

## ***Intellectual Property Law***

### **Important Short Questions & Answers - Topics**

#### **1. Geographical Indications Goods**

Geographical Indications (GI) goods refer to products that are associated with a specific geographical location and possess qualities, reputation, or characteristics that are essentially attributable to that place of origin. In India, the Geographical Indications of Goods (Registration and Protection) Act, 1999 provides legal protection to such goods. This law helps safeguard the rights of producers of GI goods and prevents unauthorized use of their names or geographical indications. By obtaining GI registration, producers can enjoy exclusive rights over the use of the geographical indication and prevent others from misleading consumers or diluting the unique qualities associated with the goods.

#### **2. Author's & Owners Special Rights**

Intellectual property law in India recognizes the special rights of authors and owners of original works. The Copyright Act, 1957 grants authors exclusive rights over their literary, artistic, and musical creations, including books, paintings, songs, and software. These rights include the reproduction, distribution, adaptation, and public performance of the work. Copyright protection encourages creativity and ensures that authors receive recognition and financial benefits from their creations. In cases of infringement, copyright owners can seek legal remedies, such as injunctions and damages.

#### **3. Property Mark**

A property mark, also known as a trademark or brand, is a distinctive sign or symbol used by a business to distinguish its goods or services from others in the market. In India, trademarks are protected under the Trade Marks Act, 1999. Registering a property mark provides the owner with exclusive rights to use the mark in relation to the specified goods or services. It also helps prevent others from using similar marks that may cause confusion among consumers. The registration process involves filing an application with the Trademarks Registry and undergoing examination for distinctiveness and potential conflicts with existing marks.

#### **4. Anton Piller Order**

An Anton Piller order is a legal remedy available in India to address intellectual property infringements. It allows the plaintiff to obtain an order from the court to search the premises of the defendant and seize relevant evidence without prior notice. This order is commonly used in cases where there is a risk of the defendant destroying evidence or removing infringing goods.

However, the court will grant an Anton Piller order only if the plaintiff can demonstrate a strong prima facie case, provide precise details of the alleged infringement, and prove that the defendant is in possession of infringing materials.

### **5. Fraudulent Imitation of Design**

The design of a product can be protected under the Designs Act, 2000 in India. This legislation safeguards the visual appearance or ornamentation of an article, including its shape, configuration, pattern, or composition of colors. Fraudulent imitation of a design refers to the unauthorized copying or reproduction of a registered design without the owner's consent. If someone intentionally imitates a registered design, they may face legal consequences, including injunctions, damages, and even criminal penalties. Design registration grants the owner exclusive rights over the design and enables them to take legal action against infringers.

### **6. Industrial Property**

Industrial property encompasses various forms of intellectual property rights relating to inventions, industrial designs, trademarks, and geographical indications. In India, industrial property is protected through legislation such as the Patents Act, 1970, the Designs Act, 2000, and the Trade Marks Act, 1999. These laws provide a framework for granting exclusive rights to inventors, designers, and brand owners, ensuring that their innovations and creations are protected from unauthorized use or infringement. Industrial property protection promotes innovation, encourages economic growth, and fosters healthy competition in the marketplace.

### **7. Service Marks**

Service marks are distinctive signs used by businesses to identify and distinguish their services from those of others. In India, service marks are protected under the Trade Marks Act, 1999. They function similarly

to trademarks but specifically apply to services rather than physical goods. Registering a service mark provides exclusive rights to the owner to use the mark in relation to the specified services and prevents others from using similar marks that may cause confusion among consumers. Service marks play a crucial role in building brand recognition and reputation in the service industry.

### **8. Exclusive Marketing Rights**

Exclusive Marketing Rights (EMRs) refer to the exclusive rights granted to pharmaceutical companies for a specific period to market or sell a drug that has been approved for marketing in another country but not yet in India. EMRs were introduced in India under the Patents (Amendment) Act, 2005 to encourage the importation and availability of innovative pharmaceutical products. EMRs enable the patentee to enjoy a monopoly over the marketing

and sale of the patented drug during the EMR period. This provision aimed to strike a balance between protecting intellectual property rights and ensuring access to life-saving medicines.

### **9. Plant Varieties Protection**

Plant Varieties Protection (PVP) is a form of intellectual property protection that grants exclusive rights to breeders of new plant varieties. In India, the Protection of Plant Varieties and Farmers' Rights Act, 2001 provides a legal framework for the registration and protection of plant varieties. Breeders who have developed new varieties through extensive research and investment can apply for PVP to prevent unauthorized use or commercial exploitation of their varieties. PVP encourages innovation in the agricultural sector, safeguards the rights of breeders, and promotes the availability of improved plant varieties.

### **10. Industrial Property**

Industrial property encompasses a range of intellectual property rights that are commercially valuable in industrial and commercial sectors. It includes patents, trademarks, industrial designs, and geographical indications. Industrial property protection in India is governed by various laws, such as the Patents Act, 1970, the Trade Marks Act, 1999, and the Designs Act, 2000. These laws grant exclusive rights to inventors, brand owners, and creators of industrial designs, enabling them to protect their innovations, prevent unauthorized use, and derive economic benefits from their intellectual property. Industrial property rights play a vital role in fostering innovation, promoting competition, and driving economic growth in India.

### **11. WIPO (World Intellectual Property Organization)**

WIPO is a specialized agency of the United Nations responsible for promoting and protecting intellectual property (IP) rights worldwide. It serves as a global forum for cooperation, information sharing, and policy development in the field of IP. WIPO administers various international treaties and provides services to facilitate the registration, protection, and enforcement of IP rights. Its mission is to encourage innovation, creativity, and the use of IP for economic, social, and cultural development. WIPO plays a crucial role in harmonizing IP laws and regulations across different countries, fostering a balanced and effective IP system that benefits both creators and users of intellectual property.

### **12. Passing off Action**

Passing off is a legal action taken against someone who misrepresents their goods or services as those of another business, causing confusion among consumers. It is a common law tort aimed at protecting the goodwill and reputation of a business. To succeed in a passing off action, the claimant must establish that they have a goodwill or reputation associated with their goods or services, the defendant has made a misrepresentation that is likely to deceive the public, and the claimant has suffered or is likely to suffer damage as a result of the

misrepresentation. Passing off actions are often used to address cases of trademark infringement or unfair competition.

### **13. Well-Known Trademark**

A well-known trademark is a mark that is widely recognized by the public as indicating the source of a particular product or service. Well-known trademarks enjoy a higher level of protection compared to regular trademarks. They are afforded broader scope and can be protected even in relation to goods or services that are not identical or similar to those covered by the mark's registration. The recognition of a trademark as "well-known" typically depends on factors such as the extent of its use, duration of its existence, geographical reach, and the level of public recognition. Well-known trademarks are protected under various international treaties and national laws to prevent their unauthorized use and dilution.

### **14. Process Patent & Kinds of Patent**

A process patent is a type of patent that protects a novel and non-obvious process, method, or technique of producing a product or achieving a particular result. It focuses on the steps involved in the creation or manufacturing process rather than the end product itself. Process patents are important in industries where the method of production is critical or where a specific manufacturing process leads to a unique product.

There are different kinds of patents, including utility patents, design patents, and plant patents. Utility patents are the most common type and cover new and useful processes, machines, compositions of matter, or improvements thereof. Design patents protect the ornamental design or appearance of an article. Plant patents, on the other hand, are granted for new varieties of asexually reproduced plants.

### **15. Compulsory License**

A compulsory license is a legal mechanism that allows someone to use another person's intellectual property (such as a patent or copyright) without the consent of the right holder. It is typically granted by a government authority in situations where the rights of the IP owner may be overridden for reasons of public interest, national security, or to address anti-competitive practices. Compulsory licenses are often issued for essential goods or services, such as pharmaceuticals, to ensure their availability at affordable prices or in cases of emergencies. The conditions and terms for granting a compulsory license vary between countries and depend on the specific circumstances.

### **16. Exclusive Marketing Rights**

Exclusive marketing rights (EMRs) refer to the temporary exclusive rights granted to a pharmaceutical company to market and sell a newly developed drug in a specific country or territory. EMRs are often granted as an incentive to encourage research and development in the

pharmaceutical industry, particularly for diseases prevalent in developing countries. These rights provide the pharmaceutical company with a period of exclusivity, during which

no other competitor can market the same drug. EMRs are different from patents and do not confer the right to manufacture or produce the drug. They are usually granted by national regulatory authorities and are subject to certain conditions and obligations.

### **17. Author's Special Rights**

Author's special rights refer to the exclusive rights granted to authors and creators of literary, artistic, and scientific works under copyright law. These rights include the right to reproduce the work, distribute it to the public, publicly perform or display the work, and create derivative works based on the original. Author's special rights aim to protect and reward the creative efforts of authors and encourage the production of new works. They also provide authors with control over the use and exploitation of their creations, allowing them to derive economic benefits from their works and determine how they are shared with the public.

### **18. UNESCO (United Nations Educational, Scientific and Cultural Organization)**

UNESCO is a specialized agency of the United Nations that promotes international collaboration in the fields of education, science, culture, and communication. Its main objectives are to promote peace and sustainable development through education, scientific research, cultural preservation, and the free flow of information and knowledge. UNESCO plays a crucial role in fostering cultural diversity, protecting world heritage sites, promoting inclusive education, and advancing scientific cooperation. In the context of intellectual property, UNESCO works to promote the importance of IP rights for creativity and innovation, while also addressing the need to ensure access to knowledge and cultural expressions for the benefit of all.

### **19. Intellectual Property**

Intellectual property (IP) refers to intangible creations of the mind, such as inventions, literary and artistic works, symbols, names, images, and designs, used in commerce. IP rights grant exclusive legal protection to individuals or entities that create or develop these intangible assets. The main types of IP rights include patents, copyrights, trademarks, trade secrets, and industrial designs. IP rights provide creators and innovators with the ability to control and profit from their creations, encouraging further innovation and creativity. They also play a significant role in promoting economic growth, attracting investment, and fostering competition. Intellectual property laws and regulations vary between countries, but international treaties and organizations like WIPO help harmonize and facilitate the protection of IP rights worldwide.

### **20. Infringement of Copyright**

Infringement of copyright occurs when someone violates the exclusive rights granted to the copyright owner without their authorization. It involves the unauthorized use, reproduction,

distribution, display, or creation of derivative works based on a copyrighted work. Copyright infringement can occur in various forms, such as copying a book, uploading a movie to a file-sharing website, or using copyrighted music in a commercial without permission. Copyright owners have the right to take legal action against infringers to protect their works and seek remedies, such as damages and injunctions. Laws regarding copyright infringement vary between jurisdictions, but they generally aim to strike a balance between protecting the rights of creators and promoting access to knowledge and cultural expression.

### **21. Impact of cyber law on copyright**

The advent of the digital age and the rapid growth of the internet have presented new challenges for copyright protection. Cyber law plays a crucial role in addressing these challenges. It provides legal mechanisms and regulations to protect copyright in the digital realm. With the ease of copying, distributing, and accessing copyrighted material online, cyber law helps enforce copyright laws and ensure the rights of creators are upheld.

Cyber law facilitates the implementation of technological measures like digital rights management (DRM) to prevent unauthorized copying or distribution of copyrighted works. It also addresses issues such as online piracy, file sharing, and the liability of internet service providers (ISPs) for hosting infringing content. The concept of fair use is also examined in the context of digital media and the internet.

Overall, cyber law has had a significant impact on copyright protection. It has helped establish guidelines for digital rights, enhanced the enforcement of copyright laws, and provided a legal framework for addressing copyright infringement in the digital sphere.

### **22. Copyright in Design**

Copyright law in India extends protection to various forms of creative works, including designs. Copyright in design refers to the legal rights granted to the creator of an original design, preventing others from reproducing, selling, or using the design without authorization. It aims to safeguard the efforts and creativity invested in designing innovative and unique products.

In India, copyright protection for designs is governed by the Copyright Act, 1957. The Act recognizes that original designs are eligible for copyright as artistic works. This protection covers both two-dimensional and three-dimensional designs, including patterns, motifs, ornaments, and industrial designs.

Copyright in design grants exclusive rights to the creator, allowing them to reproduce, distribute, and commercially exploit their designs. It also enables designers to take legal action against anyone who infringes upon their copyright. However, it is important to note that copyright protection does not extend to functional aspects of a design, which may be eligible for separate forms of intellectual property protection, such as patents.

### **23. Copyright Board**

The Copyright Board in India is a quasi-judicial body established under the provisions of the Copyright Act, 1957. It plays a crucial role in the administration and enforcement of copyright law in the country. The Copyright Board consists of a Chairman and other members appointed by the central government.

The primary functions of the Copyright Board include the adjudication of disputes relating to copyright and the granting of licenses for copyrighted works. It has the power to grant and revoke licenses, determine royalties, and settle disputes between copyright owners and users.

The Copyright Board also handles matters related to statutory licenses for broadcasting organizations, performers, and the reproduction of copyrighted works. It acts as a regulatory body, ensuring that copyright holders' rights are protected, and appropriate licensing agreements are in place for the lawful use of copyrighted content.

Moreover, the Copyright Board plays a vital role in the collective management of copyright by overseeing the functioning of copyright societies and ensuring their compliance with the law.

### **24. Rights of Broadcasters**

The rights of broadcasters in India are protected under the Copyright Act, 1957. Broadcasting organizations are granted certain exclusive rights to regulate the dissemination and transmission of their broadcasts. These rights recognize the significant investments made by broadcasters in producing and distributing content.

Under the Copyright Act, broadcasters have the exclusive right to communicate their broadcasts to the public, making it unlawful for others to rebroadcast their content without authorization. This provision aims to prevent unauthorized retransmissions and ensure that broadcasters have control over the use and distribution of their broadcasts.

Broadcasters' rights also include the right to reproduce their broadcasts and make them available for on-demand viewing. This provision protects broadcasters from unauthorized copying and exploitation of their broadcasts.

In addition to these rights, broadcasters also enjoy the right to be acknowledged as the author of their broadcasts. This ensures that broadcasters receive appropriate

recognition and credit for their creative and technical contributions to the broadcasting industry.

### **25. Broadcast Reproduction Right**

The broadcast reproduction right is an important aspect of copyright law in India that grants broadcasting organizations exclusive rights over the reproduction of their broadcasts. It is a

specialized right that recognizes the efforts and investments made by broadcasters in creating and producing broadcast content.

The broadcast reproduction right allows broadcasting organizations to control and regulate the reproduction of their broadcasts, prohibiting others from making copies or reproducing their broadcasts without permission. This exclusive right covers both the visual and audio elements of a broadcast.

The reproduction of broadcasts encompasses various activities, such as making copies of broadcasts for distribution, archiving, or retransmission. It also includes the recording of broadcasts for personal use, such as time-shifting or saving programs for later viewing.

By granting broadcasters the reproduction right, copyright law ensures that they have the ability to manage the use and distribution of their broadcasts. This protection helps safeguard the economic interests of broadcasters and encourages the creation of high-quality and diverse broadcast content.

## Important Essay Q & A Topics:

### **1. What is Intellectual Property? How does it differ from other forms of property? Why should it be protected?**

Intellectual property (IP) refers to the legal rights granted to individuals or organizations for their creations or inventions of the mind. It encompasses a broad range of intangible assets, including inventions, literary and artistic works, symbols, names, images, designs, and trade secrets. Intellectual property is divided into several categories, such as patents, copyrights, trademarks, and trade secrets.

What sets intellectual property apart from other forms of property is its intangible nature. Unlike tangible property like land or physical objects, intellectual property is the product of human creativity and innovation. It consists of ideas, concepts, and expressions that are not physically tangible but have value and can be legally protected.

The primary purpose of protecting intellectual property is to encourage and incentivize innovation, creativity, and economic growth. Here are a few key reasons why intellectual property should be protected:

**1. Encouraging Innovation:** Intellectual property rights provide a framework for creators and inventors to secure exclusive rights to their works or inventions. This exclusivity allows them to reap the benefits of their efforts, which can include financial rewards, recognition, and a competitive edge. By protecting intellectual property, society encourages individuals and organizations to invest time, resources, and effort into developing new and useful ideas, products, and technologies.

**2. Fostering Economic Growth:** Intellectual property plays a crucial role in driving economic growth and development. It stimulates competition and promotes market dynamics by creating a fair playing field for businesses and individuals. By protecting intellectual property rights, innovators and creators have the confidence to invest in research and development, knowing that they will have a period of exclusivity to recoup their investments and profit from their inventions or creations. This leads to the generation of new industries, job opportunities, and overall economic progress.

**3. Preserving Cultural Heritage and Creativity:** Intellectual property protection helps preserve and promote cultural heritage, artistic expressions, and traditional knowledge. Copyrights, for example, safeguard literary and artistic works, ensuring that authors and artists have control over the use and dissemination of their creations. By providing creators with a means to protect their works, intellectual property encourages cultural diversity, creativity, and the free flow of ideas while safeguarding against unauthorized exploitation or misuse.

**4. Enhancing Consumer Protection:** Intellectual property protection benefits consumers by ensuring the availability of high-quality products and services. Trademarks, for instance, help consumers identify and differentiate goods or services in the marketplace, providing assurance of their origin and quality. Patents encourage inventors to disclose their inventions to the public, contributing to technological advancements and facilitating the development of better products and processes.

**5. Promoting Collaboration and Technology Transfer:** Intellectual property protection can facilitate collaboration and technology transfer between different entities. Licensing agreements and partnerships enable the transfer of knowledge, expertise, and technology from one entity to another. By protecting intellectual property rights, inventors and creators have the confidence to share their innovations, fostering collaboration, research, and development across industries and regions.

In summary, intellectual property is a unique form of property that encompasses intangible creations of the mind. Its protection is crucial to stimulate innovation, promote economic growth, preserve cultural heritage, enhance consumer protection, and facilitate collaboration and technology transfer. By safeguarding intellectual property rights, society can encourage and reward the creative and innovative endeavors that drive progress and benefit humanity as a whole.

## **2. Explain the nature, meaning and classification of Intellectual Property.**

Intellectual Property (IP) refers to the legal rights granted to individuals or entities for their creations or inventions. It encompasses intangible assets that are a result of human creativity and intellectual effort. IP is recognized as a valuable form of property and is protected by various laws to encourage innovation, creativity, and economic growth.

The nature of intellectual property lies in its intangible nature. Unlike physical property, such as land or objects, IP exists in the form of ideas, concepts, designs, inventions, artistic works, and other creative expressions. It represents the unique expression of human intellect and is often the result of extensive research, development, and investment.

The meaning of intellectual property can vary depending on the specific type of IP rights being referred to. It includes the following main categories:

**1. Copyright:** Copyright protects original artistic and literary works, such as books, music, paintings, photographs, films, and software. It gives the creator exclusive rights to reproduce, distribute, display, and perform their work.

**2. Trademarks:** Trademarks are symbols, names, logos, or phrases used to identify and distinguish goods or services from others in the marketplace. They help consumers recognize and associate products with a particular brand or company.

**3. Patents:** Patents protect new inventions and provide the inventor with exclusive rights to make, use, or sell their invention for a limited period. Patents cover a wide range of innovations, including technological advancements, processes, machines, and chemical compositions.

**4. Trade Secrets:** Trade secrets are confidential information that gives a competitive advantage to a business. They can include formulas, manufacturing processes, customer lists, marketing strategies, and other valuable commercial information. Unlike other forms of IP, trade secrets are not registered but are protected through confidentiality agreements and security measures.

**5. Industrial Designs:** Industrial designs protect the visual appearance or aesthetics of a product. They cover the shape, configuration, pattern, or ornamentation that gives a product its unique visual appeal.

These categories of intellectual property are legally recognized and classified to provide creators and inventors with exclusive rights to their creations. They enable creators to monetize their ideas, promote innovation, and foster a competitive market while balancing the public interest by allowing limited exclusivity for a certain period.

It is important to note that the classification and specific laws regarding intellectual property can vary across countries, as each nation has its own legal framework and regulations governing IP rights. However, the overall purpose remains consistent: to encourage and protect innovation and creativity.

### **3. Discuss the salient features of the TRIPS Agreement.**

The Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) is an international agreement administered by the World Trade Organization (WTO). It sets out minimum standards for the protection of intellectual property (IP) rights, including patents, copyrights, trademarks, and trade secrets. Here are some of the salient features of the TRIPS Agreement:

**1. Minimum standards of protection:** The TRIPS Agreement establishes a baseline for IP protection that all member countries must adhere to. It sets out minimum standards for the duration and scope of IP rights, ensuring that creators and innovators are granted a certain level of protection globally.

**2. National treatment and most-favored-nation treatment:** The TRIPS Agreement requires member countries to provide non-discriminatory treatment to foreign intellectual property rights holders. This means that foreign creators and innovators should receive the same level of protection as domestic rights holders.

**3. Enforcement and dispute settlement:** The TRIPS Agreement includes provisions for the enforcement of intellectual property rights. It requires member countries to have effective legal mechanisms and remedies in place to address IP infringement. It also provides for dispute

settlement procedures, allowing member countries to resolve conflicts related to IP through the WTO's dispute settlement system.

**4. Flexibilities and exceptions:** The TRIPS Agreement recognizes the importance of striking a balance between promoting innovation and ensuring access to essential goods and services. It includes flexibilities and exceptions that allow member countries to adopt measures to protect public health, promote access to medicines, and address specific societal needs, such as compulsory licensing.

**5. Technology transfer and capacity building:** The TRIPS Agreement encourages the transfer of technology between developed and developing countries. It includes provisions that promote cooperation, technical assistance, and capacity building to help developing countries strengthen their intellectual property systems and benefit from technological advancements.

**6. Transitional periods for developing countries:** The TRIPS Agreement provides flexibility and transitional periods for developing countries to implement and comply with its provisions. These periods allow developing countries to adjust their IP systems gradually, taking into account their specific economic and technological circumstances.

**7. Review and amendment:** The TRIPS Agreement includes provisions for periodic reviews and possible amendments to address emerging issues and challenges in the field of intellectual property. This ensures that the agreement remains relevant and adaptable to evolving technologies and global developments.

It's important to note that the TRIPS Agreement has been subject to debates and criticisms. Some argue that it places significant emphasis on protecting the interests of rights holders and may hinder access to essential goods and technologies, particularly for developing countries. Others believe that it provides a necessary framework for the protection of intellectual property rights, fostering innovation and economic development.

#### **4. Explain the economic and moral rights of Authors of Copyrighted Works.**

The economic and moral rights of authors of copyrighted works are fundamental aspects of copyright law that protect the interests and creative contributions of creators. These rights provide authors with control over the use and exploitation of their works, ensuring they receive fair recognition and compensation for their efforts. Here's an explanation of both economic and moral rights:

##### **1. Economic Rights:**

- Economic rights refer to the rights that allow authors to derive financial benefits from their creative works. These rights include:
  - Reproduction Right: The exclusive right to reproduce the work in any form, such as making copies, recordings, or digital reproductions.

- Distribution Right: The exclusive right to distribute copies of the work to the public through sale, rental, or other means.
- Public Performance Right: The exclusive right to publicly perform the work, such as in concerts, theaters, or broadcasts.
- Public Display Right: The exclusive right to publicly display the work, such as in galleries or exhibitions.
- Adaptation Right: The exclusive right to create derivative works based on the original, such as translations, adaptations, or transformations.

These economic rights enable authors to control how their works are used and to negotiate licenses, royalties, or other forms of compensation for the authorized use of their creations. They form the foundation for the economic viability of authors and incentivize creativity and innovation.

## **2. Moral Rights:**

- Moral rights are the non-economic rights that recognize the personal and reputational interests of authors in relation to their works. While the scope of moral rights may vary in different jurisdictions, they generally include:
  - Right of Attribution: The right to be identified as the author of the work.
  - Right of Integrity: The right to prevent any distortion, mutilation, or modification of the work that could harm the author's reputation.
  - Right of Publication: The right to control the timing and manner of the work's first publication.

Moral rights protect the author's connection to their work and preserve the integrity and reputation associated with it. These rights acknowledge the author's personal bond with their creations and ensure that their works are not used or modified in a way that could be detrimental to their artistic vision or professional standing.

It's important to note that the specific details and extent of these rights may vary among countries, as copyright laws differ across jurisdictions. However, the economic and moral rights generally form the core principles of copyright protection, safeguarding the interests of authors and promoting creativity in a balanced manner.

## **5. Define copyright. Discuss the subject matter of copyright protection under the Indian law.**

Copyright is a legal concept that grants exclusive rights to creators of original works, enabling them to control the use and distribution of their creations. It is a form of intellectual property protection that safeguards various forms of creative expression, such as literary, artistic, musical, dramatic, and cinematographic works. Copyright provides creators with the right to determine how their works are used and ensures they receive recognition and financial benefits from their creations.

In India, copyright protection is governed by the Copyright Act, 1957, and its subsequent amendments. The Act recognizes a broad range of subject matter eligible for copyright protection. The following categories of works are specifically protected under Indian copyright law:

- 1. Literary works:** This includes books, novels, poems, plays, computer programs, and compilations of information.
- 2. Artistic works:** This category covers paintings, drawings, photographs, sculptures, engravings, and architectural works.
- 3. Musical works:** It encompasses original musical compositions, including any accompanying lyrics.
- 4. Dramatic works:** This includes plays, scripts, choreographic works, pantomimes, and other dramatic performances.
- 5. Cinematographic works:** This category includes films, documentaries, and any audiovisual recordings.
- 6. Sound recordings:** It covers any audio recordings, including songs, speeches, lectures, and other recorded sounds.
- 7. Broadcasts:** This includes radio and television broadcasts and their accompanying signals.
- 8. Computer programs:** Software programs are recognized as literary works, and they are protected under copyright law.

In addition to these specific categories, Indian copyright law also protects derivative works, which are new creations based on pre-existing copyrighted works. These derivative works include translations, adaptations, and abridgments.

It's important to note that copyright protection is automatic upon the creation of a work and does not require registration. However, it is advisable to register copyright with the Copyright Office in India, as it provides additional benefits, such as evidence of ownership and the ability to enforce copyright more effectively in legal proceedings.

Copyright protection in India generally lasts for the lifetime of the author plus 60 years after their death. However, the duration varies depending on the type of work and other factors.

## **6. Explain the structure, powers and functions of the world Intellectual Property Organization(WIPO)**

The World Intellectual Property Organization (WIPO) is a specialized agency of the United Nations responsible for the promotion and protection of intellectual property (IP) rights worldwide. WIPO was established in 1967 and currently has 193 member states. Its headquarters are located in Geneva, Switzerland.

### **Structure of WIPO:**

- 1. General Assembly:** The highest governing body of WIPO, composed of all member states. It meets once a year to discuss policy and provide strategic direction to the organization.
- 2. WIPO Conference:** A meeting of member states held every two years to discuss administrative and budgetary matters and make decisions on the organization's work program.
- 3. WIPO Coordination Committee:** Consists of member states elected by the General Assembly. It oversees the work of the organization and provides guidance to its programs.
- 4. WIPO Director General:** The chief administrative officer of WIPO, elected by the General Assembly for a six-year term. The Director General is responsible for implementing the decisions and policies of the organization and managing its day-to-day operations.

### **Powers and Functions of WIPO:**

- 1. International Cooperation:** WIPO facilitates international cooperation among member states in the field of intellectual property. It promotes the development and harmonization of IP laws and provides a platform for member states to share knowledge, experiences, and best practices.
- 2. Norm-Setting:** WIPO develops international treaties, agreements, and guidelines to establish global standards for intellectual property protection. These include the Paris Convention for the Protection of Industrial Property, the Berne Convention for the Protection of Literary and Artistic Works, and the Patent Cooperation Treaty, among others.
- 3. IP Registration and Protection:** WIPO administers various international IP registration systems, such as the Patent Cooperation Treaty (PCT), the Madrid System for the International Registration of Trademarks, and the Hague System for the International Registration of Industrial Designs. These systems simplify the process of obtaining and managing IP rights across multiple jurisdictions.
- 4. Dispute Resolution:** WIPO provides services for the resolution of intellectual property disputes, including arbitration and mediation. The WIPO Arbitration and Mediation Center

assists parties in resolving disputes outside the court system, offering specialized expertise in IP matters.

**5. Capacity Building and Technical Assistance:** WIPO offers technical assistance, training programs, and capacity-building initiatives to help member states enhance their IP systems. These activities aim to support the development of robust and effective IP frameworks, particularly in developing countries.

**6. Research and Policy Development:** WIPO conducts research and analysis on intellectual property-related issues and trends. It produces reports, studies, and databases that contribute to evidence-based policymaking and decision-making in the field of IP.

**7. Public Awareness and Outreach:** WIPO promotes public awareness of intellectual property and its role in fostering creativity, innovation, and economic development. It organizes campaigns, events, and educational initiatives to enhance understanding and appreciation of IP rights among different stakeholders.

Overall, WIPO plays a crucial role in shaping global IP policies, facilitating international cooperation, and providing services to support the effective protection and management of intellectual property rights worldwide.

### **7. Distinguish the Infringement of Trademarks from passing off with reference to decided cases.**

In the realm of intellectual property law, both trademark infringement and passing off refer to unauthorized uses of trademarks that can cause confusion or deception among consumers. While they are related concepts, there are distinct differences between the two. Let's explore each of them, along with relevant decided cases, to better understand their nuances.

#### **1. Trademark Infringement:**

Trademark infringement occurs when a person or entity uses a registered trademark or a similar mark in connection with goods or services without the permission of the trademark owner. This unauthorized use may lead to consumer confusion or dilution of the distinctive qualities associated with the original mark. To establish trademark infringement, the following elements are typically considered:

**a) Similarity of marks:** The allegedly infringing mark should be sufficiently similar to the registered trademark, creating a likelihood of confusion among consumers.

**b) Use in commerce:** The infringing mark must be used in connection with goods or services, which are related or similar to those covered by the registered trademark.

**c) Likelihood of confusion:** The use of the infringing mark should create a likelihood of confusion among consumers regarding the source or affiliation of the goods or services.

Notable case: Rolex Watch Co. Ltd. v. Alex Jewelry, Inc. (United States, 2010)

In this case, the defendant, Alex Jewelry, used the mark "Rolexx" for selling imitation Rolex watches. The court held that the defendant's mark was substantially similar to the registered trademark "Rolex" and likely to cause confusion among consumers. Consequently, the defendant was found liable for trademark infringement.

## **2. Passing Off:**

Passing off refers to the wrongful act of misrepresenting one's goods or services as those of another, leading to confusion or deception among consumers. Unlike trademark infringement, passing off does not require a registered trademark. Instead, it relies on the common law principle that provides protection for unregistered trademarks or trade dress. To establish passing off, the following elements are generally considered:

**a) Goodwill or reputation:** The claimant must establish that they have developed goodwill or reputation in connection with their goods or services.

**b) Misrepresentation:** The defendant must have made a misrepresentation, leading or likely to lead the public to believe that their goods or services are those of the claimant.

**c) Damage or likelihood of damage:** The claimant must demonstrate that they have suffered or are likely to suffer damage as a result of the defendant's misrepresentation.

Notable case: Reckitt & Colman Products Ltd. v. Borden Inc. (Canada, 1990)

In this case, the claimant, Reckitt & Colman, manufactured and sold a cleaning product under the name "Jif." The defendant, Borden Inc., introduced a similar product named "Gif." The court found that Borden's use of the name "Gif" constituted passing off, as it created confusion among consumers and took unfair advantage of Reckitt & Colman goodwill associated with the "Jif" mark.

In summary, trademark infringement primarily focuses on the unauthorized use of a registered trademark, while passing off extends protection to unregistered trademarks based on the misrepresentation and likelihood of confusion. The specific elements and tests for each vary across jurisdictions, and it is advisable to consult relevant laws and case precedents in a particular jurisdiction for a comprehensive understanding.

## **8. Discuss the salient features of the Trademarks Act, 1999.**

The Trademarks Act, 1999 is an important legislation governing the protection and registration of trademarks in India. It replaced the previous Trademarks Act of 1958 and introduced several

key features to modernize and strengthen the trademark law regime in the country. Here are some of the salient features of the Trademarks Act, 1999:

- 1. Definition of Trademark:** The Act provides a comprehensive definition of a trademark, which includes any mark capable of being represented graphically and distinguishing the goods or services of one person from those of others.
- 2. Registrability:** The Act expanded the scope of registrable trademarks by including unconventional marks such as sound, smell, shape, and color combinations, in addition to traditional word and logo marks. This allows for greater protection and recognition of non-conventional trademarks.
- 3. Protection of Well-Known Trademarks:** The Act introduced provisions for the protection of well-known trademarks, even in the absence of registration in India. This offers additional safeguards for famous trademarks against dilution and unauthorized use.
- 4. Trademark Registration:** The Act establishes a centralized registry called the Trademarks Registry, where applications for trademark registration are filed and processed. It sets out the procedure for filing applications, examination, publication, opposition, and registration of trademarks.
- 5. Assignment and Licensing:** The Act provides for the assignment and licensing of trademarks, allowing owners to transfer or authorize the use of their trademarks to other parties. It sets out the requirements and procedure for recording such assignments and licenses.
- 6. Infringement and Remedies:** The Act defines trademark infringement and provides remedies for unauthorized use of a registered trademark. These remedies include injunctions, damages, accounts of profits, and delivery of infringing goods for destruction.
- 7. Grounds for Refusal and Cancellation:** The Act lays down specific grounds for the refusal and cancellation of trademark registration, such as lack of distinctiveness, deceptive marks, prior rights, and non-use of the mark for a continuous period of five years.
- 8. Renewal:** The Act allows for the renewal of trademark registrations, ensuring continued protection for a specified period. Renewals can be sought every ten years, providing the trademark owner with ongoing rights and benefits.
- 9. International Treaties:** The Act incorporates provisions for compliance with international treaties related to trademarks, such as the Paris Convention for the Protection of Industrial Property and the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS).

These salient features of the Trademarks Act, 1999 collectively aim to provide a robust framework for trademark protection, registration, and enforcement in India. It helps foster

innovation, brand development, and consumer confidence in the marketplace by safeguarding the rights of trademark owners.

**9. Who is the owner of copyright? Explain different modes of transfer of copyright with special reference to assignment.**

The owner of copyright is the person or entity that holds the exclusive rights to reproduce, distribute, display, perform, and modify a creative work. In most cases, the author or creator of the work is initially considered the copyright owner. However, copyright can also be owned by other individuals or entities, such as employers or organizations, if the work is created as part of their employment or under a contract.

The modes of transfer of copyright refer to the ways in which copyright ownership can be transferred from the original owner to another person or entity. One common mode of transfer is through assignment, where the copyright owner transfers all or some of their rights to another party. Here's an explanation of the different aspects of copyright assignment:

**1. Assignment of Copyright:** Assignment involves the complete transfer of copyright ownership from the original owner (assignor) to another person or entity (assignee). The assignee becomes the new copyright owner and gains all the exclusive rights associated with the copyright. This transfer is typically done through a written agreement, often referred to as a copyright assignment agreement.

**2. Partial Assignment:** A copyright owner may choose to transfer only certain rights or a portion of their copyright to another party. For example, they may assign the right to reproduce and distribute a work while retaining the right to display and perform it. In a partial assignment, the original copyright owner retains some rights, and the assignee acquires the specific rights mentioned in the agreement.

**3. Exclusive and Non-Exclusive Assignment:** An assignment of copyright can be either exclusive or non-exclusive. In an exclusive assignment, the assignee is granted the sole and exclusive rights to exploit the copyrighted work, and the original copyright owner relinquishes those rights entirely. In a non-exclusive assignment, the copyright owner can assign the same rights to multiple parties simultaneously.

**4. Consideration:** Copyright assignment typically involves some form of consideration, which is the value exchanged between the parties involved. Consideration can take various forms, such as monetary compensation, royalties, or other benefits agreed upon in the assignment agreement.

**5. Written Agreement:** To ensure clarity and legal validity, copyright assignment should be documented in a written agreement. This agreement should clearly state the parties involved, the rights being assigned, the scope and duration of the assignment, any compensation or royalties, and any other relevant terms and conditions.

It's important to note that copyright laws may vary depending on the jurisdiction. It is advisable to consult with a legal professional or copyright expert for specific guidance on copyright ownership and assignment in your jurisdiction.

## **10. What is meant by Geographical Indications of Goods? Explain the procedure for registration of Geographical Indications.**

Geographical Indications (GIs) are a form of intellectual property rights that identify goods as originating from a particular geographical location, where a certain quality, reputation, or other characteristic of the goods can be attributed to that specific geographic origin. In simpler terms, GIs are used to protect and promote unique products associated with a specific region.

The registration procedure for Geographical Indications varies from country to country, but I'll provide a general overview of the process:

**1. Identify the GI:** The first step is to identify the product for which you want to seek a Geographical Indication. The product should possess unique qualities or characteristics that are primarily derived from its geographical origin.

**2. Formation of an association:** Typically, a group or association of producers, manufacturers, or stakeholders who are involved in the production or processing of the goods associated with the geographical area will need to be formed. This association will represent the collective interests of the producers and manage the GI.

**3. Documentation and Application:** The association will gather all the necessary documents and information to support the application for GI registration. This includes providing details about the product, its unique qualities, and evidence linking the product to the specific geographic region.

**4. Filing the application:** The association will file the application for GI registration with the designated authority responsible for intellectual property rights, such as the national or regional trademark office. The application should include the required forms, supporting documents, and the prescribed fee.

**5. Examination:** The GI application will go through a formal examination process to determine if it meets the necessary legal requirements. This examination may involve assessing the uniqueness of the product, verifying the link between the product and the geographical area, and ensuring compliance with the applicable laws and regulations.

**6. Public Notice and Opposition:** After the examination, the GI application is usually published in a public notice for a specified period. During this period, interested parties can oppose the registration if they believe it may infringe upon their rights or if they have valid grounds for objection.

**7. Registration and Protection:** If no valid opposition is raised, or if any opposition is successfully overcome, the GI will be registered and granted protection. The registration confers exclusive rights to the association representing the producers to use the GI and prevent unauthorized use by others.

**8. Enforcement and Renewal:** Once registered, the association must actively monitor the use of the GI and take legal action against any unauthorized use or infringement. The registration is typically valid for a specific period, after which it can be renewed by fulfilling the required renewal formalities.

It's important to note that the specific procedures and requirements for GI registration may differ from country to country. Therefore, it's advisable to consult the relevant intellectual property office or seek legal guidance for accurate and detailed information regarding the registration process in a specific jurisdiction.

#### **11. Define Patent. Explain the rights and duties of Patentees.**

A patent is a legal document granted by a government to an inventor or assignee, providing them with exclusive rights to an invention for a limited period of time. It is a form of intellectual property protection that grants the patentee the right to exclude others from making, using, selling, or importing the patented invention without their permission.

The rights and duties of patentees can vary slightly depending on the jurisdiction, but here are some common aspects:

**1. Exclusive rights:** The primary right granted to a patentee is the exclusive right to use, make, sell, or import the patented invention within the jurisdiction where the patent is granted. This means that others are generally prohibited from utilizing the patented invention without the patentee's authorization.

**2. Duration:** A patent has a limited duration, typically 20 years from the date of filing. During this period, the patentee has the exclusive rights to the invention, after which it enters the public domain, becoming freely available for anyone to use.

**3. Enforcement:** It is the duty of the patentee to enforce their patent rights. If someone infringes on the patent, the patentee has the right to take legal action to stop the infringement and seek damages.

**4. Disclosure:** In exchange for the exclusive rights granted by a patent, the patentee must disclose the details of their invention in the patent application. This information becomes part of the public record and contributes to the body of technical knowledge available to society.

**5. Maintenance:** To keep the patent in force, the patentee is usually required to pay maintenance fees periodically. Failure to pay these fees can result in the patent expiring before the standard duration.

**6. Non-infringement:** Patentees have a duty not to infringe on the patents of others. They must respect the exclusive rights granted to other patentees and avoid using, making, selling, or importing inventions covered by existing patents without proper authorization.

It's worth noting that patent laws can differ between countries, so it's essential to consult the specific laws and regulations of the jurisdiction in question to fully understand the rights and duties of patentees in that particular context.

### 12. Discuss the salient features of the Berne Convention.

The Berne Convention for the Protection of Literary and Artistic Works, often referred to as the Berne Convention, is an international treaty that establishes standards for copyright protection. It was first adopted in 1886 and has been revised several times since then. The salient features of the Berne Convention are as follows:

**1. Minimum Standards:** The Berne Convention sets out minimum standards for copyright protection, which all member countries must adhere to. It provides automatic protection for literary and artistic works, including books, music, films, and visual arts, without the need for formal registration or other formalities.

**2. National Treatment:** The convention embodies the principle of national treatment, which means that authors from member countries are granted the same rights and protection in other member countries as the nationals of those countries. This ensures that creators' works are protected equally in all member countries, regardless of their nationality.

**3. Copyright Duration:** The convention establishes a minimum duration for copyright protection, which is the life of the author plus 50 years after their death. This means that the rights to the work are protected during the author's lifetime and continue for a certain period after their death, providing economic benefits to their heirs.

**4. Exclusive Rights:** The convention grants authors exclusive rights over their works, including the rights of reproduction, distribution, public performance, and adaptation. These rights enable creators to control and profit from the use of their works and encourage creativity and innovation.

**5. Limitations and Exceptions:** The Berne Convention also recognizes the importance of limitations and exceptions to copyright. It allows member countries to introduce certain exceptions, such as fair use/fair dealing, which permit the use of copyrighted works without the need for permission or payment in certain circumstances, such as for educational or research purposes.

**6. Moral Rights:** The convention recognizes the moral rights of authors, which include the right to be attributed as the author of the work and the right to integrity, protecting the work from any modification, distortion, or mutilation that may harm the author's reputation.

**7. International Cooperation:** The Berne Convention encourages international cooperation among member countries in the field of copyright protection. It provides a framework for countries to work together, exchange information, and establish common standards to protect creators' rights globally.

Overall, the Berne Convention plays a crucial role in promoting and protecting copyright around the world. By establishing minimum standards, ensuring national treatment, and recognizing the moral rights of authors, it provides a foundation for a robust and fair international copyright system.

### **13. What are the legal provisions incorporated in the copyright act, 1957 safeguarding International Copyright?**

The Copyright Act of 1957 is the primary legislation in India that governs copyright protection. While it was enacted before many international copyright agreements came into effect, it does contain provisions to safeguard international copyright. The act has undergone several amendments since 1957.

Here are some key provisions that help safeguard international copyright:

**1. Berne Convention:** India is a member of the Berne Convention for the Protection of Literary and Artistic Works, an international treaty that sets minimum standards for copyright protection. The provisions of the Berne Convention are incorporated into the Copyright Act of 1957.

**2. Works of foreign authors:** The act extends copyright protection to works of authors who are nationals or domiciled in countries that are members of the Berne Convention or any other country that provides reciprocal protection to Indian works. This means that foreign works enjoy the same copyright protection as Indian works.

**3. No formalities:** The act eliminates the requirement of formalities, such as registration or publication, for foreign works to be protected. Copyright protection is automatic and arises upon the creation of a work.

**4. Term of protection:** The act provides for the same term of protection for foreign works as for Indian works. Currently, the general term of copyright protection is the life of the author plus 60 years after their death.

**5. Exclusive rights:** The act grants exclusive rights to copyright holders, including the right to reproduce the work, distribute copies, communicate the work to the public, and make adaptations or translations. These rights are applicable to both Indian and foreign works.

**6. Infringement provisions:** The act establishes provisions for copyright infringement, including civil and criminal remedies for unauthorized use of copyrighted works. These provisions apply to both Indian and foreign works.

**7. International treaties and obligations:** The act allows the Indian government to enter into international agreements and treaties regarding copyright protection. These treaties may further strengthen the safeguards for international copyright.

It's worth noting that the Copyright Act of 1957 has been amended over time to align with international standards and agreements. It is advisable to consult the latest version of the act or seek legal advice to obtain the most accurate and up-to-date information regarding the provisions safeguarding international copyright.

#### **14. Explain the Patentable subject-matter; and essential conditions for grant of a Patent.**

Patentable subject matter refers to the types of inventions or discoveries that can be granted a patent. Patents are legal protections granted by a government to inventors, providing them with exclusive rights to their inventions for a limited period of time. In order for an invention to be eligible for a patent, it must meet certain criteria, which may vary slightly between countries. However, I will outline the general principles.

**1. Novelty:** The invention must be new and not publicly disclosed before the filing of the patent application. It should not have been disclosed in any form, such as through prior publications, public use, or commercial sales, more than one year prior to the filing date.

**2. Inventive Step (Non-obviousness):** The invention must involve an inventive step, meaning it must not be obvious to a person skilled in the field. It should represent a significant improvement or advancement over existing technologies or knowledge in the field.

**3. Industrial Applicability:** The invention must have practical utility and be capable of being used or made in an industry. It should have a useful purpose and be applicable in a field of technology.

**4. Subject Matter:** The invention should fall within the statutory subject matter for patent protection. Generally, this includes processes, machines, manufactures, compositions of matter, or improvements thereof. Certain jurisdictions may have restrictions on specific subject matters, such as abstract ideas, mathematical formulas, laws of nature, or methods of doing business, unless they have a practical application and provide a technical solution to a problem.

**5. Enablement:** The invention must be described in sufficient detail and clarity in the patent application, enabling a person skilled in the field to understand and reproduce the invention without undue experimentation. Sufficient information should be provided to allow someone skilled in the field to practice the invention.

**6. Disclosure:** The inventor must disclose the invention in a manner that is complete and enables the public to understand and use the invention after the patent expires. This typically involves providing a written description, claims, and any necessary drawings or figures in the patent application.

It's important to note that the requirements for patentability can be complex and may vary depending on the jurisdiction. It is advisable to consult with a patent attorney or patent agent who can provide guidance specific to your situation and location.

### **15. Define an Industrial Design. Explain different rights vested in the holders of Designs.**

Industrial design refers to the creative and aesthetic aspect of a product that is created through the application of design and artistic principles. It involves the appearance, configuration, and ornamentation of a product, rather than its technical or functional aspects. Industrial design aims to enhance the visual appeal, usability, and marketability of a product.

Different rights are vested in the holders of designs to protect their intellectual property and provide them with exclusive control over their creations. These rights vary across different jurisdictions, but the following are some common rights associated with industrial designs:

**1. Design Registration:** Design registration provides the owner with exclusive rights to the design for a specified period. It grants legal protection against unauthorized copying or imitation of the design. Registration requirements and duration of protection vary by country.

**2. Exclusive Use:** The holder of an industrial design has the exclusive right to use the design for commercial purposes. This means that others cannot use, manufacture, sell, or import products that incorporate the protected design without the owner's permission.

**3. Prohibition of Unauthorized Reproduction:** Industrial design rights prohibit the reproduction or copying of a registered design without the owner's consent. This prevents others from creating identical or substantially similar designs.

**4. Licensing and Assignment:** The holder of an industrial design can license or assign their rights to others. Licensing allows third parties to use the design for a specified period and under certain conditions, while assignment involves transferring the ownership of the design to another party.

**5. Enforcement and Remedies:** Industrial design rights enable the owner to take legal action against infringers. If someone copies or uses a protected design without authorization, the

owner can seek remedies such as injunctions, damages, account of profits, and seizure of infringing products.

**6. Design Patents:** In some jurisdictions, industrial designs can be protected through design patents. Design patents provide a limited period of exclusive rights (usually 15-25 years) for the design, during which others are prohibited from using, making, or selling products that embody the patented design.

It's important to note that the specific rights and protection granted to industrial designs may differ from one country to another, as intellectual property laws vary globally.

### **16. What is an Invention? What are the inventions that cannot be Patented under the patent act, 1970.**

An invention is a novel and useful idea or solution to a technical problem that is created by human ingenuity. It is typically a new product, process, or improvement of an existing product or process.

Under the Indian Patent Act, 1970, there are certain inventions that cannot be patented. These include:

1. Inventions that are frivolous or contrary to well-established natural laws.
2. Inventions that are contrary to public order or morality.
3. Inventions that are mere discoveries of a scientific principle or abstract theory.
4. Inventions that are mere schemes or rules for performing mental acts, playing games, or doing business methods.
5. Inventions that are computer programs per se.
6. Inventions that are methods of treatment of humans or animals by surgery or therapy, and diagnostic methods practiced on humans or animals.
7. Inventions that are a mere arrangement or rearrangement or duplication of known devices, each functioning independently.
8. Inventions that involve the use of atomic energy.

It's important to note that while these specific types of inventions cannot be patented, they may still be protected under other forms of intellectual property rights or laws.

### **17. Explain the concept of Infringement of copyright and the exceptions thereto.**

Infringement of copyright refers to the unauthorized use, reproduction, distribution, or display of copyrighted works without the permission of the copyright owner. Copyright infringement occurs when someone violates the exclusive rights granted to the copyright owner under the law. These exclusive rights generally include the right to reproduce the work, prepare derivative

works based on the original, distribute copies of the work, and publicly display or perform the work.

The concept of copyright infringement can vary slightly depending on the jurisdiction, but it is generally understood as the violation of the rights granted to the copyright owner. In most countries, copyright protection arises automatically upon the creation of an original work fixed in a tangible form, such as a book, song, artwork, or software. The copyright owner has the right to control and protect their work from unauthorized use.

However, there are certain exceptions and limitations to copyright infringement that allow for the use of copyrighted works without obtaining permission from the copyright owner. These exceptions are typically provided by copyright laws to balance the interests of the copyright holder with the broader public interest in accessing and using copyrighted materials. Some common exceptions to copyright infringement include:

**1. Fair Use (or Fair Dealing):** This exception allows for the limited use of copyrighted works without permission for purposes such as criticism, comment, news reporting, teaching, scholarship, or research. The determination of fair use usually involves considering factors such as the purpose and character of the use, the nature of the copyrighted work, the amount and substantiality of the portion used, and the effect on the market for the original work.

**2. Educational Use:** In many jurisdictions, the use of copyrighted works in an educational setting, such as in classrooms or for educational research, may be allowed under specific conditions.

**3. Parody and Satire:** Parodies or satires that make use of copyrighted works for the purpose of humor, criticism, or social commentary may be considered exceptions to copyright infringement, depending on the specific legal provisions in the jurisdiction.

**4. Public Domain:** Works that are in the public domain, either due to expiration of copyright protection or because they were released into the public domain by the copyright owner, can be used freely without permission.

**5. Creative Commons Licenses:** Some copyright owners choose to release their works under Creative Commons licenses, which allow others to use the works under certain conditions specified by the license.

It's important to note that the application of these exceptions can vary by jurisdiction, and what may be considered fair use or an exception in one country may not be the case in another. Therefore, it's crucial to consult the copyright laws of the specific jurisdiction in question to understand the applicable exceptions to copyright infringement.

**18. What is an Invention? What are the inventions that cannot be Patented under the patent act,1970.**

An invention is a new and useful process, product, or composition of matter that is created through human ingenuity. It is an innovative idea or solution that provides a novel and practical solution to a problem.

Under the Patent Act of 1970, certain inventions are not eligible for patent protection. These include:

**1. Discoveries:** Pure discoveries of existing phenomena or laws of nature cannot be patented. They are considered part of the collective knowledge of humankind.

**2. Scientific Theories:** Abstract scientific theories or principles cannot be patented. However, practical applications or implementations of these theories may be eligible for patent protection.

**3. Mathematical Methods:** Pure mathematical formulas or algorithms are not eligible for patent protection. However, if a mathematical method is applied in a practical and useful manner, it may be patentable.

**4. Literary, Dramatic, Musical, and Artistic Works:** Creative works such as books, plays, songs, and artworks are protected by copyright law, not patents.

**5. Computer Programs:** Pure computer programs or software algorithms are generally not eligible for patent protection. However, specific applications or technical improvements involving software may be patentable.

**6. Business Methods:** Abstract business methods or schemes, such as methods of organizing human activities or conducting business transactions, are generally not eligible for patent protection. However, certain technological innovations within a business method may be patentable.

**7. Inventions Contrary to Public Morality or Public Order:** Inventions that are considered offensive, immoral, or against public order may be denied patent protection.

It's important to note that the above list is not exhaustive, and patent laws and regulations may vary between countries. It is advisable to consult a legal professional or patent office for specific guidance and advice regarding patent eligibility in a particular jurisdiction.