

Promoting Awareness Nationwide

In order to promote better awareness about the PCT system in India, WIPO has developed an active program of cooperation with the Government of India. Over the past three years, WIPO has organized several training programs, workshops and seminars relating to the PCT in different parts of India with the active cooperation of the IPO, the chambers of commerce and industry and the Indian Institute of Intellectual Property Development (IIPD). These seminars have brought together speakers and experts from the local patent office and the local industry.

At recent WIPO Roving Seminars on the PCT, organized in Mumbai, Cochin, Ahmedabad and Hyderabad, experts from the CSIR, Ranbaxy Laboratories and Biocon India Group, presented interesting case studies on the use of the PCT system by their respective firms. Some of the most useful features of the PCT system identified by Indian applicants were the extra decision-making time, the relatively low cost and the international search and preliminary examination reports.

WHY IS INTELLECTUAL PROPERTY RELEVANT TO BUSINESS?

Understanding the importance of the various components of the intellectual property system and using it effectively as an integral part of its business strategy is crucial to success in the market place. Businesses need the intellectual property system to protect manufacturing secrets or other useful information and remain ahead of the competition. Businesses need to fully exploit their intellectual property assets to maintain consistent quality and market products and services to consumers so as to develop long-term customer loyalty.

To remain ahead of competitors, business entities must either continuously introduce radically new products and services or make small improvements to the quality of existing products and services. Changes are also made in response to customer needs; therefore almost every product or service used in daily life gradually evolves as a result of a series of big or small innovations, such as changes in design or improvements in a product's

look and function. Businesses are also concerned with maintaining consistent quality and marketing products and services to consumers. Knowledge, both original and new, is essential to all of these processes.

The intellectual property system is the primary key to successful management of such knowledge assets for business. The main types of intellectual property rights are (1) patents (for inventions), (2) trademarks, (3) industrial designs, (4) valuable undisclosed information or trade secrets, and (5) copyright and related or neighboring rights.

Intellectual Property Assets Enhance Profitability

Any industry or business, whether traditional or modern, regardless of what product or service it produces or provides, is likely to regularly use intellectual property to prevent



A business would have obtained patents for a CD player's various technical parts and mechanisms and industrial design protection for its three-dimensional shape and surface characteristics that appeal to the eye. Similarly, its distinctive brand name would be registered as a trademark and the music played on the CD player protected by copyright.

Courtesy: Sony Overseas S.A.

others from encroaching on its due reward or taking advantage of its goodwill in the market place. Every industry or business should systematically take the steps required for identifying, protecting, and managing its intellectual property assets, so as to gain the best possible commercial results from its ownership.

If a business or industrial enterprise is intending to use an intellectual property asset belonging to someone else, it should consider buying it or acquiring the rights to use it by taking a license in order to avoid disputes and consequent expensive litigation. A business or industry could encounter legal problems for inadvertently violating the intellectual property rights of others out of sheer ignorance of the intellectual property system. Hence, a basic understanding of the intellectual property system has become a prerequisite for success in the marketplace.

Every industry or business needs a trade name and often one or more trademarks for advertising and marketing its products or services. In choosing or creating a new trade name or trademark a business must take great care in not getting into conflict with others businesses or industrial enterprises which may already be using, and have legal rights over, identical or deceptively similar trade names or trademarks. After a proper search, and selection, a business should consider protecting its trade name and trademarks.

Most enterprises have valuable confidential business information, from customers' lists to sales tactics that they may wish to protect. Many may also have created original designs or produced, or assisted in the publication, dissemination or retailing of a copyrighted work. Some may have invented or improved a product or service. In each of these situations, considerable time and energy should be spent by the enterprise concerned to prevent possible legal conflicts with the intellectual property rights of others.

In all such cases, the enterprise should consider how best to use the intellectual property system to its own benefit, and at the least possible cost. It is worth remembering that IP assets may assist an enterprise in almost every aspect of its business development and competitive strategy: from product development to product design, from service delivery to marketing, and from raising financial resources to exporting or expanding its business abroad through licensing or franchising.

For more information on various practical aspects of the IP system of interest to business and industry, please visit the website of the SMEs Division at www.wipo.int/sme.



Courtesy: The Parker Pen Company

Ladislao Biro's famous patent on ballpoint pens was a breakthrough. Subsequently, many others made various improvements, legally protecting these improvements through the acquisition of patents or design rights. A trademark on a pen is also intellectual property, which helps a business enterprise to market the product and develop a loyal clientele by differentiating it from competing products of other enterprises.

The next article in IP and Business will discuss the role of trademarks in marketing products and services.

