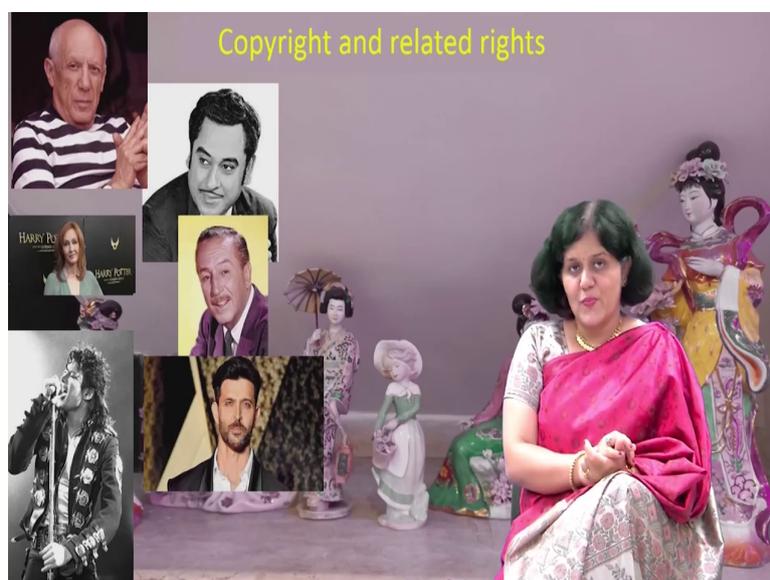
So, the life of this is also different for broadcasting right, the life is 25 years and for performance right, the life is 50 years that is of 50. So, that is the difference, ok. So, that is what about the related rights.

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Now, what we will do? We will try to understand little bit about that copyright and related rights and we will try to understand especially about the this related rights here through this video. Let us watch this.

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So, take an example of a JK Rowling which is the book she has written Harry Potter, ok. So, Harry Potter everybody knows. Now, the book which she has written and then the movie its adaptation and all that we know, can you imagine how much fortune she is created out of that? 1.3 billion dollars from that one series of Harry Potter.

Pablo Picasso no explanation is required. Kishor kumar no explanation is required, right. Singer and yes, of course, he was actor also. Then Walt Disney a special mention that Walt Disney which are the characters he has created? Yes? I give you a hint Disney World, now? Mickey and Mouse, ok.

Very popular character probably everybody have seen that Mickey Mouse series. And why special mention? Because government of US government they have to change the copyright

term because of this Walt Disney creation of a Mickey Mouse they have extended the copyright there from 60 years to 70 years that is the scenario.

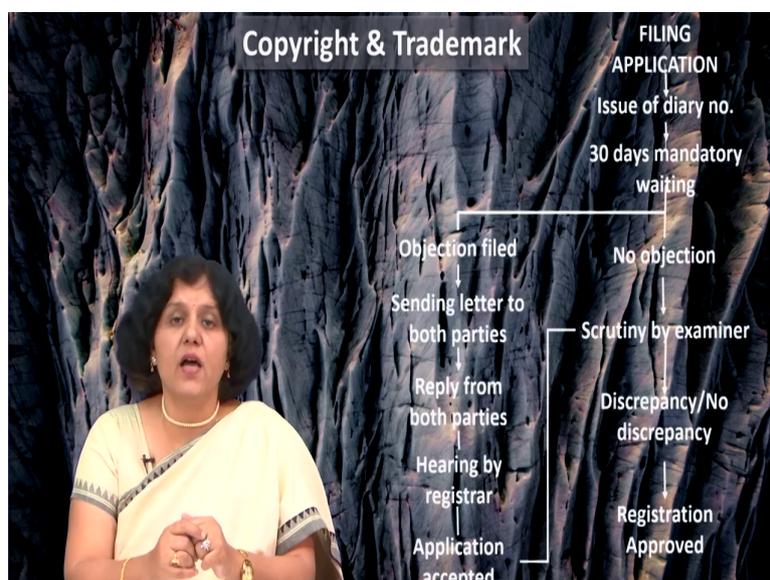
Michael Jackson everybody knows. And to give you example the copyright which is he has created that videos and that music and that all that empire he has created through his that dance and all currently his family is getting almost 8 million dollars per year because of that particular creation.

So, this is what the creation that copyright. So, I have given you example of dance, music, paintings, acting Hritik Roshan, then there is a choreography dance, then there is a paintings by Pablo Picasso, that singing, right. So, all whatever examples we have just seen all this is coming under the copyright. So, once we get idea ok, this is like film industry and then yes, publishing industry if you see these two industries mainly; obviously, copyright is in other areas also.

But if you see the major IP coverage in this two industries is by the that major IP which is used is a copyright. And we know that every Friday that we say that oh this movie made 200 crores or this movie have created the box office record of 300 crores something that numbers you see. So, that one copyright that IP which is created or associated with this is a copyright, ok.

So, I hope you enjoyed the video. And now the important thing that yes, we understood the subject matter what it is, but now we will try to understand how exactly the registration for copyright to be done. So, what are the different steps actually?

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So, please check here when we are talking about the copyright registration you can see here there are various types. Like you can see that there is a filing of applications, then there is a issue of diary number, then there is a 30 days mandatory waiting for that if any person who want to object that particular filing they can object within that 30 days and then different you can say the ways like objection is there or there is no objection or next is like if objection is there, what will happen?

You will receive the letter and you have to give the explanation for that particular objections actually, you have to give the reply to that objections actually. So, once that both parties gives the reply then there will be hearing actually, if it is the writing is not clear or it is not explanatory, then what will happen? Both parties will be called for the hearing and in the hearing it will be decided the fate of that particular application, ok.

And the if it is the passes the particular scrutiny the application will be approved otherwise what will happen? The further scrutiny and then if there is any discrepancy the application will be rejected. And if there is no discrepancy there will be approval. So, what we will do now? That here is the this video actually regarding this you can just take here that about the copyright registration.

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So, let us watch this video to understand more about what is that form, what is that site actually and how we should go for that a copyright registration. Let us watch this.

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But if it is accepted, what the thing will happen? You can see that examiner will start the examination. So, scrutiny will be started. Now, in the scrutiny if some discrepancy is there, what will happen? That examiner will send the letter to the applicant. Applicant will give reply and after; that means, what will happen? If reply is of is giving the details, then may then the after that there may be hearing or may not be hearing. And after hearing what will happen?

The if there may be a if register satisfies that discrepancy is now what we can say. The applicant has given the clarification about that thing then what may happen that it will be if it is ok, then it will be accepted and then the registration will happen. If there are say any discrepancies and if sufficient details are not received by register; obviously, what will happen? That will be rejected.

I hope you have enjoyed the video. Now, let us we move further that we understood the subject matter, we understood the related rights, we understood the life of that copyright. Now what we will do we will that also we understood the registration now the important part actually.

So, what happen that generally when we are talking about a copyright or a trademark or a patent, we are taking that right. But if somebody copies that or if somebody uses it unauthorized use, without your permission if somebody use, we call it as a infringement.

So, when such a infringement happen that without the authorization somebody is using it and getting benefit or you have probably heard about the pirated copies of books or you probably have heard about the pirated copies of CD or some movies like a shared by some link and it is like unauthorized we can say the sharing of that movie is there ok, without any license without any rights.

So, that is what the infringement is there. So, if such infringement happen; obviously, there are civil remedies, there are criminal remedies. It is copyright infringement is actually a cognizable offense and non-billable, ok. So, non-billable cognizable offense is a very serious actually scenario that if somebody do the copyright infringement and if you file the FIR for that particular infringement police has authority to take the infringer immediately in the custody.

So, that is the kind of a action repercussion is there of a copyright infringement. So, it is a very serious offense actually. So, we have to be very very careful and especially means I should not say that thing, but there are so many cases which are observed and even I have received E-mails regarding that when I was doing that another course and where we have shared something about the copyright, the mails are received from the faculty that there is the copyright theft in the academic institute.

I am very responsibly sharing this information this is happening and we have to be very careful that if this is happening it is not come coming under if it is a unauthorized use without

giving any attribution, without not following copyright law if something is happening it is a very serious offense it is a non-billable. And you can just imagine the seriousness of that particular offense actually, ok.

So, this is what the copyright infringement. So, what we will do now here? Just watch this video related to the copyright infringement, ok.

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Now, just see the next scenario here, ok.

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Marriage ceremony is going on. In the family and you obviously, in the marriage ceremony when we are enjoying, we are using music and all. And on that music nice dancing and all family members are enjoying and all. Suddenly police comes in your that event and they say that you are using the music of so and so without permission.

So, he whose marriage, who is a host for this event and then he will take host in his custody and go whether it is allowed? What happen, you without permission you are using the music you know you have you taken permission before using that music for enjoyment? No, you have not taken permission. So, police came and they have taken the host and now he is in custody. Whether it is allowed? We will see next scenario just check now another scenario.

Ok, I hope you enjoyed this and you have understood what exactly it is a very serious. So, probably you might if something unfortunate is happened with somebody it is a great relief

and so I can say that you might have feel better that yes, there is some remedy if such kind of a offenses are happening if such kind of a practices are happening this is the there is a proper remedy is available, ok.

So, this is about a copyright. So, we have covered that what is copyright, what is the subject matter of copyright, what is the life of copyright then we have covered the related rights. In there are two related rights which are these, yes?

Student: (Refer Time: 19:18)

Broadcasting rights and then other is a?

Student: (Refer Time: 19:22)

Performers right very good. Now, after; that means, broadcasting and performers right we try to understand that what is the life of that broadcasting and performers right and then we have under get some understanding about the registration and then infringement, ok. So, now what we will do?

Immediately we will shift to the trademark that is another important type of IP rather it is a oldest type of IP all IP's trademark is a oldest type of IP. Now, when we are talking about a trademark actually what happens? There are you can see here.

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That there is a word, letter, device, name, logo that particular we can say as a trademark or there is another category that is the non-conventional trademark and then you can see here there is a certificate mark, then there is a well known mark, there is a collective mark, there is a textile mark.

So, this different we can say the types of trademarks are available. So, what is that exactly? That for example, if simple example I have to give Canara Bank if I want to I will say that you know that one word is there and it is representing the bank and then you will have your experience regarding that particular bank.

If it is SBI again it is a word mark we can say and you have your perception about that and I take a few more names actually so that you can understand word, letter, device, name, logo, ok. So, say I say Bata or I say Mercedes Benz or I say just that McDonald's [FL]. Then if I say

that Jaguar that particular appearance of that particular Jaguar you can say the device mark it is actually you can just remember that device mark Jaguar if I say, then if I say suppose 007, ok.

So, immediately you have thought correctly about the James Bond right, and that music particular music, right. So, what happen that here that particular word letter device and all that is representing the mark. Then I will give you one more example. If I say Intel you remember that music of Intel right, the typical Intel music is there or Microsoft you open the laptop and you will probably remember the specific like the sound about that particular Microsoft actually or you can take a example of roaring lion actually.

So, immediately if I say roaring lion, immediately thought about some film related things, right. So, this is what the non-conventional trademarks actually. That sound is acting as a trademark ok, and there are few other olfactory marks and all, but we will not go into details of that because olfactory marks is not still accepted or followed in India. Then another category you can see here that is the certification mark, well known mark, collective mark and a textile mark.

Now, what is that? I just give you few examples. If I say ISO, it is a certification mark. If I say ISI right AGMARK or if I say 916. So, all these are like a certification mark. Now, what about a well known mark? If I say Mercedes Benz or if I say Tata ok, what is happening? That everybody general public is aware about this particular mark then there is a collective mark, then there is a textile mark.

So, this is all about the different types of marks. And now what we will do? We will try to understand little bit more information about the trademark.

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So, just check here actually. So, what is that actually? So, what is like a trademark? It is the once you own that trademark actually the benefits are like you can sell that trademark, you can buy trademark, you can get loan by mortgaging the trademark, you can transfer the rights temporary for that of that trademark, you can license the rights of a trademark and obviously, you can prepare a will and give the decision of you or what is your understanding that ok, after your ownership who will kind of get the this is the property.

So, who will get that ownership of that trademark? So, that is the benefits once you have a trademark. So, for example, if I want to little bit elaborate on that particular points actually whatever mentioned here. So, you know that ok, KFC if I say or McDonald's or Starbuck if I say, what is happening there? That Starbucks the particular trademark is like a followed the

chain is there actually right, and it is like a transfer is there you can say or the license is there, franchise is there, ok.

So, here the whosoever is getting the franchisee he is allowed to use that trademark and obviously, whosoever is getting that franchise is giving some consideration for that franchisee arrangement, ok. Or suppose what happen that you are in a need of a loan suppose you are a start-up and or you are a business establish and you want to generate loan, what is the common scenario we follow or what is the common our understanding is that ok, I will keep that home as a mortgage or I will keep my gold as a mortgage?

Now, here what I am telling you, that you can keep a trademark as a mortgage. So, you will say really that trademarks have value? I can give you simple example that trademark of Google can you imagine the value of that trademark it is around, yes. Almost 50 plus billion dollar, can you imagine? So, if somebody keeps the somebody in the sense obviously, the owner, ok. So, owner of Google if you want to keep that as a mortgage he can raise funds according to its valuation, ok.

So, similarly means anybody who is having that such a trademark bank have a facility to do the valuation and against that particular valuation the loan will be issued, ok. So, again you can sell the trademark that ok, I own now I do not want to continue business suppose I am a Bombay dyeing I do not want to continue the business.

So, what I will do? I will just sell that mark and I will get the money out of the that selling and somebody else is following the quality standards and all that thing and the Bombay dyeing is still available I will just give you the example. And but the original creator is not using that or they have already sold that particular thing.

Just I am trying to give one example that ok, this may happen. That if you feel if somebody feel that no, no I do not want to continue the business they can sell the trademark and they can get the money out of that particular that sale transaction actually, ok. So, and will why will it is possible? Because important here I will just ask a few questions here.

Patent life is how many years? 20 years, copyright life is life of the author plus 60 years, if it is a broadcasting 25 years, if it is a performance right it is a how much 50 years 50. Now, when we are talking about a trademark the life of trademark is a renewable it is renewable other IP's whatever I have just mentioned that is not renewable, trade mark is every 10 years you can renew it.

So, you know that Philips or Siemens 150 plus years the company is like that name is there. So, why it is there? Because trademark registration is allowed, trademark renewal is allowed by the trademark act. And therefore, that trademark you can say that it is the so whenever you will review renew that obviously, it will continue. And therefore, that will is important in a trademark especially.

In copyright also definitely it is because life time is 60 years after the original author. So, will is again important in copyright, will is again important. In a trademark in this both copyright and trademark will is very important. So, now let us take a break and you can just watch this video and check further information about the types of a trademark.

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The image shows a video lecture interface. At the top, the text "Copyright & Trademark" is displayed in a white box. Below it, "Lecture 17- Types of trademark- Introduction to IP" is written. A woman in a yellow sari is presenting. An inset window shows a slide titled "Types of Trademark" with a sub-section for "Device Marks".

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So, you have got the idea now that roaring lion or Intel inside right, or some music which is like a very specific immediately you can gauge that yes, it is representing a particular organization or that Airtel music, right. We immediately when we say Airtel immediately that particular tune immediately start kind of you remember that particular tune. So, here what is happening? That particular rhythm is acting or that sound is acting as a mark.

So, what is that? That is a phonetic mark, ok. So, sound acting as a mark it is called as a phonetic mark, it is very common. We have that kind of a different kinds of marks that are accepted in India and we are following this kind of a trademarks actually we are very well accepted. It is easy to do that thing, why? Because if some if I feel that ok, I want to have a phonetic mark, I can write down the notations you know that that musicians and all the composers they write down notations graphical notations are there.

So, when we are doing that registration in the of that particular trademark, we have to give that a notification, ok. And that notification will be kind of a some that proof that yes this kind of notification if it is there this is the phonetic mark owned by xyz, ok. So, that is what the phonetic mark. This is the one example of a non conventional. A few more we will see, but these are like not that much accepted in India.

I hope you enjoyed and understood the details about the further that is a types of a trademark. Now, let us move further and we will try to understand the information about the registration.

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Now, when we are talking about a trademark registration, what is the procedure you need to follow actually? So, the simple I can just briefly say that you have to do the first search report

that whether that trademark is available or not it is a very simple procedure you can do that using the available databases.

TMU is a database internationally available and there is an Indian trademark database is also available. So, the first thing that is the search, to check whether that trademark is not registered by anybody to check the novelty actually. But the novelty aspect is different in patent there is like in world it should be first time, in trademark that kind of a scenario you will not observe there are some changes.

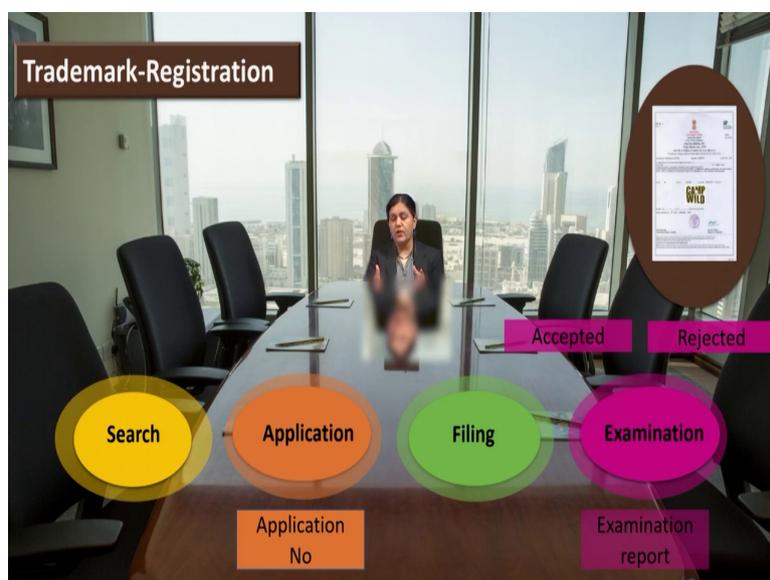
So, whenever you will watch the video probably you will understand. And this trademark search you have to do, then the next part or next important thing is once trade mark search is there, TM form is there and you have to fill that TM form. And once you fill that TM form it is a very simple you have to just fill the wherever the blank spaces are there it is available online.

Then you have to give the registration fee actually for the trademark. And then obviously, before doing or creating that one you can say the number you have to create through the website of a trademark registry and I am talking just about Indian trademark registration. So, that number unique number you have to create it is a online procedure you have to visit the trademark registry website and you have to create that number and you have to put that in the TM form actually.

And once that form is submitted along with the relevant whatever your trademark is, if it is a picture and all you have to give the attachment all that with the specific colors and all if it is there. And then the requisite fee you have to file it is online again. And then the further procedure of examination will happen, then hearing will happen if opposition happen that that will be taken care that hearing and then if there is everything you pass through that examination the trademark will be registered, ok.

So, let us watch this video.

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Now, to summarize this module you just check that you have followed search, then application, then filing and the examination. So, four steps we have followed search, application, filing and examination. Then next what happens is like you get the application number after filing that particular application in the registry.

Then eventually you have received the examination report and it may be some queries may be there you have to give the what we can say reply to that queries, then there may be chances that it may be rejected.

So, if it is rejected then obviously, you have to think of another trademark for your venture. So, it is always better that in the starting before application you check the what we can say

there is no any that such similar kind of trademark is not already registered or it is not near to already registered in a trademark.

So, that search report is very important. So, take care and you should not face the issue like a trademark is rejected. Then if it is already if your search report is clear obviously, you will you trademark will be accepted and you will get the that certificate like this right, the certificate will be you will receive that certificate that your trademark is registered.

Now, in some unfortunate events there is a possibility that there may be opposition and for opposition 4 months time is given 3 plus 1 that kind of arrangement is there. But if everything is properly done that legal search report is very properly done then there are I guess zero chances of opposition.

So, search report should be done properly. So, that you can save your time because you have to wait for 1 year or one and half year almost to get a trademark registered. And therefore, it is always better that do good search and then only follow the procedure. Now we will move further and just check that infringement related thing.

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Now, we have understood now pretty well what is infringement. Now we are talking about a trademark infringement. So, one example also you can see here that make my trip and GET MY TRIP you can just see the minor changes are done or star buck and star bucks, ok.

So, it is so confusing that particular manipulation I will say because this is the manipulation you are like a copying you are infringing you are doing illegal thing you are trying to get the goodwill of someone else to fetch the business and you are fetching the or you are affecting the share market share of that original creator, right.

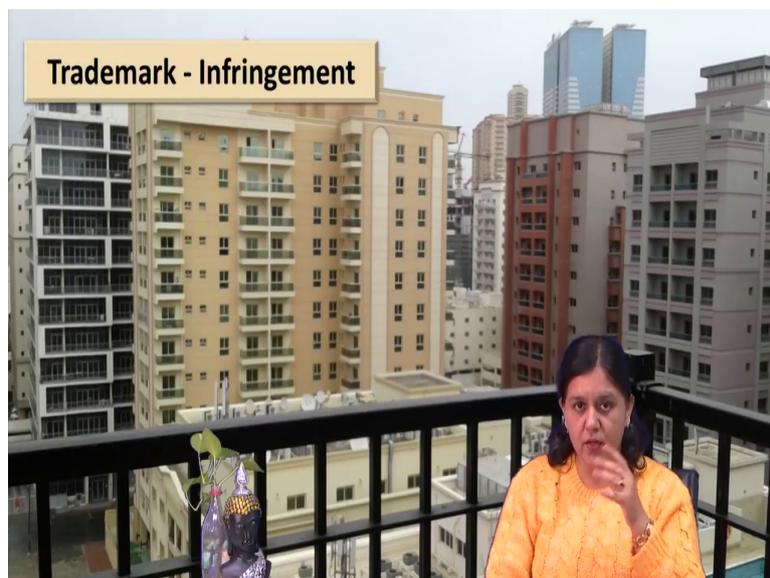
So, it is a infringement, it is a very unauthorized use of that trademark somebody is doing. So, it is like a again the criminal and civil action can be initiated even the criminal action will be

initiated. So, civil criminal administrative action can be initiated means if there is an infringement of a trademark.

So, probably you remember that during COVID you might have heard that a the mask N50 marks actually mask actually with the there was a case regarding that trademark infringement. And the effect is like that, if there is a trademark infringement whatever products are there right, that products will be confiscated. The police have that authority and they will take the whole material will be kind of conflict or confiscated.

So, this is what the trademark which is that infringement is, ok. So, just watch this video we will get a little more information about the infringement.

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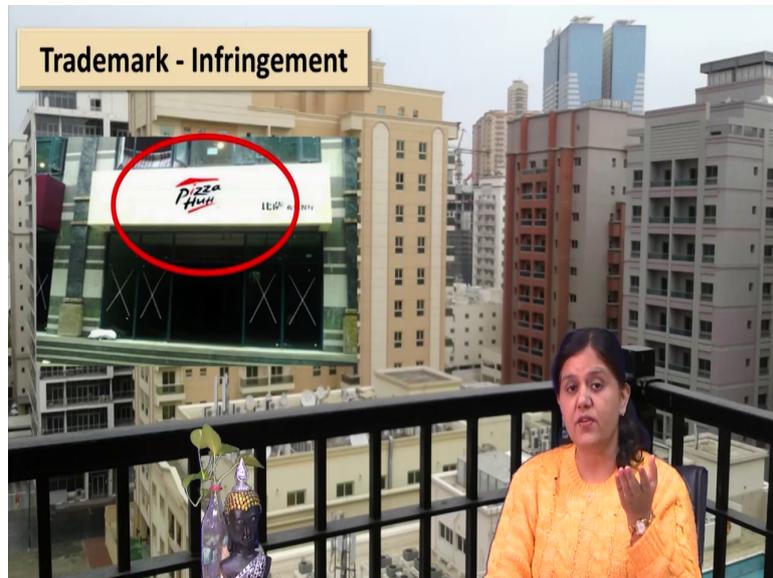


So, here we go. So, we quickly go through now a few trademarks check here. adidas is there, check this, yeah.

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Trademark - Infringement



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Now, are you able to find the difference between the original trademark and the duplicate? I am using a layman language as a duplicate in legal language if I want to say I should say, are you able to differentiate between trademark of a trademark owner and a trademark of a infringer? Are you able to do that thing?

So, I use term here infringer. So, the question is, what is infringement? Let us see. Now check this again and observe the manipulations done by the infringer. So, carefully watch this adidas and adidos. So, you can just see the difference of a and o. But you just imagine if any illiterate person who is not aware about this language probably, he will get confused with this name and what will happen?

Suppose adidas is getting say 100 percent share of the market, adidos which is a infringer that infringer will pull the benefit of the business of adidas and that share from 100 percent it may

take 50 percent, it may take 40 percent, it may take 30 percent. So, that share will be pulled by that particular infringer in that particular locality where that infringement happens.

And that infringer will get benefited and the original owner will get hampered his or her sale. Whosoever is a owner maybe individual maybe organization that sale will be hampered. Now, check the another example Pizza Hut and pizza HuH. I do not know how I should pronounce they have just made a change like Hut to HuH. A single word is changed, right.

This is the big infringement. Probably you and me also get what we can say confused because of this kind of writing. Next example you check Jack Daniels and Johns Daphne. Here though it is a complete what we can say the trade dress is completely copied, ok. See the another example favourite McDonald's. So, it is written as OMC McDonald.

So, what they have done with that one more half circle I will say that one more that half circle it is there in this infringer's trademark. So obviously, probability is that you somebody may definitely get confused because of this kind of a representation.

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So, now what we will do we will summarize and what we have just check in this session that the you can just check here, what is copyright, then subject matter of copyright we have gone into details of that. Then the copyright and related rights, then copyright registration and infringement, what is trademark, then types of trademark and then the trademark registration.

So, we have gone into the details of this all we can say the seven points, fine. So, I hope that you have got in this small we can say the quick recap the understanding and probably you have already knowing the details about that. But now this recap probably help you to recollect what exactly this copyright and trademark is, ok.

And the videos are there that you can if you want to know more about that you can go through the videos. And now important quiz time.

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So, here the what I would like you to write down in the comment box about the life of the trademark and life of the copyright and life of the related rights, 3, ok. So, life of trademark, life of copyright and life of related rights, ok. So, with this we are coming to the end of the session, see you in the next session.

Thank you.