

Know your IP Rights

Intellectual Property Scenario in India



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EXECUTIVE SUMMARY

2010-2020 has been marked as the 'Decade of Innovation' in India. The 2014 Startup Report submitted by NASSCOM (The National Association of Software and Services Companies) indicates that India has the worlds third largest and the fastest-growing startup ecosystem. The country has 3,100 startups and nearly 800 get added every year. The number of startups in India is likely to grow to 11,500 by 2020, according to the report¹.

In this age of innovation, people are coming up with new ideas every day. However, the more promising the idea, the higher chances of the same being imitated. Safeguarding an innovative idea until it is transformed into a marketable intellectual asset is of utmost importance. That's where Intellectual Property Rights come into the picture.

Any original thought or idea, which has been transformed into a creative work such as literature, music, software code, a technological invention, etc., can be referred to as 'Intellectual Property' or IP. The legal rights of an entity to protect its intellectual work from being misused or exploited are broadly termed as 'Intellectual Property Rights' or IPR.

Safeguarding and rewarding intellectual work encourages and motivates creativity and innovation in the society. It provides a safe and secure environment where the creator does not fear that his/her idea may be copied or imitated, without giving him due credit. It also provides the opportunity to enjoy the fruits of his/her labor.

Intellectual property plays an important role in the economic development of a society by creating new jobs and industries. At the same time, literary, artistic and musical works spur intellectual growth of the general public. In other words, innovation and creativity leads to a holistic development of society.

This report outlines India's Intellectual Property scenario, and provides information on the registration procedures, benefits provided by the different IP legislations and other relevant information with respect to major forms of Intellectual Property.

With this background, Swiss entrepreneurs and SMEs in India must safeguard their intellectual assets to prevent IP infringement. At the same time, opportunities exist for commercialization of their intellectual assets in India.

¹ <http://www.nasscom.in/india-fastest-growing-and-3rd-largest-startup-ecosystem-globally-nasscom-startup-report-2014>

1.

Safeguarding Intellectual Property in India

For a startup company, Intellectual Property forms one of the most valuable assets and it is essential that the IP is well protected.

1.1 Different forms of IP

| Form of IP | Purpose | Example | Duration | Approximate fees*** |
|---------------------|---|--|----------------------------|--|
| Patent | To protect scientific and technological inventions | 'Find my iPhone' app of Apple Inc. | 20 years | Official Fees: CHF 24-119 (depending on entity); Attorney Fees: CHF 593 – 1333 |
| Trademark | To protect the brand name or logo | Bitten apple logo of Apple Inc. | 10 years | Official Fees: CHF 60; Attorney Fees: CHF 74-222 |
| Copyright | To protect original literary/musical/dramatic/artistic and other creative works | Novels, paintings, etc. | Life of author + 60 years | Official Fees: CHF 7 to CHF 30 (based on type of work); Attorney Fees: CHF 74-222 |
| Design | To protect the shape/design of a product | 'Rectangular shape with round corner' design of iPhone | 10 years | Official Fees: CHF 15-60 (depending on entity) |
| Trade Secret | To protect confidential information and strategy of a company | Secret recipe of Coca Cola | Till secrecy is maintained | No Official Fees. Attorney may charge CHF 148-741 for drafting Confidentiality and Non-disclosure Agreements |

*** As on November 2015. Conversion rate 1 CHF=67.5 INR. Fees mentioned are subject to change from time to time.

1.2 Intellectual Property Offices and Appellate Board

IP offices for different forms of IP are located all over India. These offices are headed by Controllers or Registrars. The locations are as follows:

- **Patent and Design Offices:** Chennai, Delhi, Kolkata, Mumbai.
- **Trademark Offices:** Mumbai, Delhi, Kolkata, Ahmedabad, Chennai.
- **Copyright Office:** New Delhi.

If anyone is not satisfied with the orders passed by the Controller/Registrar he may file an appeal against that order before the Intellectual Property Appellate Board (IPAB). IPAB is authorized to hear and adjudicate upon appeals from orders or directions made by the Patent Controller and the Registrar of Trademarks and Geographical Indications.

However, the appeal must be made within 3 months from the date of the decision, order or direction, as the case may be, or within such further time as the IPAB may permit, along with the prescribed fees. The IPAB headquarters is at Chennai and circuit sittings² are also held at Mumbai, Delhi, Kolkata and Ahmedabad.

Further information on all the offices are available here: <http://www.ipindia.nic.in/>.

1.3. Legal Remedies Available in India

Remedies available under Intellectual Property laws can be broadly divided into Civil remedies and Criminal remedies. Criminal remedies generally consist of imprisonment or fine, and in certain cases, both. Civil remedies, on the other hand include a wide variety of punitive actions. Few examples are as follows:

- **Injunction:** It is an order passed by Court to prohibit the infringer from continuing the infringing act.
- **Damages or Account of Profits:** Damages are generally granted to the plaintiff (victim) to compensate his loss. Account of Profits means the profit made by the defendant (accused) due to his infringing activities. These are mutually exclusive remedies. For example, A intentionally uses the trademark of B for unauthorized purposes and makes huge profit which results in B's loss of revenue. In this scenario, Court may award compensation to B, where A has to pay the amount that the Court decides. This kind of order is known as 'Damages'. On the other hand, 'Account of Profits' is the amount equivalent to the profit which A made by misusing B's trademark.
- **Anton Pillar Order:** This kind of order permits the plaintiff (victim) to enter into the defendant's (accused) premises, inspect relevant documents and articles and even take copies or remove them for safe custody.

² Circuit sittings are temporary sittings of the Court which hold proceedings during a selected period of time.

2.

Patent Filing in India

Patent, in most of the cases, is the strongest form of protection to safeguard an intellectual asset. In general sense, it is an exclusive right granted to an inventor by the government of a country to make, use, manufacture and market an invention or an improvement of an existing invention, for a limited period of time. However, not all inventions are granted patent.

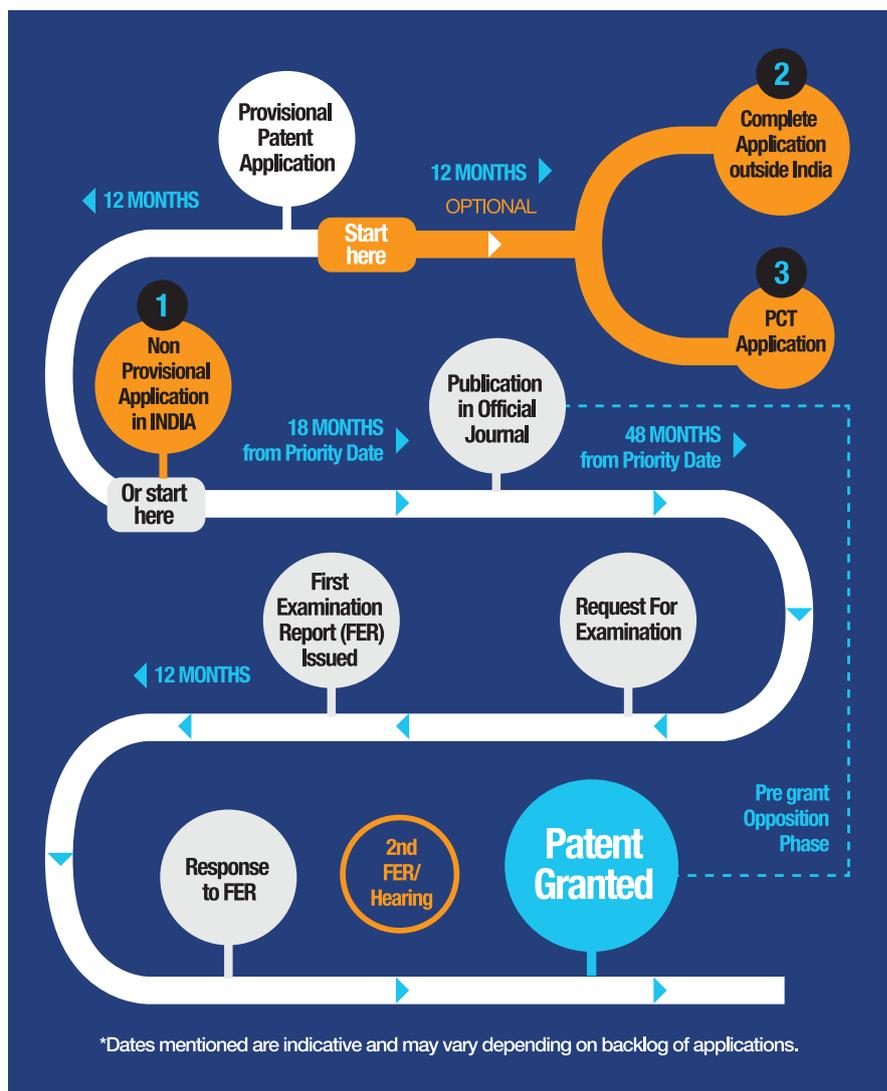
An invention has to fulfil the three basic criteria in order to be patentable: -

- **Novelty:** The invention has to be new and the same is determined by patent examiners by searching both patent and non-patent databases worldwide.
- **Inventive Step (non obviousness):** This refers to the technical value added in the product or process being invented and the same should not be obvious to a person skilled in that particular domain.
- **Industrial Use (application):** The invention must have a use or any application in the industry.

2.1 Importance of Patents for Startup Companies

- 1 **Increases the value of startups and makes them more attractive for acquisition**
- 2 **A good way to attract attention of postential partners and investors**
- 3 **Having a 'Patented' or 'Patent pending' status will give the startup an edge over the competitors**
- 4 **Improvisation and modification of the patented invention may open doors to several new patentable inventions**
- 5 **Last but not the least; the patent can be licensed to generate revenue for the startup at once**

2.2 Patent Registration Procedure in India



Step 1: Decide whether you wish to file Provisional Patent Application [PPA] or Non-Provisional Patent Application [NPA] and file an application either online or manually.

Step 2: Patent is published in the Patent Office Journal within 18 months of Priority/Filing date, whichever is earlier.

Step 3: A request for examination along with payment of fees have to be made within 48 months of Priority/Filing date, whichever is earlier.

Step 4: The Patent Office examines application. If any discrepancies are found, the Patent Office issues First Examination Report, according to which the application has to be amended within 12 months.

Step 5: When all the requirements are met, examiner accepts the application and Patent is granted for 20 years.

2.3 Patent Analytics

An in-depth statistical analysis of this information with respect to patent activity in a specific field of technology is often termed as Patent Analytics. By having access to such patent data, a better and thorough understanding of the ‘big picture’ is possible which will help you to take strategic and informed decisions. From such an analysis it may be possible to discover current patterns and trends in the industry which otherwise would have been difficult to come across. The Patent Analytics tools are as follows:

| Patent Tool | Why should I use it? | When should I use it? |
|---|--|---|
| Prior Art³ Search | To find similar existing inventions which constitute Prior Art and may reduce the chances of a successful patent grant | Before filing any Patent Application |
| Novelty Search | To identify the distinguishing features of your invention as against existing Prior Art which makes your invention novel | Before filing any Patent Application |
| Provisional Patent Application (PPA) | To establish a Priority Date even before the invention is complete | When you have sufficient material to describe the functionality of your invention |
| Freedom to Operate (FTO) | To check if your invention is infringing any other patent and if it is free from any potential infringement risk | Before filing any Patent Application |
| White Space Analysis | To identify the areas where further innovation is necessary | R&D phase |
| Invalidation Search | To identify grounds to invalidate a third party patent which is conflicting with your invention | Prosecution phase |
| Patent mapping/ Landscaping | To gain knowledge about patent trends and activities in a particular domain or place or of a competitor | R&D phase |

³ Prior Art refers to the same or similar inventions which are already existing in public domain. Existence of Prior Art may lead to rejection of patent grant. Hence it is recommended to conduct a Prior Art search.

2.4 Important aspects of Indian Patent Act

Subject Matter: The invention should be a subject matter that can be patentable before Indian Patent Office. For example, laws of nature, traditional knowledge, inventions related to atomic energy, etc., cannot be protected in India.

The Indian Patents Act prohibits grant of patent with respect to “a mathematical or business method or computer program per se or algorithms”. However, any novel technical embodiment in a software program may be protected.

In addition, from 2005 onwards patents are granted to pharmaceutical products, which was earlier restricted to only methods and processes.

Ownership: As per the Indian Patent Act, an application for grant of Patent can be filed by the true and first inventor of the invention; or any person who has been assigned by the original inventor to file the application or the legal representative of any deceased person who was entitled to make such an application before his death.

Filing Date: A patent application must be filed at the earliest possible date. In most countries including India, ‘First-to-File’ system is followed, i.e. the first person to file the application is granted the patent. Hence, a patent application should be filed at once, immediately after conceiving the invention.

Prior Publication and Disclosure: One of the common mistakes committed by an inventor is to disclose their inventions by publishing it in newspapers or scientific and technical journals, before applying for a patent. Publication of an invention, even by the inventor himself, can (except under certain circumstances as envisaged in the Patents Act 1970) constitute Prior Art and thus act as a bar for the subsequent patent.

An inventor is granted an exclusive right to use his invention for a certain time period, provided he discloses all necessary information relating to the invention in the application in such a manner that it can be re-created easily by another person who has reasonable knowledge of the subject matter. In short, the entire invention has to be disclosed in the application so that it can be recreated after the expiry of Patent.

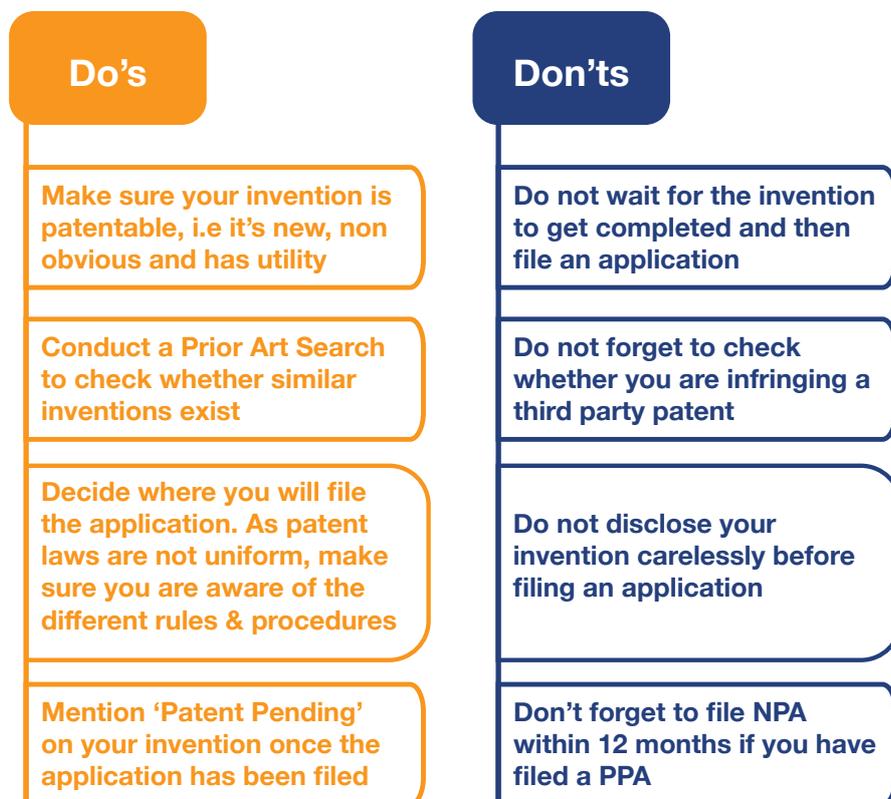
2.5 Patent Co-operation Treaty [PCT]

PCT is a global patent protection treaty that aims to provide a simplified and cost effective method of preserving the rights to file a patent application in its member states (148 countries)⁴.

⁴As on November 2015

In other words, PCT enables an applicant to extend patent protection to 148 countries by filing a single application at a Patent office (Office of Origin). The different countries where the applicant wishes to extend protection must be mentioned in the application. After the application has been filed, an international search is carried out by an International Searching Authority (ISA) and a report is issued. If any objection comes up, it has to be rectified before the application is published. After this the international phase comes to an end and the application is further scrutinized and final decision is taken by the respective national Patent Offices of the countries where the applicant wishes to get patent protection. You will get more information on PCT applications here: <http://www.wipo.int/pct/en/>.

2.6 Patent Do's and Don'ts in India



* Patent rules and procedures are not uniform globally. If an inventor wishes to protect his invention in India, Switzerland as well as in the European Union, the procedures and rules will be different in each case. For example, the three essential features for patent grant in India are Novelty, Inventive Step/Non-obviousness and Utility. However, in Switzerland, patents are not examined on the grounds of Novelty and Inventive Step.

Further details about the patent filing procedure in Switzerland is available on the official website at <https://www.ige.ch/en/patents/protection-in-switzerland.html>.

3.

Trademark Registration in India

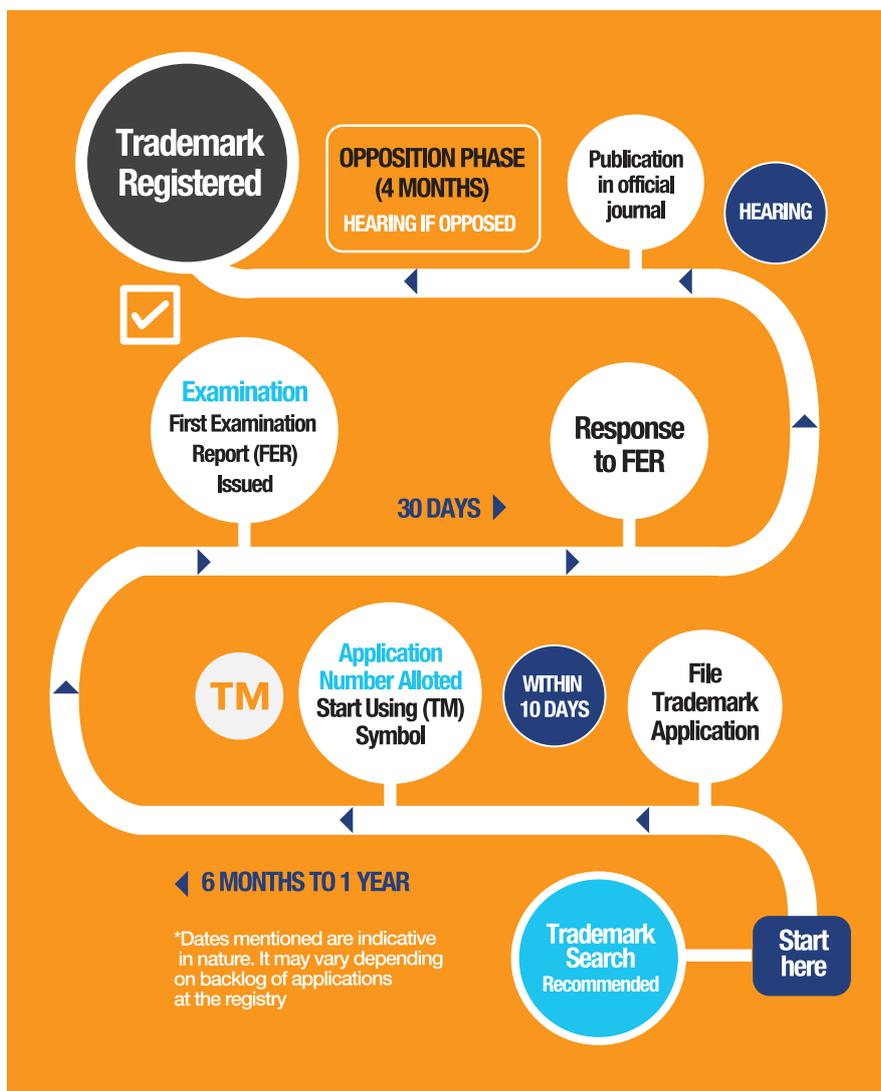
Any word or symbol or combination of both, which is unique and distinctive and capable of distinguishing the goods/services of an entity from that of others can be termed as trademark. The purpose of a trademark is to provide exclusive right to the trademark owner to use the mark to identify his goods/services. Further, it prohibits and punishes counterfeiters who use the goodwill earned by the original trademark by affixing deceptively similar marks on their products/services.

Trademarks usually can be of three types. A 'Word Mark' consists of letters and numbers without any design element. A 'Logo' consists of a stylized writing and/or design. A combination of both word mark and logo is known as a 'Label' or 'Device Mark'.

3.1 Importance of Trademarks

- 1** Trademark protection provides an exclusive right to startup company to use their business or brand
- 2** A good way to build face value in the eye of general public
- 3** Registered trademark provides a legal recognition to the startup company for its product or service
- 4** Prohibits third parties from misusing the goodwill of the original brand owner

3.2 Registration Procedure



Step 1: It is strongly recommended to conduct a trademark search before filing the application to check whether similar mark exists or not.

Step 2: The trademark application is filed before the Trademark Registry. Once application number is allotted, the symbol TM must be used.

Step 3: The trademark registry examines the application and issues a First Examination Report if objections are found, which must be rectified within 30 days by the applicant.

Step 4: The application is published in the Official Gazette. During this phase any third party has the right to oppose it.

Step 5: If the mark is not successfully opposed by the third party within the stipulated time, the mark is registered for a period of 10 years. At this time, the symbol ® must be used.

3.3 Important Aspects of Indian Trademark Act

Characteristics of the Mark: The Indian Trademark Act has clearly mentioned that for successful registration, a mark has to be original, distinctive and must have a distinguishable feature. Marks which are generic, indicative or deceptively similar to already existing marks will be rejected.

Trademark Classification: On the basis of the goods manufactured or services provided, a trademark can fall under different classes. The Nice Classification of Goods and Services⁵, administered by WIPO (World Intellectual Property Organization) provides a comprehensive list of the different classes of trademark. There are 45 classes, out of which 1 to 34 deal with goods, while 35 to 45 deal with services. For example, if a startup is in the business of manufacturing electronic products, it would come under Class 09. However, if the startup also provides installation and maintenance services then it would come under Class 42.

Trademark Search: Once the classification(s) has been finalized, the search can be conducted at www.ipindia.nic.in by providing the necessary information. The purpose of conducting a trademark search is to check whether the proposed mark is available for registration or whether any identical/similar mark has already been applied for.

Infringement: If any other entity uses the same or similar mark which is likely to confuse the public in general, the registered user may sue him for infringing his trademark. The prerequisites for a trademark infringement case are a) The plaintiff's mark is registered; b) The defendant, not being a permitted user is using a mark which is identical with or deceptively similar to the plaintiff's registered mark; c) The similarity in the marks is likely to confuse the consumers which would harm the business of the plaintiff

Passing Off: Infringement suit can only be filed once a mark has been registered and not when it is pending before the Trademark Registry. Passing Off is a Common Law principle which protects the goodwill of a business. A mark with respect to any goods or services which has acquired goodwill can be protected by way of a Passing Off action, even when the mark is not registered.

For example, if a person files a trademark application on 1st January 2016, he will receive an application number from the registry with 7-10 days. From that day onwards he may affix the symbol TM. He receives the registration certification on 1st January 2019 and starts using the symbol ®. If his mark is used for unauthorized purposes by a third party after 1st January 2019, then it will be a case of trademark infringement. However, if the trademark is misused before 1st January 2019 i.e. till the time the mark is registered, then a Passing Off action will be the only remedy.

⁵ <http://www.wipo.int/classifications/nice/en/>

3.4 How to Select a Strong Mark

Selecting a trademark is the most crucial step. If a company manages to come up with a good and strong mark, half of the work is done. It will be registered without any legal hassle. On the other hand, if the mark is not strong enough, the company may have to waste a lot of time and money on legal proceedings.

Make Sure the Mark is Unique and Distinctive: The word 'strong' implies a unique and distinctive mark which is not identical/ similar to any other mark causing confusion. For example, if one comes up with the mark 'Harley Johnson' for motor bikes, it would get rejected on the grounds that it is similar to 'Harley Davidson' and hence, it would confuse general public. Even phonetically similar marks may create confusion. For example, 'Starbucks' and 'Star Bugs'; 'Dell' and 'Dale'.

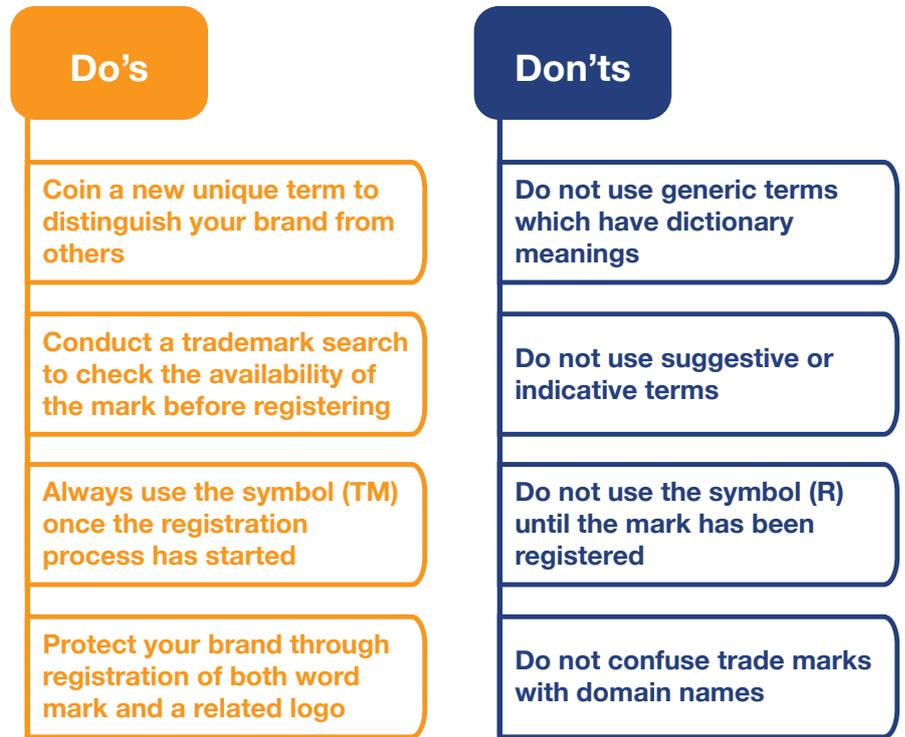
Avoid Indicative and Generic terms: Further, it cannot be an indicative or generic term. Example of an indicative or descriptive mark could be 'Coldy' for an ice-cream company or 'Fresh food' for an online grocery store. Generic terms are those which have a dictionary meaning. For example, 'Gadgets' for electronic products. The rationale behind it is that no person can have the exclusive right to use a generic word.

Coin a Word: It is best to coin a unique term to avoid unnecessary hassles and create a distinctive logo with different colors and shapes. For example, 'Google', 'Nike' are examples of strong marks which are unique and distinctive. Amazon, IBM, FedEx have distinguishing logos which add strength to their marks.

Abbreviate: Another strategy is to abbreviate or mention the initials of the founders. For example, the brand ADIDAS is generally interpreted as "All Day I Dream About Sports". Actually it is just an abbreviation of the founder name Adolf (Adi) Dassler.

It is recommended that while deciding the name of the brand, one must try to make it as unique as possible. It could be done by coining new terms, combining it with distinctive logos, adding meaning to the term/logo or follow any other strategy which will distinguish the mark from others.

3.5 Trademark Do's and Don'ts



4.

Copyright Protection in India

Copyright is the legal protection provided to any original or creative work and not only restricted to novels and art. The protection is given to literary, musical, artistic, dramatic, cinematographic films, sound recordings, etc. It is important to understand that, copyright protection extends to expression and not to ideas. A copyrightable work is created only when a tangible form is given to an idea. It enables creators of original works to continue publishing their creations without worrying about infringement and piracy of their works.

4.1 Importance of Copyright Protection

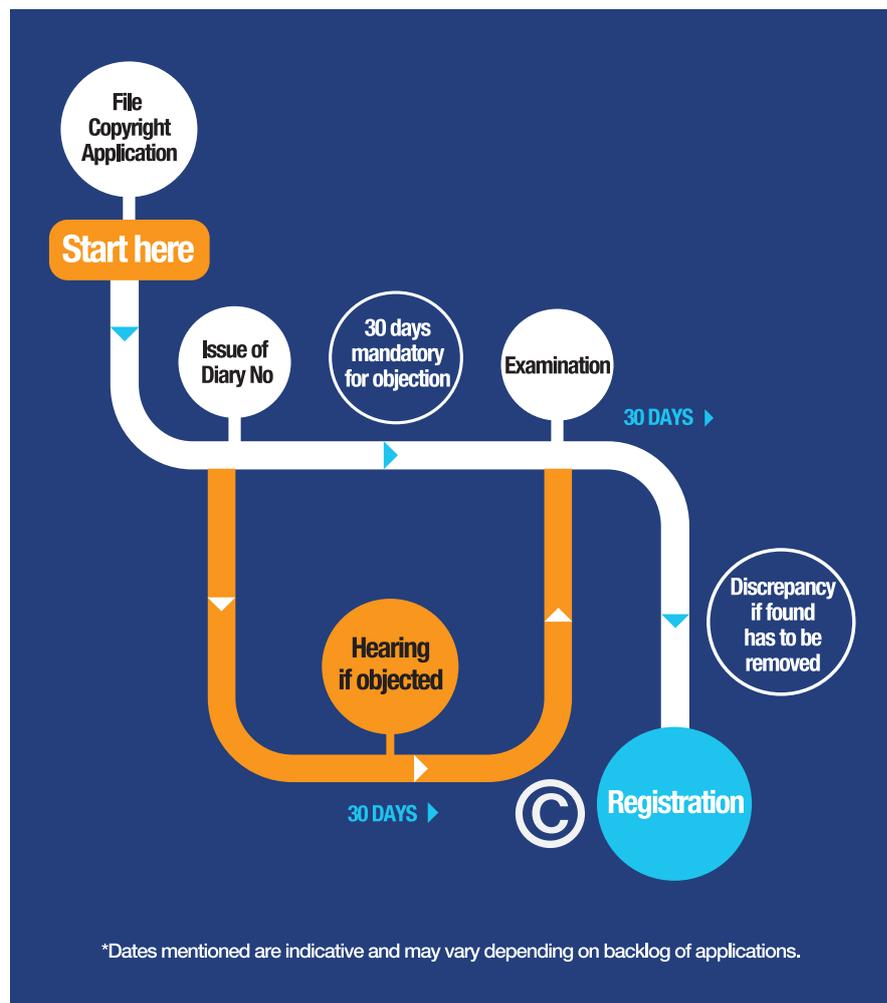
It is not mandatory to file the copyright application for registration before Copyright office. The moment a copyrightable work is created, copyright is automatically vested in it. However, it is recommended that a copyright statement is displayed on the work by providing the name of the copyright owner and year of publication of the work.

For example, if Mr. ABC has written a novel, he may write: **“Copyright © 2015. ABC. All Rights reserved.”**

Copyright registration, on the other hand, provides protection of the work against any unauthorized use. In other words, if an individual has a Certificate of copyright registration issued by the Indian Copyright Office, it will be valid proof of his ownership over the work, if any dispute arises.

In fact, the Certificate of Registration is an admissible evidence in a Court of Law. Hence, even though not mandatory, it is recommended that an original work is registered to avoid unnecessary legal disputes over ownership.

4.2 Registration Procedure



Step 1: An application has to be filed at the Copyright Office at New Delhi.

Step 2: After the application has been accepted by the Copyright Office, the applicant will receive a filing number (diary number) and a receipt.

Step 3: The applicant is required to wait for a minimum period of 30 days during which the application may be objected to by a third party. If such an objection is filed, a hearing takes place and a decision is taken within a month.

Step 4: If no objection is filed, the application is formally examined by the Copyright Office to check the originality of the work and procedural compliances. If any discrepancy is found at this step, the applicant is given 30 days time to resolve it.

Step 5: Once the objections are successfully dealt with, the Copyright office issues the registration certificate.

4.3 Important aspects of Indian Copyright Act

Ownership: The author is the first owner of a copyrighted work. In case of a 'work made for hire', the employer or the person for whom the work was prepared for is considered to be the author. A "work made for hire" refers to:

1. A work prepared by an employee during his or her employment; or
2. A work that is prepared as contribution to a collective work; a translation, compilation, supplementary work, etc.

Moral Rights of an Author: All the rights that have been discussed above are enjoyed by either the author or the owner, if it is licensed or assigned. However, there are certain rights reserved for the author exclusively, which are termed 'Moral Rights'. In India, moral rights are referred to as Special Rights. The Indian Copyright Act provides that the author of a work has the right to:

1. Claim authorship of the work, which is termed as Paternity Right.
2. To protect the reputation of the work by restraining or claiming damages in respect of any intentional distortion, mutilation, modification or any other act in relation to the said work.

Fair Use: In certain cases, using a copyrighted work without the permission of the copyright holder is permitted when there is no intention of commercially exploiting the work. Such exceptions are termed as 'Fair Use'. Proving 'Fair Use' constitutes a major defence against a claim of copyright infringement. Some examples of 'Fair Use' are as follows:

1. Private use including research, criticism or review;
2. Reporting current events in a newspaper, magazine or similar periodical, or in a cinematograph film or by means of photographs;
3. Reproduction by a teacher or a student during course of instruction, as a part of questions to be answered in examinations, in answers to such questions;
4. Performance in the activities of an educational institution;
5. Performance in an amateur club to a non-paying audience, or in a religious institution, etc.

4.4 Copyright Do's and Don'ts

Do's

Make sure the work is original

Register the work to protect it against unauthorized use

Make sure the proper category of work is identified and registered accordingly

Don'ts

Do not try to get a copyright on any idea which is not in tangible form

Do not forget to use the copyright symbol (C) on your work

Do not use copyrighted work of others for commercial purposes without license

5.

Design Protection in India

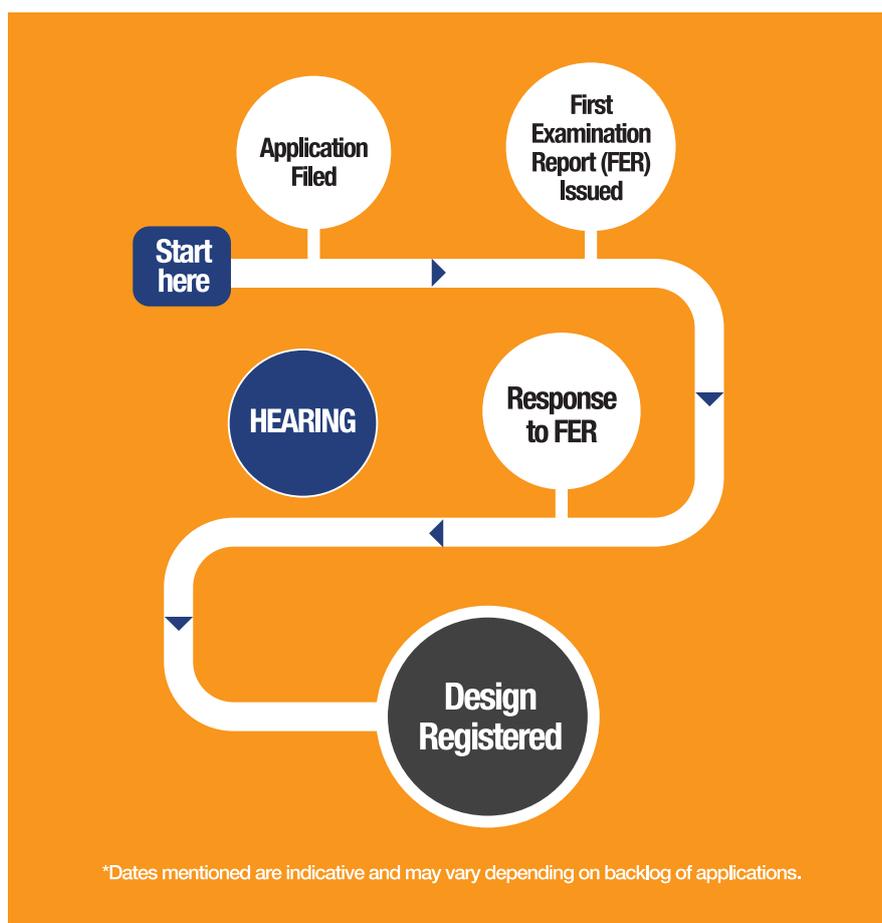
Design refers to the visual ornamental characteristics embodied in or applied to an article of manufacture. It consists of the aesthetic features of shape, configuration, pattern, ornamentation or composition of lines or colors applied to any article, in two or three dimensional (or both) forms. It is important to note that designs are judged solely by the eyes.

Designs do not include anything with a functional value like the mode or principal of construction or anything mechanical. It is inseparable from the article to which it is applied and cannot exist alone merely as a scheme of surface ornamentation.

For example, the rectangular shape of an iPhone i.e. the aesthetic feature can be protected by way of design registration. If it has any functional value, it will be protected by way of a patent.

Any person or the legal representative or the assignee can apply separately or jointly for the registration of a design.

5.1 Design Registration in India



Step 1: An application shall be filed on the prescribed form along with the requisite fee at the Design wing of the Patent Office in Kolkata/Chennai/ New Delhi/ Mumbai.

Step 2: On receipt of an application, the Office accords a date and serial number to the application.

Step 3: The application will be examined by an Examiner;

Step 4: If the examiner raises any objections pertaining to the application, an examination report is sent to the applicant.

Step 5: The applicant is required to remove the discrepancies and resubmit the application to the patent office within 6 months from the official date of the application.

Step 6: If the application is still not acceptable, the Patent Office gives the applicant an opportunity to be heard. After hearing, the controller decides whether the application should be accepted or not.

Step 7: When all the shortcomings have been rectified, the Patent Office issues the registration certificate.

Step 8: Design protection lasts for 10 years. However, it can be further extended for a period of 5 years by filing application for extension along with payment.

6.

Protection of Trade Secrets in India

An invention can be kept a secret instead of filing an application for a Patent grant. In legal terms, it is called a Trade Secret and is nothing but valuable information which is highly confidential in nature and gives its possessor a competitive trade advantage, as long as it is kept secret. The best example of Trade Secret is the manufacturing process of Coca Cola, which is kept a secret till date!

In India, there is no separate legislation for protection of trade secrets. They are largely covered by contracts which in turn are governed by the Indian Contract Act 1872. It is prudent to enter into a contract called Non Disclosure Agreement (NDA), also known as Confidential Disclosure Agreement (CDA) with an employee, consultant, or service provider to protect these types of IP. These contracts restrain confidential information from being disclosed to a third party without your permission and approval.

The decision to maintain an invention as a trade secret or file a patent application is very important and should be considered on a case-by-case basis by examining various businesses, commercial, and legal considerations.

While trade secrets cannot fully replace patent protection in all respects, they do offer a viable alternative to patents for protecting intellectual property in some cases, especially where the inventions are easily kept secret and are incapable of easy reverse engineering. Trade secrets derive their legal protection from their inherently secret nature. In case of Patent, the inventor has to disclose an invention completely in the Patent Specification. The disclosure includes the best method of using the invention. Subsequently, the Patents Office publishes the said Patent Specification through patent publication gazette before the grant. It is important to understand that trade secret and patent protection are often complementary. Filing a patent application is recommended especially in cases where the product can be easily reverse engineered or invented by a competitor.

7.

Conclusion and Recommendations

As Intellectual Property Rights are territorial in nature, it is important for Swiss startups to take adequate measures to protect their IP in India. It is a common misconception that IP protection is required only once the final product is ready to be launched in the market. IPR provisions can be effectively used and enforced from the Idea stage.

Regardless of the product manufactured or service provided by an individual or an organization, it is likely that there is involvement of IP in some form or the other. Hence, one must strategically consider the steps involved in protecting, managing and enforcing his intellectual property rights, to get the best commercial results from its ownership.

IP protection requires a holistic approach – where the creator uses defensive strategies like conducting patent/trademark availability searches; registering the work and using symbols like ®, ™, ©, ‘Patent Pending’, etc., in order to convey to the world that the work is protected. At the same time, it is necessary to use offensive techniques like filing an infringement suit, in certain situations, where IP rights are being violated by a third party.

A good IP portfolio increases the value of the company. It is also essential to continuously encourage and promote generation of more IPs by providing incentives to employees at an organization. Due diligence forms an essential step in protecting intellectual assets. At the outset, it is recommended to use Non Disclosure Agreements and Confidentiality Agreements to prevent disclosure of confidential information. At the same time, certain analytics tools like Priority or Novelty Search, Freedom-to-Operate Search, Infringement Search, Trademark Availability search, etc. reduces the risk of unnecessary legal hassles.

Last but not the least, it is essential for a startup company to consult a good IP attorney or an agent who can guide and advise them on the best strategies and decisions to be taken during all the phases of the product lifecycle.

Developing an intellectual asset involves hard work and dedication. The primary objective of this report is to help the reader have thorough knowledge about IP so that he can safeguard the intellectual work by providing the right form of protection at the right time.

In the profound words of French writer Victor Hugo, ***“An invasion of armies can be resisted, but not an idea whose time has come”***.

