

INTELLECTUAL PROPERTY PORTFOLIO MANAGEMENT

Professor Name : Prof. Rajat Agrawal

Department Name : Department of Interdisciplinary

Institute Name : IIT Roorkee

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Welcome friends, in our last session. We discussed about various terms which are defining this particular course intellectual property portfolio and management. We discussed that how intellectual property can be a important source of competitive advantage. We also discussed the transition from agrarian economy to knowledge economy and in this knowledge economy intellectual property plays a very important role. There can be various elements of knowledge economy but the most important element of this knowledge economy if I say out of various pillars the strongest pillar or the most important pillar or the foundation I can say is the system of IP.

So, therefore, in this particular session we are going to discuss what are the different types of intellectual property rights and how these are applied in the business or for the competitive purpose. As you remember in our last session we discussed that IP rights can be industrial rights and literary rights. So, that classification if I want to extend We have a full spectrum of various types of intellectual property rights starting from patents which are part of industrial rights, trademarks which are part of your industrial rights, industrial design which are part of your industrial rights, trade secrets which is also a type of IP.

You remember we discussed the example of Coca-Cola. that comes under the category of trade secret. Then geographical indicators that is also a type of industrial rights. Integrated circuits are also the type of industrial rights. Only one type of right which is known as copyright that comes under the category of literary and related rights.

there is a contrast between industrial rights and the literary rights that will come as we go through this particular session. Now, whenever we are talking of IP, most of the time we consider IP synonym to patents. IP and patent people may use interchangeably also. If I say what is IP people will start defining patent and when I say what is patent people may start defining IP.

So, IP and patent are very close to each other. However, now we know that patent is just one type of IPR. There are various other types of IPR also patent is just one of them. Now, what is patent?

So, the technical definition of patent it is an exclusive right granted for an invention which is a product or a process that provides in general a new way of doing something or offers a new technical solution to a problem. A new solution you are bringing, a new solution you are bringing, you are bringing a new type of product to the market that is possibly to have a system of patent. Now, I am a researcher, I develop a new type of machine. I will hold the right, right means whether I will like to put that machine in Uttarakhand or I will like to put that machine in Tamil Nadu, that is my wish.

That is the purpose of property rights, whether I will give you that machine in free or I will charge let us say 1 crore rupee for giving you that machine, it is my choice. patent gives me this exclusive right that how I am going to use my invention and nobody else can use that invention without my permission. Exclusive right means nobody can use that invention, that research, that product, that process without my permission that is the meaning of exclusive right. Whatever way I feel whatever is my pleasure that is my wish, I will use my research, I will use my products, I will use my processes according to that.

That right is known as patent. So, patent is basically granting of that right. You can use this product, this invention as per your choice. So, whenever we are looking to have a patent, I have developed a new type of slight changing Now, I have developed a new type of slide changing device.

This is a separate device. I have developed a device which is part of my this smart watch. Now, for changing the slide, I am just pressing some small button in my watch and that is changing the slides. I do not need to carry a separate slide changer with me. Now, if I want to take a patent for this, the complete technical information,

that how it is going to work, what is the specification, what is the size, in which type of smart watches it can be integrated or not integrated, all that type of technical information I have to disclose and then only my application will be processed in the patent office and the patent office then will grant me the patent. So, that is a very important thing that whenever we are trying to protect our intellectual property, I have to give complete specification, complete detail about that invention in public. Many of us may have a fear also that if I have given my complete information for the purpose of getting a patent, what if others copy from that public information? How will I protect myself?

How will I protect my interest in that case? Therefore, if you remember in our first session, when we were talking of IP capabilities, we also discussed about intellectual property enforcement. Only when you have a good enforcement environment, simply protecting the intellectual property will not help. A good environment will also require your those elements which can ensure proper enforcement of intellectual property.

If normal law and order is not existing in a particular society, in a particular country, it is impossible to think of protection of intellectual property in that country. creating a system of patenting intellectual property will also require a robust independent judiciary system, legal system in that society. Then only intellectual property ecosystem will flourish in that country. So, that is the important thing to understand that to get a patent you need to disclose your information to the office of intellectual property in your country.

Then going further about the patent protection. So, patent protection means that the invention cannot be commercially made, used, distributed or sold without the permission, without the consent of the one who is owning the patent. Like in our case, when we are working in an institute. our all intellectual property is owned by our employer. So, any commercial use, any distribution or any other kind of use of that intellectual property without the permission of our owner, without the permission of our employer is illegal.

So, that is what it means that point number one. Now, the patent owner like in our case our employer has the right to decide who may or may not use the patented invention for the period in which the invention is protected. We will see that there is a limited time for which patent is granted. Now, during that period the rule or wish or command of the owner of intellectual property will hold.

If that period is over, then anybody can use that technology, anybody can make that product, anybody can distribute the products without going to take the permission of patent owner. So, the rights are available only for a limited period. These are not perpetual. These are only for limited period. We will see what is that period because different type of IP have different type of duration.

Patents are available only for 20 years, patents are available generally for 20 years. So, patent owners generally when they try to maximize their financial benefits, commercialization benefits from their IPE, they may give permission, they may give license to other parties. I am a professor, I teach, I do research. And during that process some good intellectual property is also developed. Now I may feel that okay I am not interested in using this technology on my own.

I do not want to use that on my own because I am busy in with my teaching and research. Maybe I can give permission to somebody else to a commercial organization that okay you use it and make money out of that and give me some royalty. So, many organizations particularly educational institutions which are very much prone to to this IP ecosystem, they create and then they give permission, they license, they lease to other parties, other commercial organizations for using their intellectual property. It is a very common business model these days.

In fact, I may tell you that there was a system which we used to say earlier, you have to publish or perish. This I am saying from the academics point of view people used to say that you have to publish your research work otherwise you will not progress. But the present time the scenario is changing and today we say patent and prosper the rule is changing. So, people need to understand that. in the modern time we need to adjust our self with the changing requirement of the society that patenting and prosperity is the new mantra of success.

We already know now that patents are available for a limited duration. And when patents are available for a limited duration after that time is over may be naturally Or we come to know that I do not want to keep the protection of that particular patent forever. Forever is only for 20 years. Please remember maybe I am not interested to keep the protection for 20 years even.

I am thinking that after 10 years the technology has moved ahead. There is no need to protect it for the entire 20 years period. And in that case whenever the protection expires. Anybody can use that or you can say that that invention, that patent has become the property in the public domain. You can read the entire application in the public domain and you can use it for your own benefit.

So, there is no legal restriction after the patent expiry date. So, one more important thing. Many a times, people feel or there may come a confusion that patents create monopoly people feel that patents create monopoly. So, there may be one argument why should we have at all the system of intellectual property when patents create monopoly why should we have the system of intellectual property.

I will like to say and many a times in our course we will repeat this particular statement that providing protection to the owner for his economic benefit that is one part of intellectual property. But your valuable information is also stored in databases. So, whenever you are going for next research, next development, new product development,

you will check the databases, you will see the level of information or level of achievement which is available at this moment, so that you understand I need to go this delta amount additional, then only new things are possible. If that delta amount is not thought of, it will be difficult to go ahead and ahead and ahead. In our last video also, in this video also and many a times we will discuss this point that how the system of intellectual property is helping

in moving our research and development to the next generation. Otherwise as I say that we will be reinventing the same wheel same time every time we may do the same kind of research which may not be in the interest of a society. So, patenting system helps in motivating, inspiring and giving task to new generations for better R and D activities. One more question which is there with respect to patent whether my patent is valid in every country or not. So, the answer is patents are territorial rights patents are territorial rights what does it mean because every country has its own system of intellectual property therefore,

We cannot have global patent, we cannot have international patent, we cannot have a world patent. Patent is granted by a specific country and it will be valid only in that country, it will be valid only in that country. So, you will get the exclusive right if you are in India and you are filing the patent and you are getting the patent. So, that exclusive right whatever we have discussed in previous and this video. that exclusive right is only applicable available in Indian conditions, in Indian political boundaries.

You need to get a separate intellectual property right to Pakistan, you need a separate intellectual property right for Europe, you need a separate intellectual property right for America. That is point number one. Point number two, as we already discussed that intellectual property rights are available only for limited duration and that limited duration is 20 years from the date of filing. Please remember I am not going in detail at this moment but this 20 years from date of filing not from

date of grant. So, you are filing today, maybe it will take one year to get the grant of your patent, but your meter of 20 years, your time period of 20 years is start from today. It will not start from the date of grant when you are going to get grant. Many of you may be knowing that earlier We used to get grant in 3 years, 4 years or even more.

But the benefits of patent, all these benefits start from the date of filing. Fortunately, now in India also we have lot of policy changes. We have expedited filing, expedited

examination, expedited review also. and as a result of that patents can be granted in 5, 6, 7 months also. But date of grant has nothing to do with the longevity of patent.

Your patent is for 20 years from the date of initial filing. That is very important I think issue which we all should keep in our mind. The second important type of IP copyrights and related rights. Now, these rights are related to the creators, patents are the rights which are related to inventors.

These are one set of people inventors, creators are other set of people and generally when you are writing books, poems, plays all these things are protected under the system of copyright. And when you are taking pictures, when you are making drawings, when you are dancing all these things are protected under the system of copyright because these all are artistic work. So, a variety of you can say activities are covered under copyright. And in the present environment because of so much of digital entertainment. Copyright has also become a very important type of IP.

Few years back, we were only concerned about the authors who are writing book that they are the copyright holders, they should get the benefit of the copyright. But nowadays, we all know that so much entertainment content is available, it is continuously being generated and lot of content is also generated through AI. So, a lot of new interest in copyright and related right is there. You are playing a match cricket match. So, players are playing because of that people are entertained.

But there is a camera person who is capturing the entire match. Then there is a production team. Then there is a team which is involved in spreading that match across the globe. So, multiple parties are involved so that you can see the cricket match on your mobile screen. So, there are lot of related rights also.

Main right and then there are multiple parties involved in this entire process. When you are seeing a new song from your favourite singer. So, there are so many people one is composer who is involved. Another is lyricist who is involved, singer is involved, the performer is involved, the studio people who are recording that song they are involved, then there is a post production team which is involved in making the song coming to your mobile phones on those different type of apps. All of them are part of these copyright activities and therefore, copyright

and related rights is the term which we use for this type of intellectual property. And this type of intellectual property has a very interesting characteristic which probably is not

available in any other type of IP. That is it is not mandatory to register all other types of IP require some kind of registration. but this IP does not require any kind of registration. However, there is a system of registration if you want you can register also, but whether you register or you do not register from the law point of view from the legal point of view it does not make any big difference.

are very important right in the digital era because there are possibilities that different type of users may take your created activity because it is available on electronic media and from there the source of copying is possible. Copyright has a relatively longer period of validity because copyright is sometime may be used for economic benefit, otherwise earlier people used to consider moral benefits. People should recognize me that I am the creator of this particular drama, this particular poem, I do not want any monetary benefit of that. So, it therefore, nowadays it is very important source of our earnings, we know that in all the matches

the copyrights are sold in millions of dollars. So, there is a lot of economy also involved in copyright, but there are always some moral components, ethical components also involved in the copyright. Copyright in terms of authorship is available lifetime of the author and after his death his or her death 60 years from the beginning of the calendar year next following the year in which the author dies. And if there are multiple authors for a particular book this 60 year period starts from the death of last author of those group of authors.

So, copyright has a very long period it almost becomes a kind of a perpetual kind of intellectual property. Then, another important type of intellectual property is trademark. I think out of three, patent, copyright and trademark, from the economics point of view, from the wealth creation point of view, trademark is the most valuable type of IP, because it is the identity of the organization. It is the identity of the organization and therefore the identity is also properly protected under the ambit of intellectual property rights and it is a mark which we generally say logo which is capable of being represented graphically.

So, we all know that how organizations create their trademark and they create brand around those trademarks, around those symbols. So, these are the symbols which are differentiating your organization than the other organization. We have symbol of NPTEL, we have symbol of different types of IIT. Now, IIT Roorkee is there, IIT Madras is there,

IIT Bombay is there. Every IIT has its own trademark so that one IIT can be differentiated from other IIT.

So, trademark is a very interesting intellectual property which is able to differentiate, which is able to create our own brand also. The initial registration of this trademark is for 10 years, but it may be renewed time to time as per the available condition of that particular time in your country. Organizations have created huge basket of trademarks. If you see, if you just do Google, you will find that how organizations have created a huge basket of trademark. Thousands of trademarks are available with the organization.

So, this IP portfolio management where we are going to discuss combination of different type of IP. I think there can be a course. only focusing on management of portfolio related to trademarks, why organizations are registering thousands of trademarks, thousands of trademarks. And you will be surprised to see that organizations have registered trademarks not only those who are dealing with the FMCGs where large number of consumer products are there, but even software companies have registered thousands of trademarks.

So, companies are trying to create a portfolio of only trademark related IP. So, trademark is another very important type of intellectual property which is there. You can see on the screen some of the very popular trademarks like here you can see the Nike this is one we all know is a very very popular brand, Coca-Cola, then you can see Gillette, then you can see McDonald's, all these are some of the popular type of trademarks. And again there is a complete database available of the trademarks from where you can see that what type of trademark is available or not.

Because as you see In our country, we have a lot of startups coming these days. So, every startup needs identity and that identity even if you do not have patent. But you need to have trademark. Without that name, trademark is kind of a name for yourself.

So, without name, you cannot enter into the business. So, therefore, I say that trademark is a more popular type of intellectual property. But unfortunately, many times, we do not put trademark under the umbrella of intellectual property. But it is a type of intellectual property. So, next type of intellectual property is

is industrial designs. Industrial design, sometime we say that it is a design patent, but it is not patent. It is slightly a different type of intellectual property, where you are trying to protect the shape of a particular object, how this object will look like, that is industrial

design. So, you are protecting the aesthetics appearance of a particular product that is In India, we have around 32 different categories of products under which you can protect your products.

So, these are like you can say Almira, fashion products, lot of other equipments, your suitcases, trolleys and other such items are protected for their appearance. They are working that what will be the unique working of this product. that is protected under the patent system. But their appearance can be protected and there are organizations which have used this design also very successfully. We know that the type of all Apple devices, you see all Mercedes cars, you see all BMW cars, they are known because of their curves, because of their unique design features.

So, even design can also be very well used for your advantage. Then another type of system is geographical indicator. Now, geographical indicator is a very interesting type of IP which is not given to any individual. It is given to a society. We discussed that intellectual property is not only for economic benefit, but it also helps in your protecting your cultural heritage.

So, if something which is very unique to a particular location a society. So, what that uniqueness will help in protecting that is through geographical indicators. So, like in India. A very popular product which is protected under GI that can be Banarsi Sadi. So, Banarsi Sadi is one example.

We have a list of products which are very recently awarded GI state. You can see that there are few products which are coming from state of Uttarakhand also like Uttarakhand Buransh. It is a very popular you can say drink which is used in the summer season. then you see most of these products are either coming in the handicraft category or in the food stuff. Food and agriculture is interchangeable.

So, sometime you will see the same type of product is in the agriculture or in the food category. So, point is that this is not given to any individual. it is given to a group of people and they are able to use it collectively for the economic benefit of the society. So, geographical indicator is another popular type of and government of India at the moment is focusing a lot on improving the GI registration and not only registration, but how GI can help in improving the societal benefits. So, in this session,

Now, coming to end, we have discussed some very important type of intellectual property rights. In the very first slide, we discussed about seven different types of intellectual

property rights. We discussed some special characteristics of patent, copyright, trademark, industrial design and geographical indicators. All these are used in different context and intellectual property portfolio management will help us in making their application, making their use to the best of the organization's interest.

So, with this we come to end of this particular session. Thank you very much.