

# **CHAPTER 1**

## **Introduction and History of Intellectual Property Rights**

### **1.1 INTRODUCTION**

Creations of brain are called as intellect. Since these creations have commercial value, are called as property. As these creations are belonging to an individual, they are the rights of the individual and hence the word coined as intellectual property rights. Intellectual property rights are governed by intellectual property law. Intellectual property rights are believed to increase the economy of the country and it is the duty of every country to have necessary laws to safe guard the intellectual property of the citizens. Government of every country grants exclusive rights for the creations and it is the duty of the holder of the rights to monitor the act of infringement of his rights. Forth coming chapters are expected to impart basics and practice of IPR matters.

### **1.2 HISTORY OF INTELLECTUAL PROPERTY RIGHTS**

Intellectual property rights are granted since ancient times in India. During the Harappa civilization, special marks were identified on the pottery indicating as trademarks. With respect to global scenario, in 1300s at Alp Mountains, the people who identified the mines for the first time used to dictate terms on the surrounding available resources like water, wood. In Germany, in 1409, a special privilege was given in construction of model mill to store grains. In order to encourage creators, exclusive rights were granted for stained glass in England. An exclusive right was not granted by English for playing cards as they already existed in the public domain. In United States, exclusive rights were granted for hopper boy. French have taken a step ahead in registration and examination of the intellectual property rights before grant of exclusive rights.

Initially, inventions were kept secret so that it is well protected. As technology developed, as a matter of national prestige the inventions were

exhibited. In 1867, Germany received the first genuine recognition as an industrial nation in an exhibition held at Paris. During Vienna exhibition, in 1873, it was the American who refused to participate in the exhibition to safeguard the intellectual property creations from German nations. This led to origin of an international understanding as Paris Convention for protection of intellectual property rights. The convention provided a right of claiming priority among the countries who are the members of the convention.

In Indian context, in 1856, the Act VI on protection of inventions based on the British Patent Law of 1852 was established. During this period certain privileges were granted to inventors of new manufacturers for a period of 14 year. In 1859, the act was modified as Act XV in which making, selling, using of inventions in India and authorizing others to do so for 14 years from the date of filing the specification. In 1872, the act was re-named as the The Patents and Design Protection Act, in 1883 as The Protection of Inventions Act, in 1888 consolidated as The Inventions and Designs Act and in 1911 as The Indian Patents and Designs Act.

In 1893, to carry out the administrative tasks relating to intellectual property at the international level, an international organization called United International Bureaux for the Protection of Intellectual Property (BIRPI) was established in Berne, Switzerland.

After the World War II, economy in many European and Asian countries was shattered. After the United Nations Organisation (UNO) was born, three bodies were born in 1947 i.e., World Bank, International Monetary Fund (IMF) and International Trade Organization (ITO). It was the US senate that blocked the ITO. The objective of these organisations was to revive the economy especially in developing countries. General Agreement on Tariffs and Trade came into existence to revive the economy of the countries by increasing international trade that is predictable by reducing the tariffs. On January 1, 1948, twenty three contracting states including India ratified GATT. The objective of GATT agreement is to bring international stable and predictable trade, as a mediator in settling disputes among the countries, hold frequent negotiations, and encourage reductions in tariffs to expand World trade. India signed the GATT agreement to import oil, industrial raw materials, machines, new technology that is domestically needed in exchange with export of indigenous products.

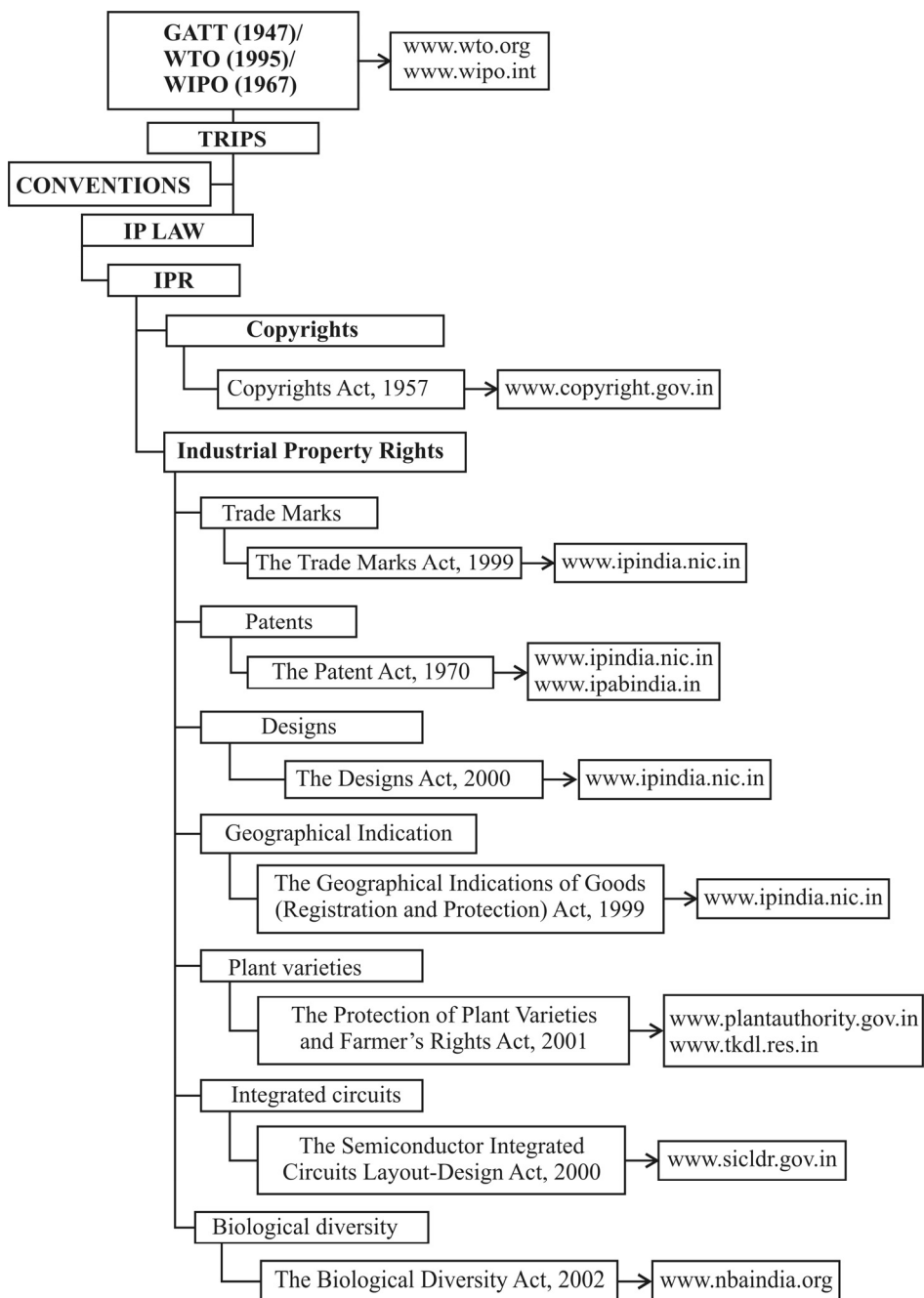
In 1960, with increasing in awareness of intellectual property rights, in order to bring closer to United Nations, BIRPI was shifted from Berne to Geneva. In 1967, to modernize and for better administration of the unions with respect to protection of the intellectual property and artistic works, while fully respecting the independence of the each of the union, the name of the international

organisation United International Bureaux for the Protection of Intellectual Property (BIRPI) was changed to World Intellectual Property Organisation (WIPO).

The objective of World Intellectual Property Organisation is to promote international cooperation with respect to creation, dissemination, use and protection of works of the human mind for economic, social, cultural progress of all mankind. The organisation enhances a worldwide balance of the creation by protecting moral, material interests of the creators and providing access to the socio-economic and cultural benefits to others. The organisation promotes intellectual property and brings out cooperation among countries of the union by setting norms, standards, executing legal, technical assistance, registration activities for intellectual property protection to member countries.

### **1.3 CLASSIFICATION OF INTELLECTUAL PROPERTY RIGHTS**

Intellectual property rights are basically classified in to industrial property rights and copy rights, Figure 1.1. Intellectual properties that are having commercial importance and use to an industry are called as industrial property rights. While, copy rights are rights relating to artistic and literary works.



**Figure 1.1** Classification of Intellectual Property Rights.

**QUESTIONS**

1. Define intellectual property rights and brief about its origins?
2. What is the history of intellectual property rights?
3. Classify intellectual property rights?
4. What are the Acts that are governing intellectual property rights in India?