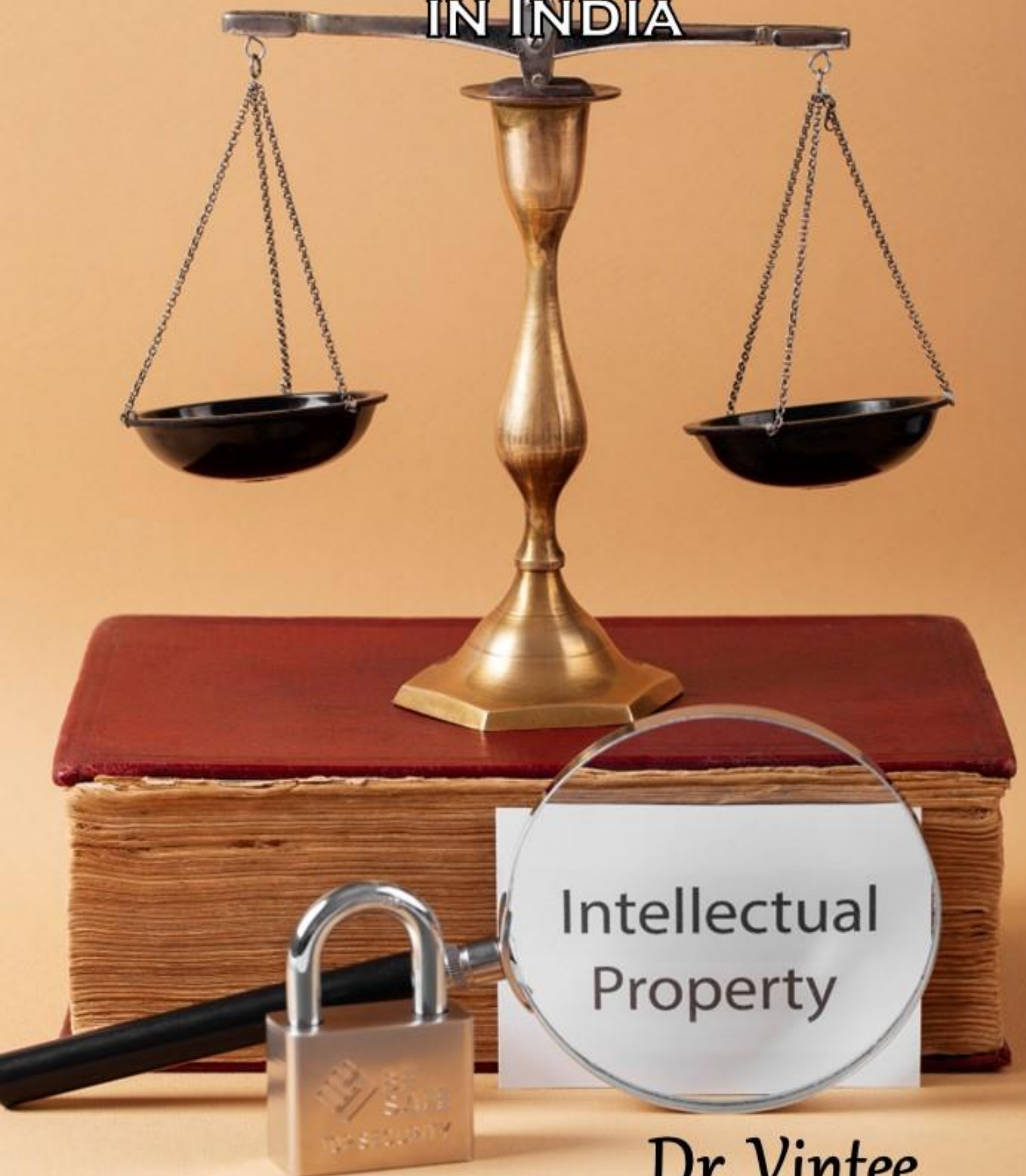


CONTEMPORARY DEVELOPMENTS RELATED TO TRADEMARKS AND DESIGNS IN INDIA



Dr. Vintee

“Contemporary Developments related to Trademarks and Designs in India”

Dr. Vintee

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Preface

The development of trademark law in India is evidence of both the capacity for legal foresight and the changing nature of business. This book culminates the various aspects of securities market and trading circumstances. The author, Dr. Vintee, has curated this book in a subtle yet highly impactful manner that contains the various facts and risks involved due to the volatile yet dynamic nature of trademarks.

Her astute advice, imaginative solutions, and amazing reconstructions have really motivated many to advance their professional understanding of the trademarks and design industry. The book, being a comprehensive guide on navigating the intricacies of trademark law in India and abroad, is nothing short of extraordinary.

The target audience for this book includes researchers in general, practitioners interested in process definition and management for creating, sustaining, and running intensive systems and services, and students enrolled in undergraduate and graduate programmes.

Cheers to many more accomplishments down the road!

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LIST OF ABBREVIATIONS

CII	-	Confederation of Indian Industry
EU	-	European Union
EUIPO	-	European Union Intellectual Property Office
EUTM	-	European Union Trade Mark
FICCI	-	Federation of Indian Chambers of Commerce and Industry
FISME	-	The Federation of Indian Micro and Small & Medium Enterprises
IP	-	Intellectual Property
NTTMs	-	Non-traditional trademarks
OHIM	-	Office for Harmonization in the Internal Market (EU).
SCT	-	The work of the Standing Committee on Trademark, Industrial Design, and Geographical Indications Laws
SLT	-	Singapore Treaty on Law of Trademarks.
SMEs	-	Small and mid-size enterprises
TLT	-	Trademark Law Treaty
TMR	-	Trade Mark Registry
TRIPS	-	Trade-Related Aspects of Intellectual Property Rights
USPTO	-	United States Patent and Trademark Office
WIPO	-	World Intellectual Property Organization

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Chapter 1

INTRODUCTION

1.1 INTRODUCTION

Intellectual property, like human creativity and vision, is all around us.¹

The twenty-first century belongs to the knowledge age, and the knowledge economy—an economy that generates, disseminates, and uses knowledge to further its growth and development—drives it. Monetization of information has never been the norm in India historically. As a result, there is a need to spread the value of converting knowledge into IP assets. This necessitates a significant paradigm change in how knowledge is seen and appreciated - not for what it is, but for what it may become.

Many IP owners are uninformed of the benefits of IP rights, as well as their own ability to generate IP assets or the worth of their ideas. They are frequently discouraged by the complexities of establishing defensible intellectual property rights. On the other hand, they may be uninformed of the importance of others' intellectual property rights and the need to respect them. Through communication and promotion activities, the strategy attempts to address both perspectives.

Intellectual property protection is an essential and delicate component of various countries' public policy frameworks because, without it, there is no incentive to undertake costly and hazardous investments to generate new ideas and technologies. Copyrights (exclusive rights of authors of literary and artistic works such as books, music, paintings, and films for a specified period of time), patent rights (exclusive rights to inventors to make, use, or sell an invention for a limited period of time), trademarks, and industrial design rights are examples of intellectual property rights.

Intellectual property protects ideas and information that have commercial worth and significance, as well as those that have some sort of physical embodiment. It is not enough to just have a concept; an idea cannot be protected on its own. However, if an idea is given a physical form, it may be protected by Intellectual Property Rights (IPRs). Intellectual property rights are unusual in that the individual who develops it owns the intangible property associated with the product rather than the complete thing itself.

Another distinguishing aspect of intellectual property rights is their territorial scope. That is, rights given by one nation for intellectual property protection operate and are valid exclusively in that country. Each jurisdiction would apply their own set of intellectual property laws to give or deny protection as appropriate.

¹ WIPO, *Making Intellectual Property Work for Business*, WIPO, 6 (2011), https://www.wipo.int/edocs/pubdocs/en/intproperty/956/wipo_pub_956.pdf.

The intellectual property protection mechanisms exist to provide creators and inventors with an incentive to produce more by rewarding them with financial benefits from their works, as well as to provide the public with the benefit of such creations and innovations.

Inventions not only benefit a company's bottom line by boosting revenue and allowing them to invest more, but they also contribute to a country's general economic growth. According to research, "intellectual assets provide a significant contribution to economic growth."

The relevance of intellectual property rights and their importance to an organization's commercial well-being is self-evident. When firms are granted intellectual property protection for their innovations, society benefits immensely as consumers of their intellectual ingenuity.

Intellectual property protection allows consumers to rely on high-quality products and services by identifying the inventor; it also provides an incentive for continued production and development, benefiting society once again. This cycle propels us forward technologically and artistically, while also providing us with a multitude of products and services to select from.

Not all organisations that create and develop Intellectual Property or have intangible assets to their name do so just for profit; sectors such as education and higher education are some of the other contributors to the field of Intellectual Property and its growth.

To properly understand how important Intellectual Property is, it is necessary to manage it in the same manner that tangible property or human capital is handled inside an organisation. As a result, a systematic and process-oriented approach to intellectual property becomes the norm. Organizations are gradually becoming aware of the need for a complete system that will enable them to manage their intellectual property as part of the business process and day-to-day operations.

The usage of the terms "invention" and "innovation" interchangeably is fundamentally incorrect. These two words are distinct in the intellectual property landscape and represent distinct ideas. Companies and organisations who want to stay ahead of the competition in today's knowledge-driven economy must be inventive and creative in their approach, as well as innovative.

The contemporary trend toward globalisation, which has resulted in market integration, has considerably expanded the flow of commerce. This growth in commerce over the previous decade has resulted in unlawful product copying, which may be ascribed to two causes. First, the development of the Internet and related Web services has made it easier and less expensive to obtain duplicates of original products (especially in case of music, movie and other such information goods).....

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Meet the Author!

Dr. Vintee is currently an Assistant Professor in the Faculty of Law, Baba Mastmath University Rohtak. She has done her PhD. From Faculty of Law, University of Delhi in the field of Intellectual Property Law. She has done LLM from Maharshi Dayanand University Rohtak in corporate scheme. Her B.A.LL.B. is from Maharshi Dayanand University. She qualified UGC-NET-JRF in year 2014. She has presented various research papers in national as well as International Conference, published research papers in various reputed Journals.

This book gives readers an extensive knowledge of trademarks and law while also offering insightful analysis and practical ideas. It is an important contribution to the area because of its thorough examination and impartial viewpoint. The immaculate effort of the author are very well depicted in the thoughts & perspectives and her unique vision of creativity about the diversity of trademarks in the plinth of law.

