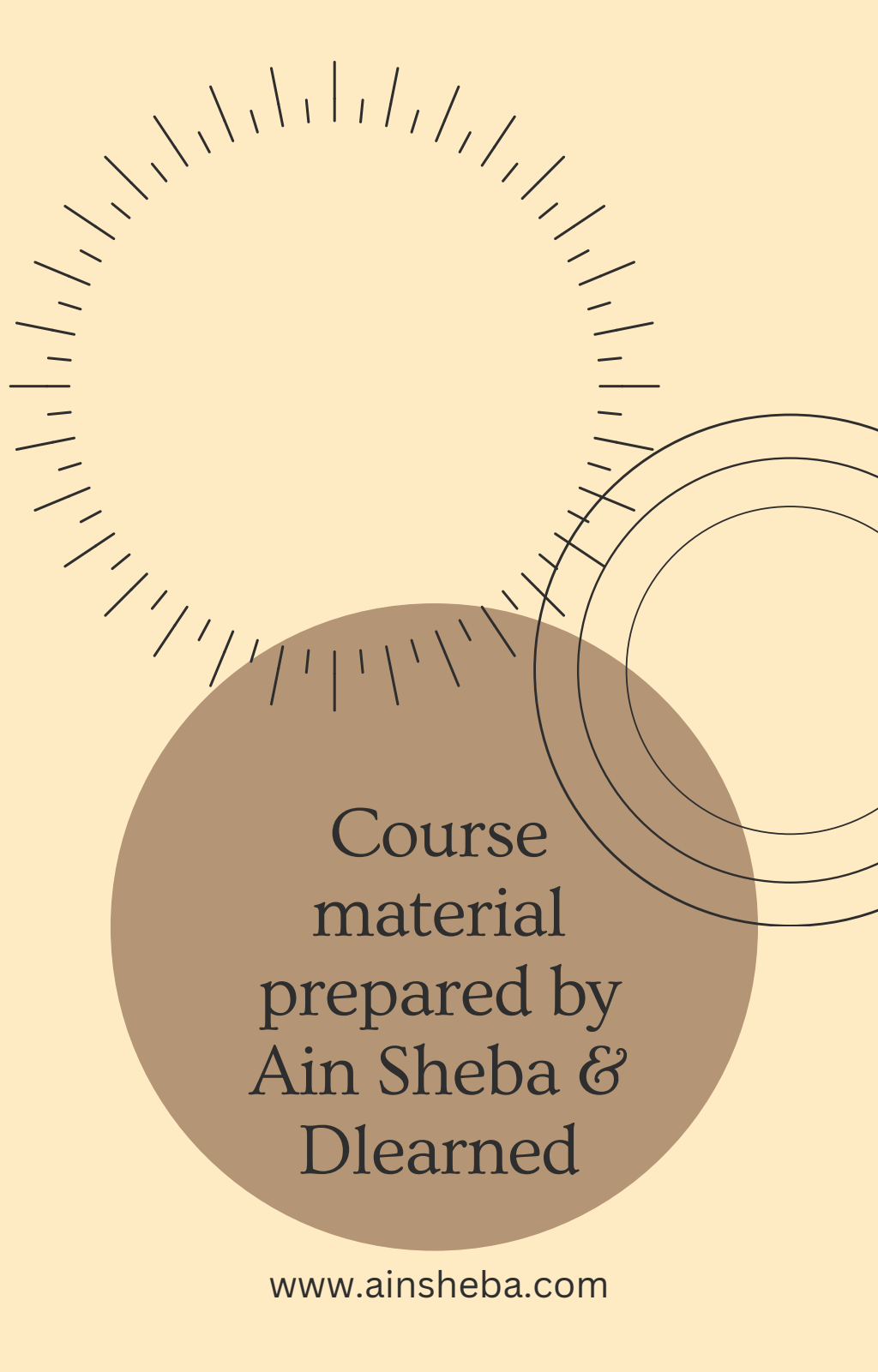


## HANDBOOK

# Intellectual Property Registration and protection

## Copyright, Trademark and Patent





Course  
material  
prepared by  
Ain Sheba &  
Dlearned

[www.ainsheba.com](http://www.ainsheba.com)

# why protect Intellectual Property ?



Intellectual property is an intangible property and has monetary value.

Protected Intellectual property can be used to facilitate licensing revenue .

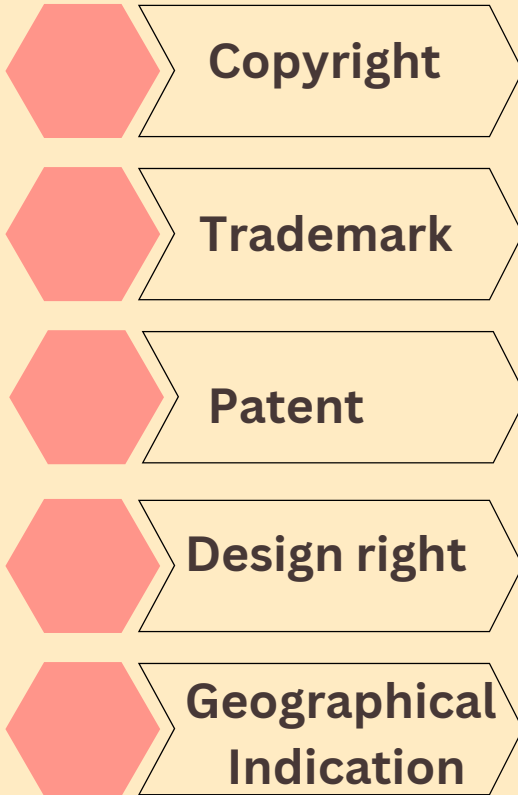
Exclusive rights to use innovative asset like brand name, design ,idea etc.

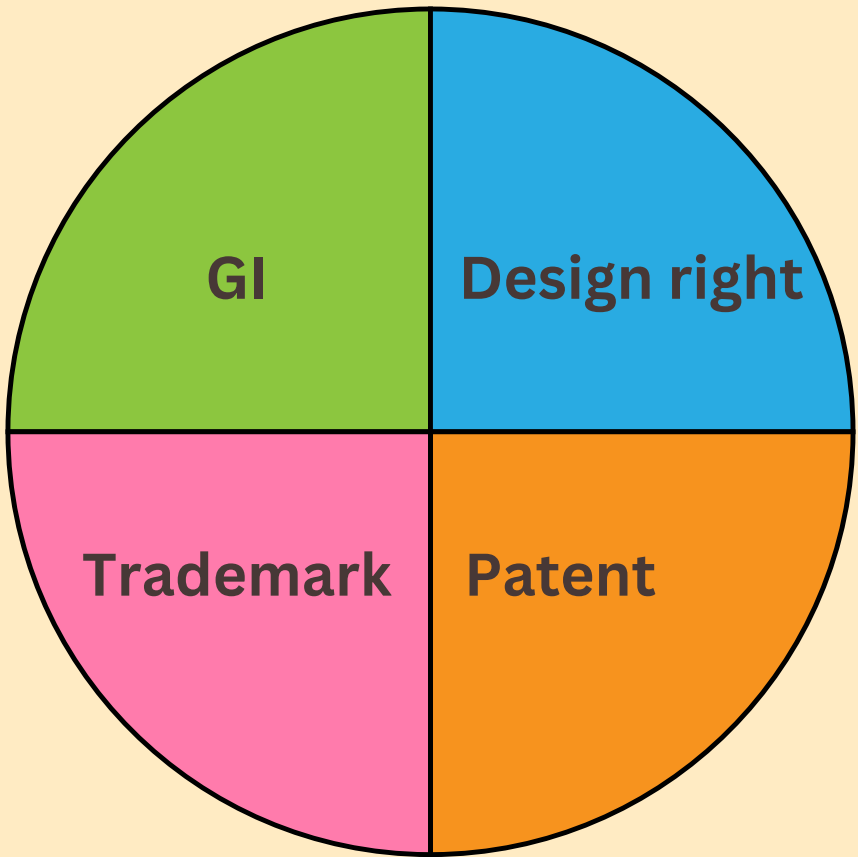


01

Ignorance of  
Intellectual property  
can bring you to court

# Classification of Intellectual Property





Industrial  
Intellectual property

# National law and regulations

- The Design Act 2023
- The Patent Act 2023
- The Copyright Act 2023
- The Trademark Act 2009
- The Trademark Rule 2015
- The copyright Rule 2016
- Patents and Design Rules 1933



# International initiative

- **Peris Convention** **1883**
- **Berne Convention** **1886**
- **WIPO** **1967**
- **TRIPS** **1995**



# Patent

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.

Source : WIPO

# Registration Process

Step -1



**Prepare the following  
documents**

**Forwarding Letter**

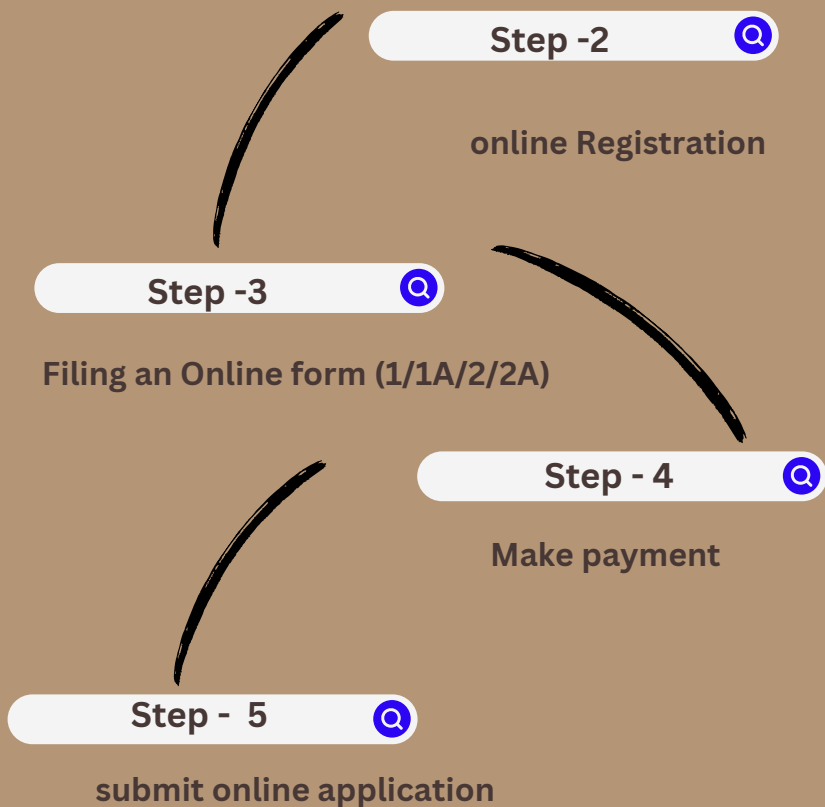
**Complete Specification**

**Drawing Sheet, if any**

**Power of Attorney ,if needed.**



# Registration Process



# Form for Patent



| Form-1  | when the true and first inventor is sole or joint applicant.                                                                                                        |
|---------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Form1A  | when the true and first inventor is NOT a party to the application.                                                                                                 |
| Form 2  | reciprocal arrangements with the United Kingdom or other parts of Her Majesty's Dominions Acceding or non-Acceding States.                                          |
| Form 2A | legal representatives or assignees under reciprocal arrangements with the United Kingdom or other parts of Her Majesty's Dominions Acceding or non-Acceding States. |



# Trademark

**A trademark is a unique mark on a product that uniquely identifies it as a product of a particular company and affirms the brand ownership of that company.**

**Trademarks can be transferred assigned .**

**Trademarks should be renewed timely by paying the renewal fees. Failure to renew may result in removal from the Registrar.**

# Registration Process

Step -1



## Searching for Trademark Registration

While it's not mandatory, it's a good idea to run a search first to make sure the mark you've chosen isn't already registered.

Submit TM-4 Form along with  
necessary fees



# Registration Process

## Step -2



If filing as a foreigner or through a representative a Power of Attorney is must.

## Step -3



Filing an Online Trademark Registration Application

## Step - 4



The Registrar examines the trademark for uniqueness. If satisfied, a Letter of Acceptance is issued.

## Step - 5



The proposed trademark is published in the Trade Marks Journal, inviting the public to raise opposition within 2 months.

## Step - 6



Anyone can raise a dispute within 2 months of publication by submitting a notice of Opposition.

## Step - 7



If there's no dispute after the opposition period, the Registrar notifies the applicant to pay the required fees. After payment, a Certificate of Registration is issued

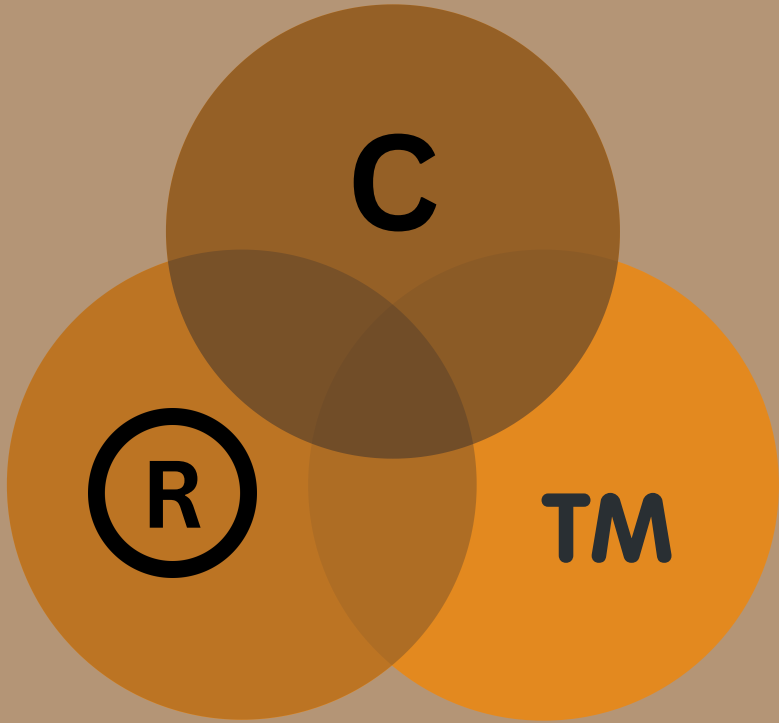


# Form for Trademark Registration and renewal



| TM -4  | Searching for trademark |
|--------|-------------------------|
| TM-10  | Power of Attorney       |
| TM- 1  | Application             |
| TM -9  | Publication in Journal  |
| TM- 5  | Opposition              |
| TM- 11 | Registration            |
| TM- 12 | Renewal                 |

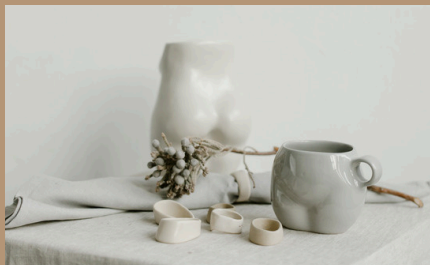
# Symbol



C - Copyright

TM : Applied for Trademark

R : Registered Trademark



# Design right

Design right entitles the owner to prevent others making articles to the same design.

Design right should be renewed timely by paying the renewal fees.

# Registration Process



## Step -1



### Prepare necessary documents

- **Statement of Novelty** : The applicant should endorse on the application and each of the representations a brief statement of novelty for which he/she seeks protection.
- **Disclaimer** : Statement of novelty will contain a disclaimer to the effect that no right is claimed over the use of Trademarks, any mechanism, letters, words, numbers etc.
- **Power of attorney** : If the applicant does not want to file his/her application in person, then he/she will have to submit Power of Attorney.

# Registration Process

## Step -2



Submit your application online .  
Payment and document has to be  
attached during online submission

## Step -3



Print the online application

## Step - 4



Submit the printed application along  
with the statement of novelty ,  
Disclaimer and other documents ,if  
asked for .

## Step - 5



If no objection has been raised from the  
authority , the certificate of Design right  
will be issued.

# Form for Design right & renewal



| Form 15 | Application for registration                                                                                                                                                  |
|---------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Form 16 | Application for registration or design under reciprocal arrangement with the United Kingdom or other parts of Her Majesty's Dominion or with Acceding or non-Acceding States. |
| Form 17 | Application for registration of design to be applied to a set.                                                                                                                |
| Form 4  | Application for extension of time.                                                                                                                                            |

# Form for Design right & renewal



| Form 19 | Application to extend copyright. Section 47.                                                                              |
|---------|---------------------------------------------------------------------------------------------------------------------------|
| Form 21 | Request for search under section 51 when registration number is not supplied.                                             |
| Form 23 | Notice of alteration of a name or an address or an address for service in the Register of Patents or of Designs. Rule 53. |
| Form 25 | Application for entry of name of proprietor or part proprietor in Register of Patent/Designs Selection 63                 |
| Form 29 | Request for certificate. Section 59 and Rule 63                                                                           |
| Form 31 | Power of Authority to Agent. Section 76                                                                                   |



# Copyright

**Copyright (or author's right) is a legal term used to describe the rights that creators have over their literary and artistic works. Works covered by copyright range from books, music, paintings, sculpture, and films, to computer programs, databases, advertisements, maps, and technical drawings.**

**Source : WIPO**



# Registration Process



## Step -1



### Prepare necessary documents

- Hard Copy of the Work
- **Power of attorney** : If the applicant does not want to file his/her application in person, then he/she will have to submit Power of Attorney.
- Declaration

# Registration Process

## Step -2



Submit your application online .  
Payment and document has to be  
attached during online submission

## Step -3



Print the online application

## Step - 4



Submit the printed application along  
with the hard copy of the work ,  
Declaration and other documents ,if  
asked for .

## Step - 5



If no objection has been raised from the  
authority , the certificate of Copyright will  
be issued.

## **Issue relating to right under Copyright/Registration**

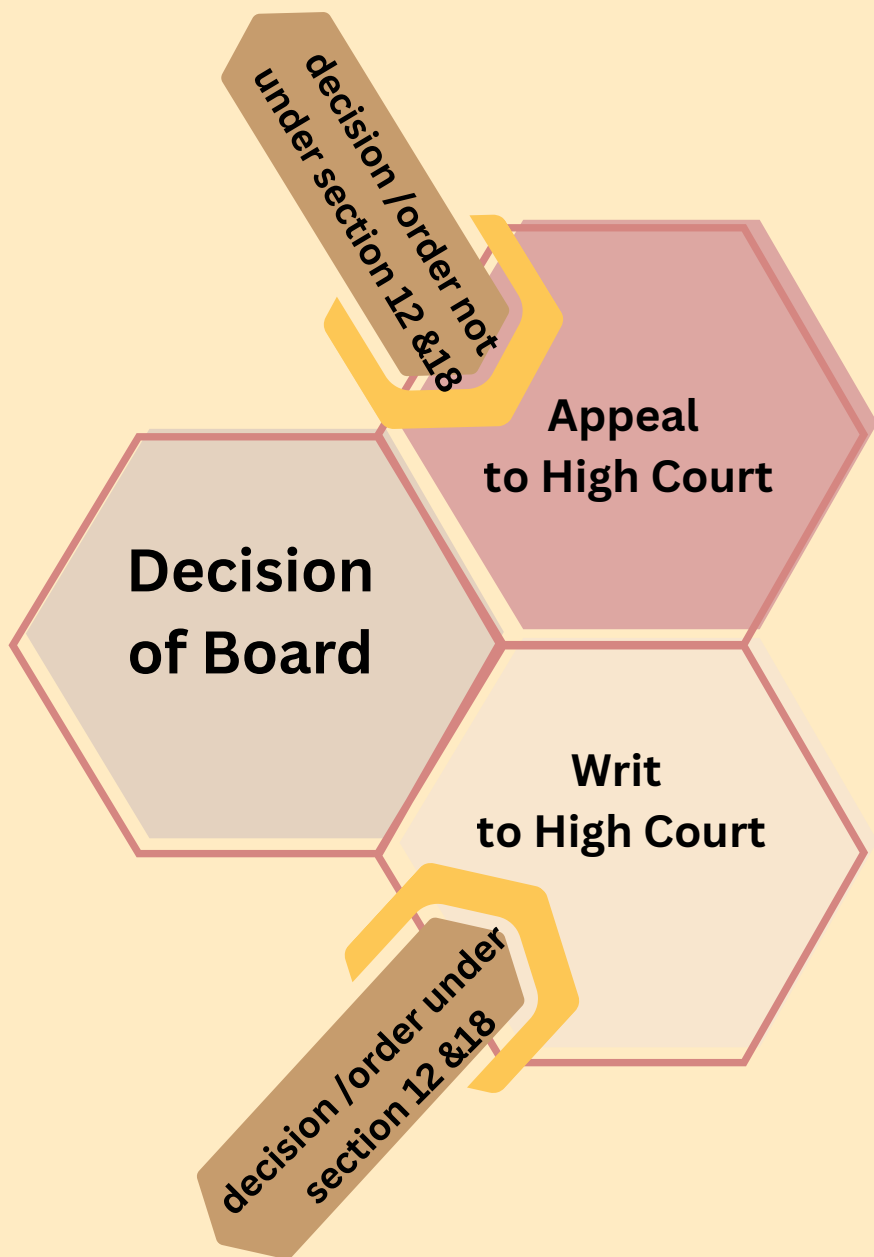


**Application to Registrar  
Under sec 10**

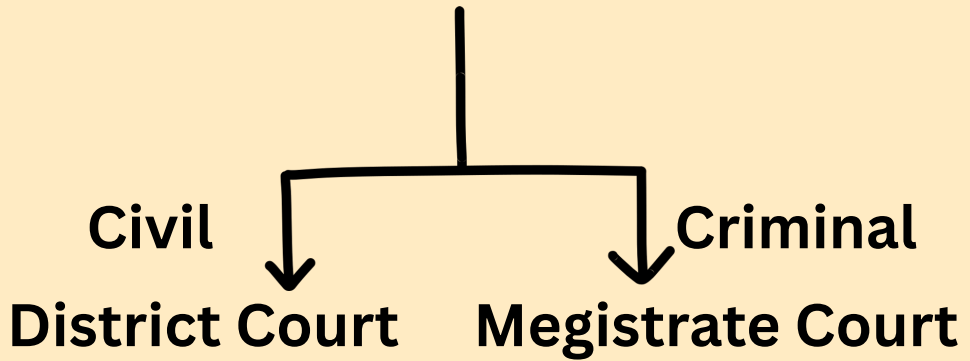


**Appeal to Board  
Under sec 12**

# Issue relating to right under Copyright/Registration



**Issue relating to Copyright infringement**



**Civil: remedy/ declaration/  
injunction**

**Criminal : Punishment**

# Appendix

**NICE Classification**

**Locarno Classification**

# NICE Classification

|         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|---------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Class 1 | Chemicals for use in industry, science and photography, as well as in agriculture, horticulture and forestry; unprocessed artificial resins, unprocessed plastics; fire extinguishing and fire prevention compositions; tempering and soldering preparations; substances for tanning animal skins and hides; adhesives for use in industry; putties and other paste fillers; compost, manures, fertilizers; biological preparations for use in industry and science. |
| Class 2 | Paints, varnishes, lacquers; preservatives against rust and against deterioration of wood; colorants, dyes; inks for printing, marking and engraving; raw natural resins; metals in foil and powder form for use in painting, decorating, printing and art.                                                                                                                                                                                                          |
| Class 3 | Non-medicated cosmetics and toiletry preparations; non-medicated dentifrices; perfumery, essential oils; bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations.                                                                                                                                                                                                                                       |
| Class 4 | Industrial oils and greases, wax; lubricants; dust absorbing, wetting and binding compositions; fuels and illuminants; candles and wicks for lighting.                                                                                                                                                                                                                                                                                                               |
| Class 5 | Pharmaceuticals, medical and veterinary preparations; sanitary preparations for medical purposes; dietetic food and substances adapted for medical or veterinary use, food for babies; dietary supplements for human beings and animals; plasters, materials for dressings; material for stopping teeth, dental wax; disinfectants; preparations for destroying vermin; fungicides, herbicides.                                                                      |
| Class 6 | Common metals and their alloys, ores; metal materials for building and construction; transportable buildings of metal; non-electric cables and wires of common metal; small items of metal hardware; metal containers for storage or transport; safes.                                                                                                                                                                                                               |

|          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Class 7  | Machines, machine tools, power-operated tools; motors and engines, except for land vehicles; machine coupling and transmission components, except for land vehicles; agricultural implements, other than hand-operated hand tools; incubators for eggs; automatic vending machines.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Class 8  | Hand tools and implements, hand-operated; cutlery; side arms, except firearms; razors.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Class 9  | Scientific, research, navigation, surveying, photographic, cinematographic, audiovisual, optical, weighing, measuring, signalling, detecting, testing, inspecting, life-saving and teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling the distribution or use of electricity; apparatus and instruments for recording, transmitting, reproducing or processing sound, images or data; recorded and downloadable media, computer software, blank digital or analogue recording and storage media; mechanisms for coin-operated apparatus; cash registers, calculating devices; computers and computer peripheral devices; diving suits, divers' masks, ear plugs for divers, nose clips for divers and swimmers, gloves for divers, breathing apparatus for underwater swimming; fire-extinguishing apparatus. |
| Class 10 | Surgical, medical, dental and veterinary apparatus and instruments; artificial limbs, eyes and teeth; orthopaedic articles; suture materials; therapeutic and assistive devices adapted for persons with disabilities; massage apparatus; apparatus, devices and articles for nursing infants; sexual activity apparatus, devices and articles.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Class 11 | Apparatus and installations for lighting, heating, cooling, steam generating, cooking, drying, ventilating, water supply and sanitary purposes.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Class 12 | Vehicles; apparatus for locomotion by land, air or water.<br>Firearms; ammunition and projectiles;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |



|          |                                                                                                                                                                                                                                                                                                                                                                          |
|----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Class 13 | explosives; fireworks.                                                                                                                                                                                                                                                                                                                                                   |
| Class 14 | Precious metals and their alloys; jewellery, precious and semi-precious stones; horological and chronometric instruments.                                                                                                                                                                                                                                                |
| Class 15 | Musical instruments; music stands and stands for musical instruments; conductors' batons.                                                                                                                                                                                                                                                                                |
| Class 16 | Paper and cardboard; printed matter; bookbinding material; photographs; stationery and office requisites, except furniture; adhesives for stationery or household purposes; drawing materials and materials for artists; paintbrushes; instructional and teaching materials; plastic sheets, films and bags for wrapping and packaging; printers' type, printing blocks. |
| Class 17 | Unprocessed and semi-processed rubber, gutta-percha, gum, asbestos, mica and substitutes for all these materials; plastics and resins in extruded form for use in manufacture; packing, stopping and insulating materials; flexible pipes, tubes and hoses, not of metal.                                                                                                |
| Class 18 | Leather and imitations of leather; animal skins and hides; luggage and carrying bags; umbrellas and parasols; walking sticks; whips, harness and saddlery; collars, leashes and clothing for animals.                                                                                                                                                                    |
| Class 19 | Materials, not of metal, for building and construction; rigid pipes, not of metal, for building; asphalt, pitch, tar and bitumen; transportable buildings, not of metal; monuments, not of metal.                                                                                                                                                                        |
| Class 20 | Furniture, mirrors, picture frames; containers, not of metal, for storage or transport; unworked or semi-worked bone, horn, whalebone or mother-of-pearl; shells; meerschaum; yellow amber.                                                                                                                                                                              |
| Class 21 | Household or kitchen utensils and containers; cookware and tableware, except forks, knives and spoons; combs and sponges; brushes, except paintbrushes; brush-making materials; articles for cleaning purposes; unworked or                                                                                                                                              |

|          |                                                                                                                                                                                                                                                                                                                                                             |
|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|          | semi-worked glass, except building glass; glassware, porcelain and earthenware.                                                                                                                                                                                                                                                                             |
| Class 22 | Ropes and string; nets; tents and tarpaulins; awnings of textile or synthetic materials; sails; sacks for the transport and storage of materials in bulk; padding, cushioning and stuffing materials, except of paper, cardboard, rubber or plastics; raw fibrous textile materials and substitutes therefor.                                               |
| Class 23 | Yarns and threads for textile use.                                                                                                                                                                                                                                                                                                                          |
| Class 24 | Textiles and substitutes for textiles; household linen; curtains of textile or plastic.                                                                                                                                                                                                                                                                     |
| Class 25 | Clothing, footwear, headwear.                                                                                                                                                                                                                                                                                                                               |
| Class 26 | Lace, braid and embroidery, and haberdashery ribbons and bows; buttons, hooks and eyes, pins and needles; artificial flowers; hair decorations; false hair.                                                                                                                                                                                                 |
| Class 27 | Carpets, rugs, mats and matting, linoleum and other materials for covering existing floors; wall hangings, not of textile.                                                                                                                                                                                                                                  |
| Class 28 | Games, toys and playthings; video game apparatus; gymnastic and sporting articles; decorations for Christmas trees                                                                                                                                                                                                                                          |
| Class 29 | Meat, fish, poultry and game; meat extracts; preserved, frozen, dried and cooked fruits and vegetables; jellies, jams, compotes; eggs; milk, cheese, butter, yogurt and other milk products; oils and fats for food.                                                                                                                                        |
| Class 30 | Coffee, tea, cocoa and substitutes therefor; rice, pasta and noodles; tapioca and sago; flour and preparations made from cereals; bread, pastries and confectionery; chocolate; ice cream, sorbets and other edible ices; sugar, honey, treacle; yeast, baking-powder; salt, seasonings, spices, preserved herbs; vinegar, sauces and other condiments; ice |

|          |                                                                                                                                                                                                                                                                                                     |
|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|          | (frozen water).                                                                                                                                                                                                                                                                                     |
| Class 31 | Raw and unprocessed agricultural, aquacultural, horticultural and forestry products; raw and unprocessed grains and seeds; fresh fruits and vegetables, fresh herbs; natural plants and flowers; bulbs, seedlings and seeds for planting; live animals; foodstuffs and beverages for animals; malt. |
| Class 32 | Beers; non-alcoholic beverages; mineral and aerated waters; fruit beverages and fruit juices; syrups and other preparations for making non-alcoholic beverages.                                                                                                                                     |
| Class 33 | Alcoholic beverages, except beers; alcoholic preparations for making beverages.                                                                                                                                                                                                                     |
| Class 34 | Tobacco and tobacco substitutes; cigarettes and cigars; electronic cigarettes and oral vaporizers for smokers; smokers' articles; matches.                                                                                                                                                          |
| Class 35 | Advertising; business management, organization and administration; office functions.                                                                                                                                                                                                                |
| Class 36 | Financial, monetary and banking services; insurance services; real estate services.                                                                                                                                                                                                                 |
| Class 37 | Construction services; installation and repair services; mining extraction, oil and gas drilling.                                                                                                                                                                                                   |
| Class 38 | Telecommunications services.                                                                                                                                                                                                                                                                        |
| Class 39 | Transport; packaging and storage of goods; travel arrangement.                                                                                                                                                                                                                                      |
| Class 40 | Treatment of materials; recycling of waste and trash; air purification and treatment of water; printing services; food and drink preservation.                                                                                                                                                      |
| Class 41 | Education; providing of training; entertainment; sporting and cultural activities.                                                                                                                                                                                                                  |

|                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|-----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Class 42</p> | <p>Scientific and technological services and research and design relating thereto; industrial analysis, industrial research and industrial design services; quality control and authentication services; design and development of computer hardware and software.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <p>Class 43</p> | <p>Services for providing food and drink; temporary accommodation.<br/>personal chef services. hookah lounge services; rental of chairs, tables, table linen, glassware; rental of cooking apparatus; decorating of food, food sculpting; day-nursery and crèche services; retirement home services; boarding for animals; rental of meeting rooms, tents and transportable buildings; temporary accommodation reservations, for example, hotel reservations;</p> <p>430004 accommodation bureau services [hotels, boarding houses] ,430203 animal pound services , 430138 bar services,430134 boarding for animals, 430104 boarding house bookings, 430066 boarding house services, 430024 café services, 430025 cafeteria services, 430198 cake decorating, 430027 canteen services, 430098 day-nursery [crèche] services, 430197 decorating of food, 430010 food and drink catering, 430208 food reviewing services [provision of information about food and drinks], 430193 food sculpting, 430213 ghost kitchen services, 430145 holiday camp services [lodging], 430201 hookah lounge services, 430073 hotel accommodation services, 430105 hotel reservations, 430199 information and advice in relation to the preparation of meals, 30183 motel services, 430200 personal chef services, 430026 providing campground facilities, 430202 reception services for temporary accommodation [conferment of keys], 430194 reception services for</p> |

|          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|          | temporary accommodation [management of arrivals and departures], 430186 rental of chairs, tables, table linen, glassware, 430190 rental of cooking apparatus, 430191 rental of drinking water dispensers, 430210 rental of furniture, 430205 rental of holiday accommodation / rental of vacation accommodation, 430206 rental of kitchen sinks , 430192 rental of lighting apparatus*, 430187 , rental of meeting rooms, 430211 rental of office furniture, 430207 rental of portable dressing rooms, 430212 rental of robots for preparing beverages, 430028 rental of temporary accommodation, 430189 rental of tents, 430160 rental of transportable buildings*, 430102 restaurant services, 430013 retirement home services, 430107 self-service restaurant services, 430108 snack-bar services, 430209 take-away restaurant services, 430204 temporary accommodation provided by halfway houses, 430162 temporary accommodation reservations, 430071 tourist home services, 430196 udon and soba restaurant services. |
| Class 44 | Medical services; veterinary services; hygienic and beauty care for human beings or animals; agriculture, aquaculture, horticulture and forestry services.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Class 45 | Legal services; security services for the physical protection of tangible property and individuals; dating services, online social networking services; funerary services; babysitting.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

Please visit for details information :  
<https://www.wipo.int/classifications/nice/en/>

# **Locarno Classification**

## **For Design Right**

## Locarno Classification

|          |                                                                                         |
|----------|-----------------------------------------------------------------------------------------|
| Class 1  | Foodstuffs                                                                              |
| Class 2  | Articles of clothing and haberdashery                                                   |
| Class 3  | Travel goods, cases, parasols and personal belongings, not elsewhere specified          |
| Class 4  | Brushware                                                                               |
| Class 5  | Textile piece goods, artificial and natural sheet material                              |
| Class 6  | Furnishing                                                                              |
| Class 7  | Household goods, not elsewhere specified                                                |
| Class 8  | Tools and hardware                                                                      |
| Class 9  | Packaging and containers for the transport or handling of goods                         |
| Class 10 | Clocks and watches and other measuring instruments, checking and signalling instruments |
| Class 11 | Articles of adornment                                                                   |
| Class 12 | Means of transport or hoisting                                                          |
| Class 13 | Equipment for production, distribution or transformation of electricity                 |
| Class 14 | Recording, telecommunication or data processing equipment                               |
| Class 15 | Machines, not elsewhere specified                                                       |
| Class 16 | Photographic, cinematographic and optical apparatus                                     |

|          |                                                                                                         |
|----------|---------------------------------------------------------------------------------------------------------|
| Class 17 | Musical instruments                                                                                     |
| Class 18 | Printing and office machinery                                                                           |
| Class 19 | Stationery and office equipment, artists' and teaching materials                                        |
| Class 20 | Sales and advertising equipment, signs                                                                  |
| Class 21 | Games, toys, tents and sports goods                                                                     |
| Class 22 | Arms, pyrotechnic articles, articles for hunting, fishing and pest killing                              |
| Class 23 | Fluid distribution equipment, sanitary, heating, ventilation and air-conditioning equipment, solid fuel |
| Class 24 | Medical and laboratory equipment                                                                        |
| Class 25 | Building units and construction elements                                                                |
| Class 26 | Lighting apparatus                                                                                      |
| Class 27 | Tobacco and smokers' supplies                                                                           |
| Class 28 | Pharmaceutical and cosmetic products, toilet articles and apparatus                                     |
| Class 29 | Devices and equipment against fire hazards, for accident prevention and for rescue                      |
| Class 30 | Articles for the care and handling of animals                                                           |
| Class 31 | Machines and appliances for preparing food or drink, not elsewhere specified                            |
| Class 32 | Graphic symbols and logos, surface patterns, ornamentation, arrangement of interiors and exteriors      |

[for more information please click here](#)



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