

# Building Awareness on Intellectual Property Rights (IPRs) for MSMEs

## Q 1 . What is Intellectual Property (IP)?

**Ans :** Intellectual property (IP) refers to creations of the mind: inventions, literary and artistic works, and symbols, names, images, and designs used in commerce.

IP is divided into two categories:

(i) Industrial property, which includes inventions (patents), trademarks, industrial designs, and geographic indications of source; and Copyright, which includes literary and artistic works such as novels, poems and plays, films, musical works, artistic works such as drawings, paintings, photographs and sculptures, and architectural designs.

(ii) Rights related to copyright include those of performing artists in their performances, producers of phonograms in their recordings, and those of broadcasters in their radio and television programs.

## Q 2 . What are the Types of Intellectual Property Rights (IPR)?

**Ans :** IPR includes following:

- Patents
- Copyrights
- Trademark
- Industrial Designs
- Geographical Indications
- Trade Secrets

Inventions (patents), trademarks, industrial designs, and geographical indications are referred to as Industrial property.

## Q 3 . What is patent?

**Ans :** A patent is an exclusive right granted for an invention, which is a product or a process that provides, in general, a new way of doing something, or offers a new technical solution to a problem. In order to be patentable, the invention must fulfill certain conditions.

## Q 4 . What are the benefits of Patents Registration?

- Ans :**
- Exclusive Right- allows to use and exploit the invention for 20 years from date of filing.
  - Strong Market position-prevent other from commercially using patented invention thereby reducing competition.
  - Higher returns on investment
  - Opportunity to license or sell the invention.
  - Positive image of enterprise

## Q 5 . What are the benefits of Copy right registration?

- Ans :**
- Copyright is the body of law that grants authors, artists & other creator's protection for their literary and artistic creations, which are referred to as Works.
  - Copyright protection (other than photographs) is for life of author plus sixty years after his death.

### **Q 6 . What is Trademarks?**

**Ans :** A trademark is a distinctive sign which identifies certain goods or services as those produced or provided by a specific person or enterprise.

### **Q 7 . What are the Benefits of Trademarks Registration?**

**Ans :**  Helps consumer identify and purchase a product or service because it's nature & quality, indicated by its unique trademark, meets their needs.  
 Registration of its trademark is prima facie proof of its ownership giving statutory right to the proprietor.  
 Trademark rights may be held in perpetuity. The initial term of registration is for 10 years; thereafter it may be renewed from time to time.

### **Q 8 . What is Industrial Designs?**

**Ans :** An industrial design is the ornamental or aesthetic aspect of an article. The design may consist of three-dimensional features, such as the shape or surface of an article, or of two-dimensional features, such as patterns, lines or colour. Industrial designs are applied to a wide variety of products of industry and handicraft: from technical and medical instruments to watches, jewellery, and other luxury items; from house wares and electrical appliances to vehicles and architectural structures; from textile designs to leisure goods.

### **Q 9 . What are the Benefits of Industrial Design Registration?**

**Ans :**  Designs can be protected through registration, the objective is to protect new/ original designs so created to be applied or applicable to particular article to be manufactured by industrial process or means.  
 The initial term of protection is for 10 years from the date of filing, which can be extended for an additional term of five years. Altogether, the term of design protection is fifteen years from the date of filing.

### **Q 10 . What is Geographical Indications?**

**Ans :** A geographical indication is a sign used on goods that have a specific geographical origin and possess qualities, reputation or characteristics that are essentially attributable to that place of origin. Most commonly, a geographical indication includes the name of the place of origin of the goods. Agricultural products typically have qualities that derive from their place of production and are influenced by specific local factors, such as climate and soil. Whether a sign is recognized as a geographical indication is a matter of national law. Geographical indications may be used for a wide variety of products, whether natural, agricultural or manufactured

### **Q 11 . What is the period of Geographical Indication Registration?**

**Ans :**  India, a GI may be statutorily protected either as a certification trademark under the Trademarks Act, 1999 or as a GI under the GI of Goods (Registration and Protection) Act, 1999.  
 The registration of GI is valid for a period of 10 years after which it may be renewed from time to time.

### **Q 12 . What are the Trade Secrets ?**

**Ans :** Any confidential business information which provides an enterprise a competitive edge may be considered a trade secret. Trade secrets encompass manufacturing or industrial secrets and commercial secrets. The unauthorized use of such information by persons other than the holder is regarded as an unfair practice and a violation of the trade secret. Depending on the legal system, the protection of trade secrets forms part of the general concept of protection against unfair competition or is based on specific provisions or case law on the protection of confidential information.

### **Q 13 . What are the benefits of Trade Secrets?**

**Ans :**

- Contrary to patents, trade secrets are protected without registration.
- A trade secret can be protected for an unlimited period of time.
- A substantial element of secrecy must exist, so that, except by the use of improper means, there would be difficulty in acquiring the information

### **Q 14 . What are the legislations covering IPRs in India?**

**Ans :**

- Patents: The Patents Act, 1970 as amended in 1999, 2002 and 2005
- Design: The Designs Act, 2000
- Trade Mark: The Trade Marks Act, 1999
- Copyright: The Copyright Act, 1957 as amended in 1983, 1984 and 1992, 1994, 1999
- Layout Design of Integrated Circuits: The Semiconductor Integrated Circuits Layout Design Act, 2000
- Protection of Undisclosed Information: No exclusive legislation exists but the matter would be generally covered under the Contract Act, 1872
- Geographical Indications: The Geographical Indications of Goods (Registration and Protection) Act, 1999
- New Plant Varieties: The Protection of Plant Variety and Farmers' Rights Act, 2001

### **Q 15 . Who are responsible for administration of IPRs in the country?**

**Ans :** Patents, designs, trademarks and geographical indications are administered by the Controller General of Patents, Designs and Trademarks which is under the control of the Department of Industrial Policy and Promotion, Ministry of Commerce and Industry. Copyright is under the charge of the Ministry of Human Resource Development. The Act on Layout-Design of Integrated Circuits is administered by the Ministry of Telecommunication and Information Technology. Protection of Plant Varieties and Farmers' Rights Authority, Ministry of Agriculture administers the Act on Plant Variety

### **Q 16 . Whether there is any scheme Under the M/o MSME assisting MSMEs for Intellectual Property Rights?**

**Ans :** Yes, O/o DC (MSME) is implementing a scheme "Building Awareness on Intellectual Property Rights (IPR)" for the MSME. The objective of the scheme is to enhance awareness of MSME about Intellectual Property Rights (IPRs), to take measure for the protecting their ideas and business strategies.

### **Q 17 . What are the activities / components under IPR Scheme of M/o MSME?**

**Ans :** Under this scheme following broad areas of interventions are done by Gol:

- a. Awareness/ Sensitisation Programmes on IPR.
- b. Pilot Studies for Selected Clusters/ Groups of Industries.
- c. Interactive Seminars / Workshops/Exhibition/Conclave/Conference.
- d. Reimbursement of Patent/ GIs/Trademarks
- e. Setting up of 'IP Facilitation Centre for MSME'.
- f. Interaction with International Agencies.

### **Q 18 . What is the reimbursement amount for Patent /GIs/Trademarks under the scheme of Ministry of MSME?**

**Ans :** o Domestic Patent:- Upto Rs. 1.00 Lakh  
o Foreign Patent:- Upto Rs. 5.00 Lakh  
o GIs:- Upto Rs. 2.00 Lakh  
o Trademarks:- Upto Rs. 0.10 Lakh

### **Q 19 . How to apply for the Patent /GIs/Trademarks Reimbursement?**

**Ans :** It can be applied through online portal i.e. [www.my.msme.gov.in](http://www.my.msme.gov.in)

### **Q 20 . Whether there is any centre to support in counselling/ drafting & filing the Intellectual Property Rights?**

**Ans :** Ministry of MSME has set up IP Facilitation Centre for the aforesaid purpose. They can be contacted through ministry website i.e. [www.dcmsme.gov.in/scheme](http://www.dcmsme.gov.in/scheme)

### **Q 21 . Where guidelines of scheme are available?**

**Ans :** Detailed guidelines of scheme are available at official website of O/o DC (MSME) <http://www.dcmsme.gov.in/schemes/IPR-Guidelines-CLCS-TUS-2019-2020.pdf>

### **Q 22 . What is the URL for online submission of proposal?**

**Ans :** Click here. [https://my.msme.gov.in/MyMsme/Reg/COM\\_lprReim.aspx](https://my.msme.gov.in/MyMsme/Reg/COM_lprReim.aspx)

### **Q 23 . What is the implementation period of scheme?**

**Ans :** The present scheme is valid till March 2021.