

Unit II  
BCA- 602  
CYBER LAW & INTERNET SECURITY

**Geographical Indication**

An indication which identifies goods, such as agricultural goods, natural goods or manufactured goods as originating in the territory of a country, or its region are called as **geographical indications**.

These indications denote quality, reputation or other characteristics of such goods essentially attributable to its geographical origin.

The right conferred on geographical indication prevents competition from commercially exploiting the respective rights to the detriment of the owner of that property.

**Industrial Designs**

Industrial designs mean only the features of shape, configuration, pattern, ornament or composition of lines or colour applied to any article whether in two dimensional or three dimensional or both.

It may be by any industrial process or means whether manual, mechanical or chemical, separate or combined which in the finished article appeal to and are judged solely by the eye but does not include any trade mark.

In the case of industrial designs the property consists in the exclusive right to apply the design registered under the statute.

**Legislations for IPR In India**

India being the signatory member to all the major conventions related to IPR has legislated certain acts and statutes to show its commitment towards IPR protection. Some of the major legislations for the protection of IPR are listed as follows:

**Legislations for IPR In India**

The Patents Act, 1970

The Patents (Amendment) Act, 1999

The Patents (Amendment) Act, 2002

The Patents (Amendment) Act, 2005

The Trade Marks Act, 1999

The Trade Marks (Amendment) Act, 2010

The Competition Act, 2002

The Competition (Amendment) Act, 2007

The Competition (Amendment) Act, 2009

The Semiconductor Integrated Circuits Layout-Design Act, 2000

The Geographical Indications of Goods (Registration and Protection) Act, 1999

### **Legislations for IPR In India**

The Protection of Plant Varieties and Farmers' Rights Act, 2001

The Designs Act, 2000

The Copyright Act, 1957

The Copyright (Amendment) Act, 1994

The Copyright (Amendment) Act, 1999

The Copyright (Amendment) Act, 2012

### **IPR**

Intellectual property (IP) broadly means the legal rights which result from intellectual activity in the industrial, scientific, literary and artistic fields.

IP is a term used in property law and refers to the ownership of an idea or design by the person who came up with it.

It gives a person certain exclusive rights to a distinct type of creative design, meaning that nobody else can copy or reuse that creation without the owner's permission.

### **IPR**

Considering IP is the major contributor in the developmental process, various conventions have been organised globally to establish a formal outline of the laws for protecting IP.

Conventions like Paris and Berne and Organisations like WIPO have not only set forth the guiding principles for the establishment of IPR regime, but also drawn the regulations which bind the signatory nations to effectively implement the laws relating to IPR in their countries.

In India, following the guiding principles of these conventions several landmark laws and legislations have been enacted to protect the major components of IPR.

### **IPR**

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came up with it. It gives a person certain exclusive rights to a distinct type of creative design, meaning that nobody else can copy or reuse that creation without the owner's permission

Since IPR is a right over an idea so it also covers everything under the idea. If an idea which is the subject matter of an IPR finds its application in a tangible thing, the latter is also covered by that IPR.

IPR help in maintaining economic growth by giving statutory expression to the moral and economic rights of creators in their creations and the rights of the public for accessing those creations. As act of government policy, IPR promote creativity and the dissemination and application of its results and to encourage fair trading which would contribute to economic and social development.

The Berne Convention deals with the protection of works and the rights of their authors. It is based on three basic principles and contains a series of provisions determining the minimum protection to be granted, as well as special provisions available to developing countries that want to make use of them.

The Rome Convention secures protection in performances for performers, in phonograms for producers of phonograms and in broadcasts for broadcasting organisations.

WIPO is responsible, jointly with the International Labour Organisation (ILO) and the United Nations Educational, Scientific and Cultural Organisation (UNESCO), for the administration of the Rome Convention.

These three organisations constitute the Secretariat of the Intergovernmental Committee set up under the Convention.

- The objective of TRIPS Agreement is to present model provisions for adequate standard and principles concerning the availability, scope and use of trade-related IPR; effective means for their enforcement; settlement of disputes between governments; and transitional arrangements aiming at the fullest participation in the results of the negotiations.

The subject matters of copyright are the literary, artistic, dramatic, musical, cinematographic films, sound recording. Literary works now also include computer programmes, tables, compilation including computer database. Mere idea without tangible expression is not granted legal protection.

## **COPYRIGHT LAW**

Artistic creation and literary compositions are the outcomes of the human intellect.

To protect the interests of the creator and advancement of knowledge and learning, copyright legislations have been enacted worldwide.

From Berne convention to TRIPS agreement the international law on copyright has been crystallised on sound footings.

India being the signatory member of TRIPS and other international agreements has comprehensively enacted Copyright Act, 1957 and done several amendments from time to time to meet the needs of changing times.

The first enactment on copyright in India was the Indian Copyright Act 1914.

After independence, to meet the aspirations of the free nation and also to address the changes brought about by advances in technology and reproduction, the Copyright Act 1957 was enacted. This Act has been amended several times since then.

## **DEFINITION OF COPYRIGHT**

Copyright is a set of rights given by the law to the creators of literary, dramatic, musical and artistic works and the producers of cinematograph films and sound-recordings.

The precise definition of Copyright act has been given in Section 14 of the Copyright Act, 1957 which states: *Copyright means the exclusive right, subject to the provisions of this Act, to do or authorise the doing of any of the following acts in respect of a work or any substantial part thereof, namely:-*

## **COPYRIGHT LAW**

In the case of a literary, dramatic or musical work, not being a computer programme:

- to reproduce the work in any material form including the storing of it in any medium by electronic means;
- to issue copies of the work to the public not being already in circulation;
- to perform the work in public, or communicate it to the public;
- to make any cinematograph film or sound recording in respect of the work;
- to make any translation or adaptation of the work;

In the case of a computer programme:

- to do any of the acts specified above;
- to sell or give on commercial rental or offer for sale or for commercial rental any copy of the computer programme;

In the case of an artistic work:

- to reproduce the work in any material form including —
  - i) the storing of it in any medium by electronic or other means; or
  - ii) depiction in three dimensions of a two-dimensional work; or
  - iii) depiction in two dimensions of a three-dimensional work;
- to communicate the work to the public;
- to issue copies of the work to the public;

- to include the work in any cinematograph film;
- to make any adaptation of the work;

In the case of cinematograph film:

- to make a copy of the film, including a photograph of any image forming part the film;
- to sell or hire any copy of the film,
- to communicate the film to the public;

In the case of sound recording:

- to make any other sound recording embodying it including storing of it in any medium by electronic or other means;
- to sell or give on commercial rental any copy of the sound recording;
- to communicate the sound recording to the public.

Thus Copyright in a work is not a single right, it has several rights together.

For example, copyright in a book is not merely the right to bring it out in varied edition, but also the right to serialise in media, translation, adaptation, etc.

\*\*\*\*\*Thank you\*\*\*\*\*