

## RESEARCH METHODOLOGY & INTELECTUAL PROPERTY RIGHTS – 21RMI56

### Module 5

#### Industrial Designs & Geographical Indications

**Industrial Designs:** Eligibility Criteria. Acts and Laws to Govern Industrial Designs. Design Rights. Enforcement of Design Rights. Non-Protectable Industrial Designs in India. Protection Term. Procedure for Registration of Industrial Designs. Prior Art Search. Application for Registration. Duration of the Registration of a Design. Importance of Design Registration. Cancellation of the Registered Design. Application Forms. Classification of Industrial Designs. Designs Registration Trend in India. International Treaties. Famous Case Law: Apple Inc. vs. Samsung Electronics Co.

**Geographical Indications:** Acts, Laws and Rules Pertaining to GI. Ownership of GI. Rights Granted to the Holders. Registered GI in India. Identification of Registered GI. Classes of GI. Non-Registerable GI. Protection of GI. Collective or Certification Marks. Enforcement of GI Rights. Procedure for GI Registration. Documents Required for GI Registration. GI Ecosystem in India. **Case Studies on Patents.** Case study of Curcuma (Turmeric) Patent, Case study of Neem Patent, Case study of Basmati patent. **IP Organizations in India. Schemes and Programmes.**

#### Industrial Designs

The word “Design” is defined as the features of shape, configuration, pattern, ornament or composition of lines or colours applied to any article. The Design may be of any dimension i.e. one or two or three dimensional or a combination of these. In addition, it may be created by any industrial process or means, whether manual, mechanical or chemical, separate or combined, which in the finished article appeal to and is judged solely by the eye. But the word ‘Design’ does not include any mode or principle of construction or anything which is in substance a merely mechanical device. The main object of registration of industrial Designs is to protect and incentivize the original creativity of the originator and encourage others to work towards the art of creativity.

#### Eligibility Criteria

The Design for which the protection is being sought must be **novel or original** i.e., should not be disclosed to the public by prior publication or by prior use or in any other way. The Design should be **significantly distinguishable** from the already registered Designs existing in the public domain.

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### Acts and Laws to Govern Industrial Designs

In India, Industrial Designs are governed under “The Designs Act”, 2000 and “Design Rules”, 2001, which have been amended from time to time in 2008, 2013, 2014 and 2019. The Design should include the following characteristics:

- ❑ It should be novel and original.
- ❑ It should be applicable to a functional article.
- ❑ It should be visible on a finished article.
- ❑ There should be no prior publication or disclosure of the Design.

### Famous Industrial Designs

**Coca-Cola Bottle** - The contoured-shaped glass bottle of the Coca-Cola Company is marveled as a master showpiece in the field of industrial design. It was designed in 1915 and is still a cynosure for all eyes.

**Piaggio Vespa** - Piaggio-Italian Company's Vespa scooters structural design is pleasing to the eyes. This two-wheeler has a painted steel body concealing the engine, driver's feet rest comfortably on a flat floorboard, the front vertical portion comprising of a handle, breaks and speedometer has ample space for hands grip and also provides protection from incoming wind air.

**iPhone** - It is a highly popular mobile phone manufactured by American company Apple. The sleek, handy and rectangular body is pleasing to the eyes. The corners are round and smooth. The features, such as on/off and speech volume, are easy to operate.

**Mini Cooper** - Mini Cooper is an automobile car manufactured by the British Motor Corporation in the later part of the 20th century. It is a small size car. Its shape has been designed in a unique manner so as to provide plenty of space (nearly 80%) for passenger seating and luggage storage.

**Rocking Wheel Chair** - It is a sleek, circular-shaped chair which provides smooth rocking motion. There is a provision for a headlight in the upper part of the chair.

**Juicy Salif** - It is a citrus juice squeezer and considered an iconic structural design. The alumina-based body has been moulded in the shape of a fish called as a squid.

### Design Rights

The Design registration also confers a monopolistic right to the Proprietor by which he can legally exclude others from reproducing, manufacturing, selling, or dealing in the said registered Design without his prior consent.

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The Design registration is particularly useful for entities where the shape of the product has aesthetic value and the entity wishes to have exclusivity over the said novel and original Design applied to its product(s) or article(s).

### **Enforcement of Design Rights**

Once the applicant has been conferred with the rights over a specific Design, he has the right to sue the person (natural/entity) if the pirated products of his registered design are being used. He can file the infringement case in the court (not lower than District Court) in order to stop such exploitation and for claiming any damage to which the registered proprietor is legally entitled.

The court will ensure first that the Design of the said product is registered under the Designs Act, 2000. If the infringer is found guilty of piracy or infringement, the court can ask him to pay the damage (₹ 50,000/-) in respect of infringement of one registered Design.

### **Non-Protectable Industrial Designs in India**

- ❑ Any Industrial Design which is against public moral values.
- ❑ Industrial Designs including flags, emblems or signs of any country.
- ❑ Industrial Designs of integrated circuits.
- ❑ Any Design describing the 'process of making of an article'.
- ❑ Industrial Designs of – books, calendars, certificates, forms and other documents, dressmaking patterns, greeting cards, leaflets, maps and plan cards, postcards, stamps, medals.
- ❑ The artistic work defined under Section 2(c) of the Copyright Act, 1957 is not a subject matter for registration for Industrial Designs, such as:
  - ❑ Paintings, sculptures, drawings including a diagram, map, chart or plan.
  - ❑ Photographs and work of architecture.
  - ❑ Any other work related to artistic craftsmanship.
- ❑ Industrial Designs does not include any Trademark (The Designs Act, 2000).

### **Protection Term**

The outer "Shape or Design" of a product makes it more appealing and acts as the value-adding factor to the product. Therefore, there is a need to protect one's creation from being used by third parties without consent from the original creator. The registered Designs are protected for 10 years in India and can be extended by 5 years after making a renewal application.

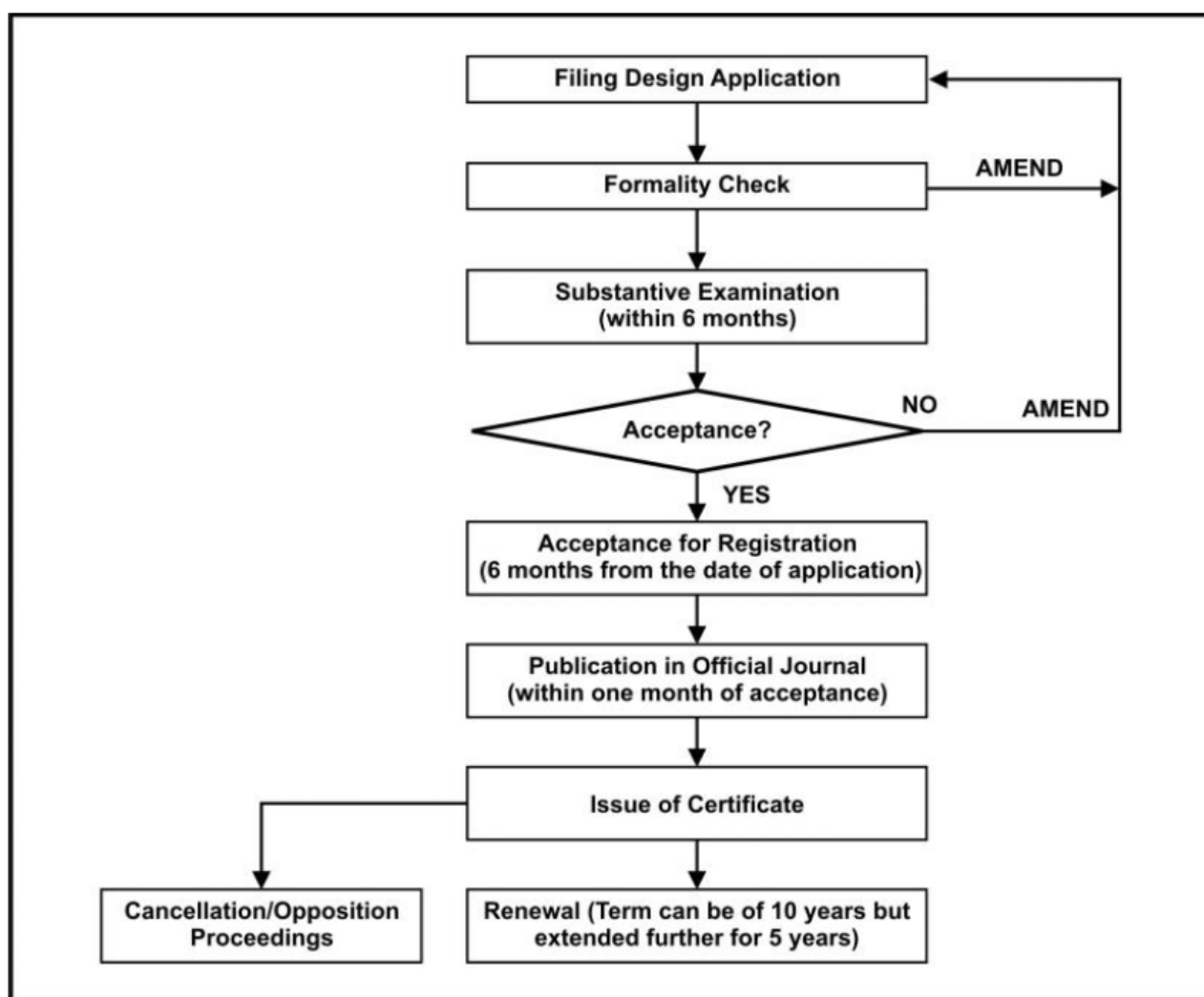
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### Procedure for Registration of Industrial Designs

**Prior Art Search** - Before filing an application for registration of Industrial Designs, it is prudent to ensure that the same or similar Design has not been registered earlier. This search can be carried out using various search engines, such as: Design Search Utility (CGPDTM), Global Design Database (WIPO), Design View (EUIPO) etc.

**Application for Registration** - Once the applicant is satisfied that his Design is novel and significantly distinguishable from other Designs, he can proceed with filing an application for Design registration. The application for registration of Design can be filed by an individual, small entity, institution, organization and industry. The application may be filed through a professional patent agent or legal practitioner. If the applicant is not a resident of India, an agent residing in India has to be employed for this purpose. The applicant submits the registration application at the Design Office.

**Figure 2.10: Flowchart for the process of Design registration.**



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After the application has been filed, an officer (examiner) analyses the application for qualifying the minimum standards laid down for eligibility criteria for registration. In case of any query, the same is sent to the applicant and he is supposed to respond within 6 months from the objection raised. Once the objections are removed, the application is accepted for registration.

The particulars of the application, along with the representation of the article, are published in the Official Journal of Patent Office. If no objection is received from the public, the Design is registered. After the registration of the Design, the applicant becomes the proprietor of the Design and is conferred with the exclusive right to apply that Design to the article belonging to the class in which it is registered. The applicant puts up a request for issuance of a certificate of registration (for an Industrial Design).

### **Duration of the Registration of a Design**

Initially, the Design registration is valid for ten years from the date of registration. In the case wherein the priority date has been claimed, the duration of the registration is counted from the priority date. The period of registration may be extended further for five years. An application has to be made in Form-3 accompanied by prescribed fees to the Controller General before the expiry of the said initial period of ten years.

### **Importance of Design Registration**

Registration of Design ensures the exclusive rights of the applicant on the Design. The owner can prevent the registered Design products from piracy and imitation. This helps the owner to boost the sale of the products and establish goodwill in the market.

### **Cancellation of the Registered Design**

The registration of a Design may be cancelled at any time. The petition has to be filed in Form-8 with prescribed fee to the Controller of Designs. The application can be made on the following grounds:

- Design has already been registered.
- Design has been published in India or elsewhere before the date of registration.
- Design is not novel and original.
- It is not a Design under Clause (d) of Section 2.

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**Application Forms** There are a total of 24 forms pertaining to Industrial Designs.

**Table 2.10: List of important form related to Industrial Designs.**

S. No	Name of the Form	Form No.	Fee (₹)		
			Natural Person	Small Entity	Large Entity
1.	Application for registration of Design.	Form-1	1,000	2,000	4,000
2.	Application for the Restoration of Design.	Form-4	1,000	2,000	4,000
3.	Application for renewal of Design.	Form-3	2,000	4,000	8,000
4.	Petition for cancellation for registration of a Design.	Form-8	1,500	3,000	6,000
5.	Notice of intended exhibition or publication of unregistered Design.	Form-9	500	1,000	2,000

6.	Application for entry of name of proprietor or part proprietor in the Register.	Form-11	500	1,000	2,000
7.	Request for correction of clerical error.	Form-14	500	1,000	2,000
8.	Request for certified copy.	Form-15	500	1,000	2,000
9.	Application for rectification of Register.	Form-17	500	1,000	2,000
10.	Notice of opposition.	Form-19	100	200	400

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### Classification of Industrial Designs

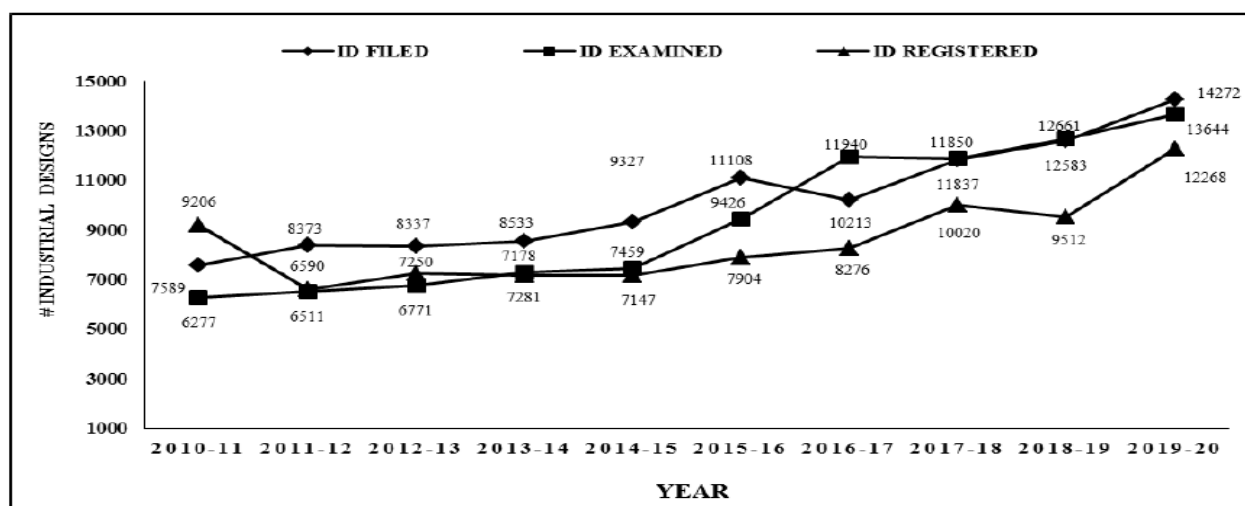
Designs are registered in different classes as per the Locarno Agreement, 1968. It is used to classify goods for the registration of Industrial Designs as well as for Design searches. The classification comprises a list of classes and subclasses with a list of goods that constitute Industrial Designs. There are 32 classes and 237 subclasses that can be searched in two languages i.e. English and French.

For example, Class 1 includes foodstuff for human beings, foodstuffs for animals and dietetic foods excluding packages. Packages are classified under Class 9 (Bottles, Flasks, Carboys, Demijohns, and Pressurized Containers). Class 32 classifies the Design of graphic symbols and logos, surface patterns, ornamentation.

### Designs Registration Trend in India

Figure 2.11 represents the statistics for Industrial Designs (filed, examined and registered) for the period 2010-20. During this period, an increase of 88%, 117% and 33% was observed in the parameters of Designs filed, examined and registered, respectively. In all three parameters, the graph depicts a similar pattern (more or less) with the highest numbers observed in 2019-20 for Designs filed (12,268), examined (13,644) and registered (14,272).

**Figure 2.11: Industrial Designs profile (India)  
for the period 2010-20).**



### International Treaties

The WIPO has put in place two important treaties (international) dealing with the smooth functioning of various aspects of Industrial Designs:

- ❑ Hague Agreement for international registration (1925)

(<https://www.wipo.int/treaties/en/registration/hague/>)

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- ❑ Locarno Agreement (1968) for international classification  
(<https://www.wipo.int/treaties/en/classification/locarno/>)

### **Famous Case Laws**

#### ***Apple Inc. vs. Samsung Electronics Co.***

In 2011, Apple Inc. filed a case against Samsung Electronics Co. in the United States District Court of California for infringing their Designs and Utility Patents of the user interface like screen app grid and tap to zoom. As evidence, Apple Inc. submitted the side-by-side image comparison of the iPhone 3GS and the i9000 Galaxy S to demonstrate the alleged similarities in both models. However, later it was found that the images were tempered by the Apple Company to match the dimensions and features of the controversial Designs. So the counsel for Samsung Electronics blamed Apple of submitting false and misleading evidence to the court and the company countersued the Apple Company in Seoul, South Korea; Tokyo, Japan; and Mannheim, Germany, United States District Court for the District of Delaware, and with the United States International Trade Commission (ITC) in Washington D.C. The proceedings continued for the 7 years in various courts. In June 2018 both companies reached for a settlement and Samsung was ordered to pay \$539 million to Apple Inc. for infringing on its patents.

### **Geographical Indications**

In every country, there are certain regions famous for their traditional knowledge/heritage in various sectors, such as agriculture, food products, textiles, etc. The reputation of these products was built upon and maintained by the experts/masters of respective geographical locations. The know-how of these reputed products was passed onto future generations. With the passage of time, a specific link between the goods produced and geographical location evolved, resulting in the growth of Geographical Indications (GI).

A GI is defined as a sign which can be used on products belonging to a particular geographical location/region and possesses qualities or a reputation associated with that region.

### **Acts, Laws and Rules Pertaining to GI**

In India, GI was introduced in 2003 and is governed under the “Geographical Indications of Goods (Registration & Protection) Act, 1999” and the “Geographical Indications of Goods (Registration & Protection) Rules, 2002”.



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### Ownership of GI

The ownership/holders of GI (registered) can be of the producers, as a group/ association/ cooperative society or association or in certain cases, government.

### Rights Granted to the Holders

**Right to grant the license to others** - The holder has the right to gift, sell, transfer/grant a license, mortgage or enter into any other arrangement for consideration regarding their product. A license or assignment must be given in written and registered with the Registrar of GI, for it to be valid and legitimate.

**Right to sue** - The holder of GI has the right to use and take legal action against a person who uses the product without his consent.

**Right to exploit** - The holder of GI can authorize users with exclusive right to use goods for which the GI is registered.

**Right to get reliefs** - Registered proprietors and authorized users have the right to obtain relief concerning the violation of such GI products.

### Registered GI in India

GI products registered in India belong to the domains of handicrafts, agricultural, food stuffs, alcoholic beverages, etc. The first GI tag was granted in 2004 to Darjeeling Tea and the latest being Kashmir Saffron and Manipur Black rice (Chakhao) in May 2020. A total of 370 GI have been registered in India till May 2020. Nearly 58% of these belong to handicrafts, followed by agriculture (30%). Other categories belong to food stuff, manufacturing, and natural goods. In Handicraft category, Tamilnadu holds the maximum number (21) of GI followed by Uttar Pradesh (20) and Karnataka (19).

**Table 2.11: List of popular GIs registered in India.**

GI	Type	State
Darjeeling Tea	Agriculture	West Bengal
Mysore Silk	Handicraft	Karnataka
Kashmir Pashmina	Handicraft	Jammu & Kashmir
Banaras Brocades and Sarees	Handicraft	Uttar Pradesh
Naga Mircha	Agriculture	Nagaland
Tirupathi Laddu	Foodstuff	Andhra Pradesh
Phulkari	Handicraft	Punjab, Haryana, Rajasthan
Basmati	Agriculture	India

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### Identification of Registered GI

Registered GI products are granted a tag, which is printed on the registered products. The tag confirms the genuineness of the product in terms of its production (by set standards) and location of production. Non-registered GI products cannot use/exploit this tag. By and large, GI tags represent the place of origin (of the product) along with cultural and/or historical identity e.g. Darjeeling Tea, Mysore Silk, Tirupathi Laddu, etc. In India, GI tags are issued by the **Geographical Indication Registry** under the Department for Promotion of Industry and Internal Trade, Ministry of Commerce and Industry. The head of GI registry is at Geographical Indications Registry Intellectual Property Office Building, Industrial Estate, G.S.T Road, Guindy, Chennai - 600032.

GI registered products can be grown/produced in any part of the world using standards laid down by the GI Registry. However, these products cannot be labelled as GI as they are not produced/ manufactured in a specific geographical location, as mentioned in the official records maintained by the GI Office of GI.

For example, plants of Darjeeling Tea can be grown in any part of India. But the tea leaves of these plants cannot be sold under the brand name of Darjeeling Tea, as the concerned plants were not grown in the soil & climate of Darjeeling area.

### Classes of GI

GI certified goods are classified under 34 different classes, such as Class 1 is for chemicals used in industry, science, photography, agriculture, horticulture and forestry; unprocessed artificial resins, unprocessed plastics; manures; fire extinguishing compositions; tempering and soldering preparations; chemical substances for preserving foodstuffs; tanning substances; adhesives used in industry. Class 33 is for alcoholic beverages (except beers) and Class 34 is related to tobacco, smoker's articles, and matches.

### Non-Registerable GI

For GI registration, the indications must fall within the scope of section 2(1) (e) of GI Act, 1999. Being so, it has to also satisfy the provisions of Section 9, which prohibits registration of a GI mentioned below:

- The use of which would be likely to deceive or cause confusion.
- The use of which would be contrary to any law.
- Which comprises or contains scandalous or obscene matter.

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- ❑ Which comprises or contains any matter likely to hurt sentiments of society.
- ❑ Religious susceptibilities of any class or section of the citizens of India.
- ❑ Which are determined to be generic names or indications of goods and are, therefore, not or ceased to be protected in their country of origin or which have fallen into disuse in that country.

### Protection of GI

The IP rights to GI are enforced by the court of law of the concerned country. The GI registration of a product has certain advantages. It enables to identify pirated/non-genuine stuff, provides more commercial value to the product, and also strengthens the case if it reaches the judicial courts.

The two common methods of protecting a GI are: *Sui generis* systems (i.e. special regimes of protection) and under certification or collective mark systems.

Many countries, including India to protect GI by using the *sui generis* system. This decision was taken after the TRIPS agreement (1995) and an option was given to the countries to choose either TRIPS standards or the *sui generis* system. This was decided by considering the fact that every country has different legislation and geographical structures & resources. Therefore, this system is not uniform in all countries and varies according to the jurisdiction and legislation of the particular country.

### Collective or Certification Marks

Certification marks aim to certify the products comply with specific quality standards irrespective of their origin. These standards include permitted materials and manufacturing methods. Therefore, the purpose of certification marks is to distinguish certified goods from non-certified ones.

Collective marks are owned by associations ensuring compliance with the agreed standards. Collective marks signify that a good or service originates from a member of a particular association. The Collective mark is used by cooperating enterprises that have agreed to comply with defined quality standards for goods or services that share common characteristics.

### Enforcement of GI Rights

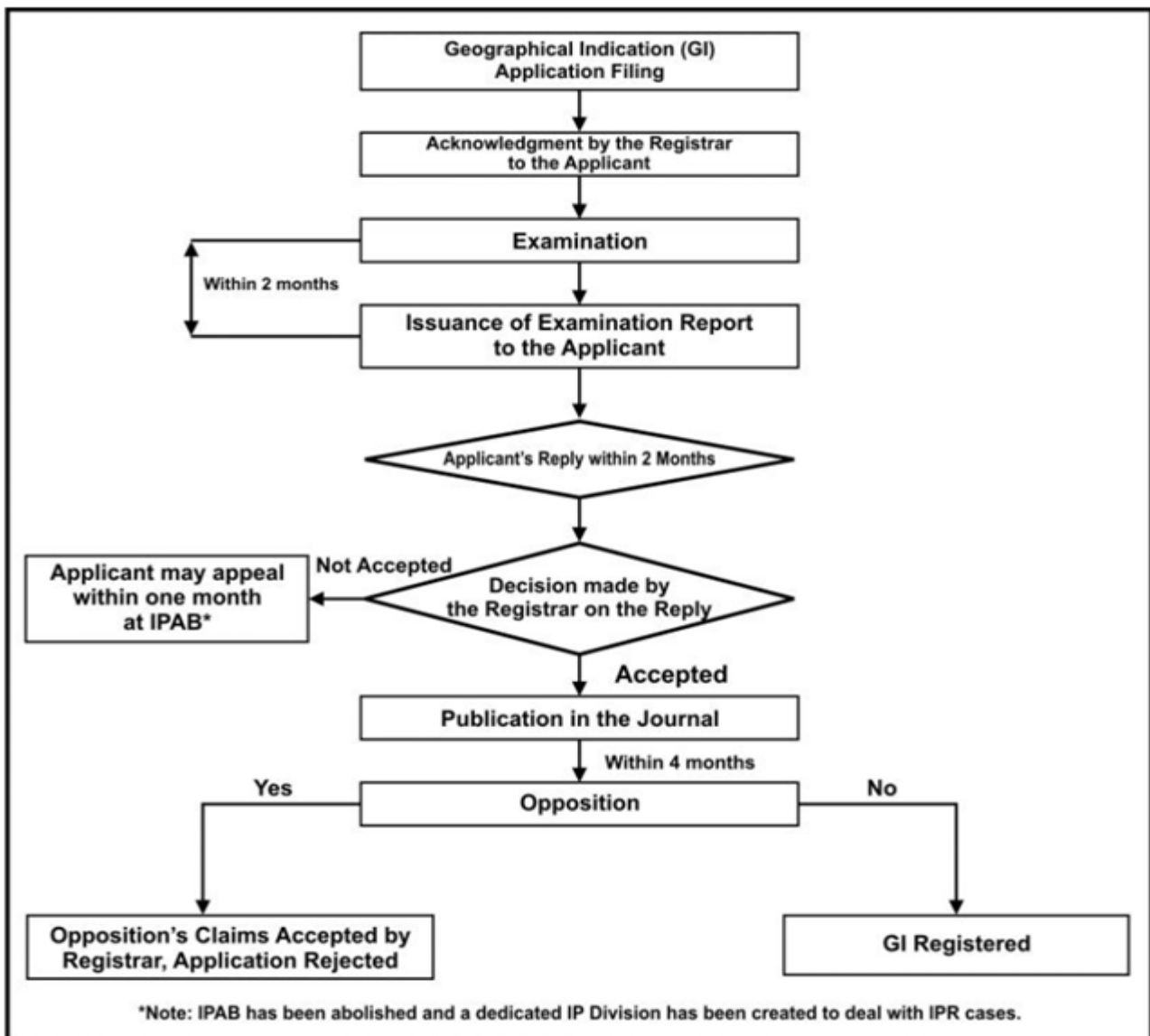
The rights to GI protection are typically enforced by the court of law. The sanctions provided could be civil (injunctions restraining or prohibiting unlawful acts, actions for damages, etc.), criminal, or administrative.

### Procedure for GI Registration

Prior to filing an application for registering GI, it is prudent to search whether the concerned GI is already protected or not. This can be done by using search engines created by WIPO <https://www.wipo.int/ipdl/en/search/lisbon/search-struct.jsp> where “Search of Appellations of Origin and Geographical Indications” both can be conducted.

Once the prior search for registered GI is done, the applicant has to file an application. The application for GI can be forwarded by an individual or an organization or authority of people established under Indian law. The application in a prescribed format is submitted to the Registrar, Geographical Indications along with the prescribed fee.

**Figure 2.12: Flow chart for the process of GI registration.**



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In the application, the applicant needs to mention the interest of the producers of the concerned product. The application should be duly signed by the applicant or his agent with all the details about the GI that how its standard will be maintained. The submission of three certified copies of the map of the region where the GI belongs is mandatory.

Once the application is filed at GI Registry, the Examiner will scrutinize the application for any deficiencies or similarities. If the examiner finds any discrepancy, he will communicate the same to the applicant, which is to be replied within one month of the communication of the discrepancy. Once the examiner is satisfied with the response/s, he files an examination report and hands over the same to the Registrar. Once again, the application is scrutinized. If need be, the applicant is asked to clear any doubts/objections within two months of the communication otherwise, the application will be rejected.

After getting a green signal from the Registrar, the application is published in the official Geographical Indication Journal for seeking any objections to the claims mentioned in the application. The objections have to be filed within four months of the publication. If no opposition is received, the GI gets registered by allotting the filing date as the registration date. Initially, GI is registered for ten years but is renewable on the payment of the fee.

### Documents Required for GI Registration

- Details about the applicant's name, address and particulars.
- Application form GI-1A.
- Statement about the designated goods being protected under GI.
- Class of goods.
- Affidavit to establish the claim of genuinely representing the interest of the producers.
- Characteristics of GI.
- The special human skill required (if any).

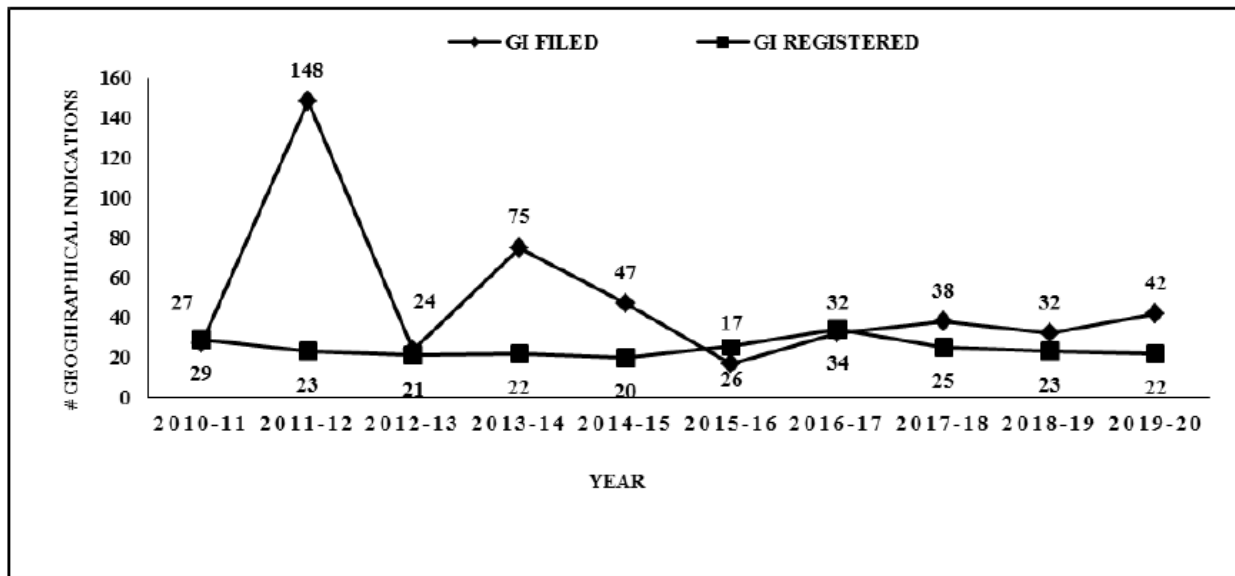
### GI Ecosystem in India

India is among the geographically and traditionally rich countries. The scope of generating GI products in India is enormous. These products can contribute to the economic development of a particular region or society. However, till June 2021, a total of 370 GI have been registered in India, which is much below its potential.

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Figure 2.13 represents the statistics for GI (filed, and registered) for the period 2010-20. Maximum number (148) of GI were filed in 2011-12 whereas, minimum number (17) was observed in 2015-16. Not much change in the number of GI registrations was observed during the period 2010-20. Each year the number hovered around in the twenties, with maximum registrations (34) seen in 2016-17.

**Figure 2.13: GI profile (India) for the period 2010-20.**



### IP Organizations in India

#### 1. Department for Promotion of Industry and Internal Trade (DPIIT), New Delhi

DPIIT, earlier known as the Department of Industrial Policy and Promotion (DIPP), under the Ministry of Commerce and Industry, Govt. of India, is the apex IP body. It came into existence in 1995 and is the main body for regulating and administering the industrial sector. The major categories of IPs are being governed and administered by the DPIIT (Table 5.1).

DPIIT has a dedicated and robust Office of the Controller General of Patents, Designs and Trade Marks (CGPDTM) for formulating as well as implementation of the policies, rules and regulations pertaining to IPR. In addition, DPIIT also undertakes the following IPR-related activities:

- Modernization and strengthening of Intellectual Property Office.
- Strengthening of physical infrastructure.
- Enhancement of human resources.
- Expansion of physical infrastructure at Delhi, Mumbai, Kolkata and Chennai.
- IT up-gradation.

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- ❑ Development of software required for ISA/IPEA and Madrid Protocol.
- ❑ Subscription to non-patent literature required for PCT minimum documentation.
- ❑ Digitization of records.
- ❑ Sensitization and awareness programmes.
- ❑ Establishment of the electronic library.
- ❑ Furniture and office equipment for the modernized environment in IP offices.

DPIIT also collaborates with WIPO and other apex industry organisations to promote and strengthen the IP ecosystem. It also provides inputs on various issues related to the TRIPS agreement.

**Table 5.1:** Categories of IPR and their governing bodies in India.

S. No.	Type of IP	Governing Body
1.	<ul style="list-style-type: none"> <li>• Patents</li> <li>• Copyrights</li> <li>• Industrial Designs</li> <li>• Trademarks</li> <li>• Geographical Indications</li> <li>• Semiconductor Integrated Circuits Layout-Design</li> </ul>	Department for Promotion of Industry and Internal Trade, New Delhi
2.	Traditional Knowledge Digital Library	CSIR & Ministry of AYUSH*
3.	Plant Variety Protection	Ministry of Agriculture and Farmers Welfare, New Delhi
4.	Biological Diversity Protection	Ministry of Environment, Forest and Climate Change, New Delhi
5.	Trade Secrets	No specific body governs Trade Secrets. These are protected under a various statutes like <ul style="list-style-type: none"> <li>• Indian Contract Act, 1872</li> <li>• Copyright Act, 1957</li> <li>• Information Technology Act 2000, etc.</li> </ul>

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### **a) Intellectual Property Appellate Board (IPAB)**

In 2003 Government of India established Intellectual Property Appellate Board (IPAB), a statutory body under DPIIT, under the provisions of the Trademarks Act, 1991. The Board used to hear appeals against the decisions of the Registrars of Trademarks and Geographical Indications, and Controller of Patents. The Copyright Office of GoI had created a dedicated Board to determine the reasonable rates or royalties, licensing and assessment of compensation. In the year 2017, the Copyright Board and Plant Varieties Protection Appellate Tribunal were merged with IPAB and functions in accordance with their respective Acts and Rules.

### **b) Office of the Controller General of Patents, Designs & Trademarks (CGPDTM)**

This office is the most important component of the IP regime in India. It supervises the functioning of the following IP offices:

- The Patent Offices at Chennai, Delhi, Kolkata & Mumbai.
- The Patent Information System (PIS) and Rajiv Gandhi National Institute of Intellectual Property Management (RGNIIIPM) at Nagpur.
- The Trademarks Registry at Ahmadabad, Chennai, Delhi, Kolkata & Mumbai.
- The Geographical Indications Registry (GIR) at Chennai.
- The Copyright Office at Delhi.
- The Semiconductor Integrated Circuits Layout-Design Registry at Delhi.

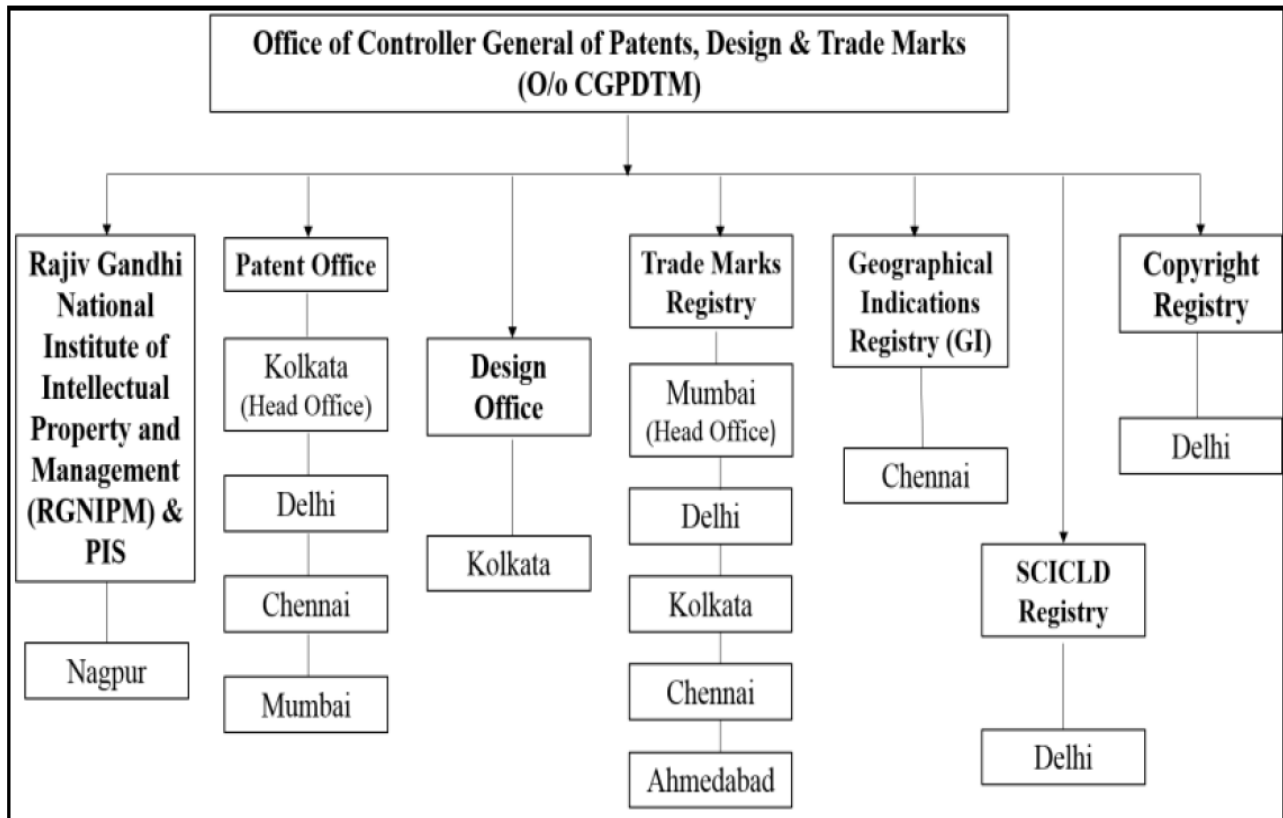
Salient features of CGPDTM are:

- ❑ The office of CGPDTM administers all the Acts and laws related to Patents, Trademarks, Industrial Designs, Geographical Indications, Copyrights and Semiconductor Integrated Circuits Layout-Design Registry.
- ❑ Applicants can file their applications related to Patents, Designs, Trademarks, GI through E gateway.
- ❑ The office has designed a dedicated public search engine to search the details of the registered IP and the status of the applications filed. These search engines are available free of cost for the public at large.
- ❑ The office publishes official journals of Patents, Trademarks and GI every week, which contain the details of applications published, abandoned, First Examination Report (FER) and Patents granted by the controller general.
- ❑ The details and amendments in the Rules and Acts are administered by the office and the same is notified by the Office on a regular basis.



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- ❑ The Office publishes an annual report every year containing statistics about all IPs. The report also contains information regarding the international applications filed and granted in India through PCT and Conventions.
- ❑ The Office notifies the vacancies for “Patent Examiners” and holds the exams of “Patent Agents” from time to time.



**Figure 5.1:** Organizational structure of IPR regime in India.

### c) Rajiv Gandhi National Institute of Intellectual Property Management (RGNIPM)

This institute has been established as a national "Centre of Excellence" for training, management, research, education in the field of IPR, in Nagpur. Additionally, the institute addresses the need of increasing the general awareness and understanding of the government officers and users of IP systems in universities and other educational institutions. Salient activities of the institute are:

- ❑ The institute researches various aspects of IP and prepares study reports and policy analysis papers on the subject of current relevance for policy and lawmakers. It conducts research in the field of IP on several socio-economic parameters, strata of the society, technological fields, R&D trends, etc. to find the gaps in the IP ecosystem in India.

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- ❑ Based on the research conducted, discussion with experts of IP laws and other concerned stakeholders, the institute lays down policy recommendations for the government, SMEs, industries and universities in India.
- ❑ The institute proposes three-month diploma course, six months and one-year Post Graduate Diploma course in Intellectual Property Law.
- ❑ The institute conducts time to time training for the students and IP professionals for awareness and sensitizes them about the significance of IPR.
- ❑ The training of IP examiners is conducted to make them proficient as per the international standards. The institute also collaborates with WIPO for organizing training programmes in India.
- ❑ The institute also organizes IP Awareness/Campaign in the country in collaboration with IP Offices, Government Organizations and R&D Institutions.

### **d) Cell for IPR Promotion and Management (CIPAM)**

CIPAM, a professional body under DPIIT, has been established for addressing the objectives of IPR Policy especially creating awareness about IPR among all strata of life i.e. educational institutions, industries (primarily small scale industries), and general public and professional bodies like the police, lawyers, etc.

## **2. National Research Development Corporation (NRDC), New Delhi**

NRDC, an enterprise of Department of Scientific & Industrial Research (DSIR), GoI, was set up in 1953 with a mandate to develop, promote and transfer/commercialize IP and technologies emanating from Higher Education Institutes (HEIs), R&D laboratories/institutions and Public Sector Undertakings (PSUs).

### **a) Intellectual Property Facilitation Centre (IPFC)**

It is a joint project of NRDC and MoMSME with a mandate to create awareness and adoption of IPR by the entrepreneurs and the MSMEs. The IP related services offered by IPFC include:

- ❑ Prior Art Search and Preliminary Patentability Assessment.
- ❑ Patent Filing Support for filing with the provisional specification or/and with complete specification.
- ❑ Advice for filing Patents in other countries.
- ❑ Advice on examination reports and queries for the Indian Patent Office.
- ❑ Post-Grant Support.
- ❑ Support for Infringement Proceedings, Opposition Proceedings, etc.

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- ❑ Technology Transfer Agreements and Patent Valuation.
- ❑ Technology Marketing and Licensing.

IPFC also provides guidance and assistance in the preparation of documents required for registration of Copyrights, Trademark, Industrial Designs, and Geographical Indications.

### **b) Start-ups IP Protection (SIPP)**

This is a scheme launched by DPIIT, GoI to assist start-ups in filing applications for Patents, Designs and Trademarks through registered facilitators. NRDC plays a significant role in this scheme by providing services and guidance to budding start-ups in their innovative plans and IP related matters.

NRDC provides supports under this scheme in following ways:

- ❑ Providing general advisory on different IP on a *pro bono* basis.
- ❑ Providing information on protecting and promoting IPR to start-ups in other countries on a *pro bono* basis.
- ❑ Assisting in filing & disposal of the IP applications related to Patents, Trademarks and Design under relevant Acts at the national IP offices under the CGPDTM.
- ❑ Drafting provisional & complete Patent specifications for inventions of start-ups.
- ❑ Preparing and filing responses to examination reports and other queries, notices, or letters issued by the IP office.
- ❑ Appearing on behalf of start-up at hearings.
- ❑ Contesting opposition, if any, by other parties.
- ❑ Ensuring final disposal of the IPR application.

### **c) Innovation Facilitation Centres (IFCs)**

On behalf of DSIR, NRDC has set up 6 IFCs in the universities under “Programme for Inspiring Inventors and Innovators” (PIII). The mandate of IFCs is to sensitize the students, research scholars and faculty members about IP related issues by organizing seminars and workshops on IP and technology transfer.

Main Objectives of IFCs are:

- ❑ To promote area-specific technologies for the industries by utilizing the R&D capabilities of the host institutions in the region.
- ❑ To provide value-added services in terms of IP management & technology commercialisation for making commercial products from the R&D of institutions of the region.

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- ❑ To act as a potent resource of IP-protected technologies to help the manufacturing sector of the country in developing new products and services based on the innovative technologies available through the IFCs.
- ❑ To provide IP protection and management services and facilitate technology transfer and commercialization.

### Schemes and Programmes

**1. IP Consultancies** - Academia/R&D institutes and industries are at the forefront of knowledge creation and scientific activities. With innovation as a central theme, NRDC provides consultative services in drafting/formulating innovation, technology transfer and IP policy of their respective organizations.

**2. Technology Landscaping** - NRDC helps stakeholders in technology landscaping analysis in which it helps to understand the market evaluation of a particular technology as well as the latest developments involving such technology. NRDC is financing programmes like Programme for Inspiring Inventors and Innovators (PIII) and Programme for Development of Technology Inspiring for Commercialization (PDTC). The main features of the programmes are mentioned below:

#### **a) Programme for Inspiring Inventors and Innovators:**

- ❑ Promotion & Propagation of Inventions and Innovations.
- ❑ Prize Award to Meritorious Inventions and open-source Technologies.
- ❑ Innovate India Conference.
- ❑ Intellectual Property & Innovation Facilitation.
- ❑ Intellectual Property and Technology Facilitation Centre (IPFC).
- ❑ NRDC-University Facilitation Innovation Centres.
- ❑ Patent Seminars, Patent Search.
- ❑ On-Line IPR & Knowledge Management Courseware for Certificate Programme.

#### **b) Programme for Development of Technology Inspiring for Commercialization:**

- ❑ Digital Portal and Membership & Subscription.
- ❑ Basic Engineering Design Package.
- ❑ Market Survey on assigned technologies.
- ❑ Development Projects and value addition for priority projects.
- ❑ Promotion of Innovation in Rural & North East Region.
- ❑ Entrepreneurship Development Programme in backward and rural areas through Innovative Appropriate Technology.

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**3. ASEAN-India** - Under the overall aegis of the ASEAN India Science, Technology and Innovation Cooperation Program, NRDC has developed a portal, ASEAN-India Innovation Platform (Research Innovation Component). NRDC shall create and develop a databank of technologies/ Innovations, etc. available in India and the ASEAN Members States under a single platform and make it available for transfer and commercialization for Indian as well as ASEAN entrepreneurs. The main objectives of the portal are:

- ❑ Creation of extensive database/research work and IPs.
- ❑ Creation of a single platform to access the technologies developed in India and ASEAN countries.
- ❑ Facilitation of technology seekers and technology owners through an interactive and dynamic portal.
- ❑ Bridging the technological gap between inventor, industry, manufacturers & academia of ASEAN countries.
- ❑ Helping the member countries in networking with people to share ideas, experiences, problems faced and their solutions.
- ❑ To work as a single source of information for ASEAN countries about inclusive innovation, sectors, such as health, education, food & agriculture, environment and natural resources, science and technology, etc. are the thrust area.
- ❑ Helping at networking the industries of ASEAN and India with the IP knowledge bases for employment and wealth creation.

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**Assignment Questions**

1. Define Industrial Design. What are its eligibility criteria? Mention the design characteristics.
2. Explain few famous industrial designs.
3. Mention few Non-Protectable Industrial Designs in India.
4. With flowchart, explain the procedure for registration of industrial designs.
5. Define Geographical Indications. Describe the rights granted to the GI holders.
6. List few famous GI s registered in India.
7. Mention few Non-Registerable GI.
8. Briefly explain two common methods of protecting a GI.
9. With flowchart, explain the procedure for registration of GI.
10. Mention few IPR related activities conducted by DPIIT.
11. List the categories of IPR governed & administered by DPIIT.
12. Describe the salient features of CGPDTM.
13. Mention the services offered by IPFC.
14. Mention the support provided by NRDC under SIPP scheme.
15. Mention the main features of NRDCs PIII and PDTC programmes.
16. Describe the main objectives of ASEAN portal.