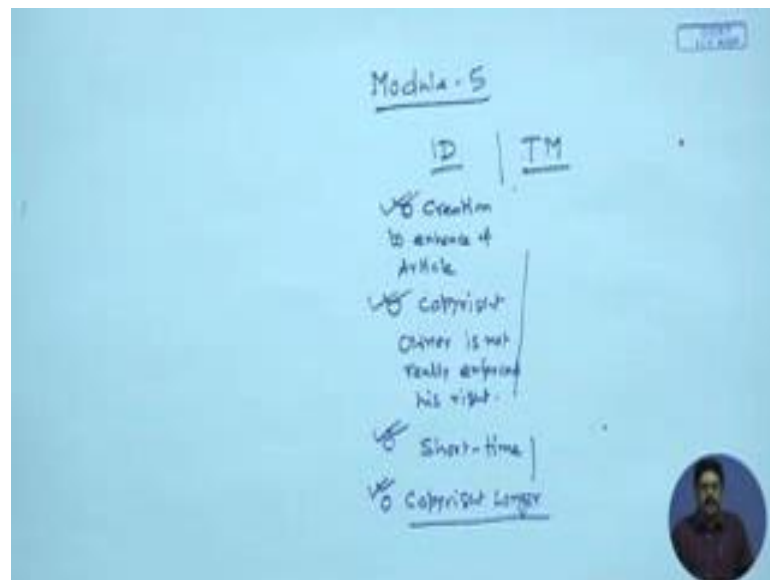


Introduction on Intellectual Property to Engineers and Technologists
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Lecture – 21
Industrial Design Basic

So good morning all of you, now, we have reached to module number 5. So, module number 5.

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So, module 4, we have discussed about another 2 forms of IP, although you can consider one form of IP that is copyrights. And also you have discussed about another part that is utility model. So, as you know the different forms of IP. And we have been trying to cover all the difference forms of IPs in different modules may be in a single module or in a module over lapping; in over lapping module just like separated, we covered in 2 modules copyright in one module. So, now in module 5 will discuss about another 2 forms of IP that industrial design ID and trade mark.

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Another 2 forms of IP will try to discuss in these module. Let us now start with reference to industrial design, when we discussed about copyright in last module or we remember the last class operating digital medium, you have learnt about the importance of the copyrights and what is the challenge the copyright is been facing in respect of digital context. The digital context means along with cyberspace sometime will call partial space. Now, we have will discussed about another form of IP that industrial design. So, when we discussed about different forms of IP, I have given you an idea about industrial design and I told that industrial design shape configuration ornamentation of an article, and that lead that increase the aesthetic value of the article.

So, now, I last class discuss when we are discussing about the copyright, I told the exclusive right of the copyright owner includes right to adaptation in conversion of the 2 dimensional to 3 dimensional or promotion of (Refer Time: 03:16) to (Refer Time: 03:17) Now, considering a situation that is a you have, say somebody have this is actually a case measure (Refer Time: 03:30) case somebody have a statue call statue representing a male and female dancing figures. Now, if you convert that statue in the form of an article, let say table lamp and you are selling the table lamp we are not selling the statue. You are selling the table lamp and table lamp have been giving aesthetic look

may be aesthetic look has come from that statue of let us say liberty statue of male and female dancing figures.

Now, who is the owner of copyright with reference to the statue whether who will be able to enforce his right in respect of that table lamp. So, we that table lamp is a separate creation. So, table lamp aesthetic beauty has been enhanced because of the male and female dancing figure he is representing in that article. Understood that, Ok and table lamp having major utility, because it is useful article and the statue piece is not useful article, statue definitely giving some sorts of some sorts of aesthetic looks about the statue, but it is not piece useful article. So, this is the situation. So, that cooperate owner is not really able to enforce his right, will somebody convert his cooperated work in the form of an article like table lamp or just like Qutub Minar is converted into pain or Tajmahal is converted into a table lamp or some paper weight.

So, definitely this, by virtue of that we are somehow enhancing the value of those article and the person is incorporating those features, in those article and by virtue of that they are enhancing the aesthetic value of those article. Now, situation arise as a corporate owner is really not able to enforce his right in those kinds of creations and another part those type of creation has also having some value, because corporate sometime corporate doctor in suggested it is not applicable for useful article. So, the situation is coming up, what situation is coming up, that may consider a creation to enhance the value creation to enhance the value of article and corporate owner is not able to enforce his right copyright owner is not really, I can force the really enforced his right.

So, rights another situation may come. That if you consider the aesthetic value of that article and their aesthetic value, aesthetic look of an article is also very short time. And you another part in copyright period copyright protection is longer, copyright is protected for life last say 60 years in respect to aesthetic. So, these sorts of points the creation to enhance the value of an article really able to enforce his right, short time of protection corporate period is longer. So, all those kinds of situation need to creation or formulation of another form of IP, that is call industrial design. And the right provided is industrial design copyright.

So, now why separate copyright is required for industrial design you understood. One is enforcement another is to for further creation and another is copyright period protection is longer, another is that copyright say is not applicable for utilitarian object article having the utility just like table lamp and others. So, all those things promote or to create within the copyright part to create corporate part, another form of copyright on industrial design copyright, why industrial design copyright you understood. Need of industrial design whatever I pointed out here the need of industrial design. So, understood that why industrial design is required to some to give some source of incentive to those people who are adding some value to the article and article. So, that if article is by means of some aesthetic look.

And if I try to protect those by corporate law and corporate owners may be really not able to enforce his right and also corporate doctor is suggested is not applicable for utility and object or article having some purpose. So, that is the cause for industrial design. And you understand that industrial design and if I want to compare with reference to the patent you do not require much amount, much investment and so and life of the industrial design is also shorter, compare to the live of the patent. So, you understood this is can be also last when we discussed about the utility model. This similarly it can be also useful business tool for SMES, just like say if I remember, let say somebody have come up with the televisions and the functionality of the television, all sorts of things he invested a huge amount of money. He patented the technology all sorts of thing. Now you are thinking about that television will come in the form of a tangible object television. So, how can you be involved in the value chains of that article, you can really be involve the value chain of the article by giving an as a beautiful shape and configuration of the televisions by virtue of that customers will be attracted to procure that article.

Just like say sometime times magazine suggested, if two article or two objects having the same functionality, then the article who is having higher aesthetic value will be having advantage compare to the article having lower aesthetic value. So, they are lies the honestly the balance will be on the side of the industrial design. So, industrial design, it gives some aesthetic look for an article having the same functionality just like I told table lamp or toys in or card. So, then people will be attracted having the article having the

higher aesthetic value. So, there lies the importance of industrial design. So, we just like say how you are as an engineer and technologist, you may consider that I do not require do not have to this is the jobs of say, let us not, let say others people just like say designer.

So, although designer lays a other course or courses fashion designer and other kinds of an elements, but not like that, just like you know that for design battle between apple verses some song the design battle across the jurisdiction. So, they were simply fighting with reference to the design patents of a task screen in different jurisdiction. So, understood the value of the design patents based on those cases also. So, although much intellectual involvement and not much chemistry physics involve, but also you can be a good entrepreneurs with little investment with, if you open your eyes with new idea and incorporate that, incorporate new look on an article. So, that way you cannot deny the importance of industrial design for specifically the engineers and technologist. Although no technology, no engineering involved, but you cannot deny the importance of it. So, now, say why it is important. I am shown that let us say this by car must being and this textiles, different clash of article having the different aesthetic look and people attack and that article for their aesthetic looks.

Now, let us come on integrities of the industrial design. Just likes a if you read design protection obtain for any new or original shape configuration surface ornamentation color combination applied industrially to an article. And there by the finished article would be appealing to eye. Got the thing? Just like say the bike shaped and configuration. It shape and configuration by virtue of that the eye appealing character of the bike increases then that will be the industrially design features of the bike. Not the functional features of the bike, but the aesthetic look of the bike by virtue of shape configuration or ornamentation. That will come within the purview of industrial design.

The functional features already we protected by virtue of invention that is by virtue of patent in other jurisdiction may be by innovation patents or utility model protection now, the shape configuration of this bike. See that shape configuration of this bike will be the intellectual poverty that is industrial design. Now similarly the car, but this spring see that, spring the shape configuration parse is giving some sorts of functional features. So,

the functional features will not come within the purview of industrial design. So, in respect of spring you may consider the surface ornamentation part, but the shape and configuration of the spring does not providing your eye appealing feature, but it is providing the functional features. So, it will not come within the purview of industrial design.

But if I consider ornamentation part, ornamentation part parse is not providing any functionality that ornamentation or surface ornamentation by means of some by means of some, say contours or some that is also giving some aesthetic look then that may come within the purview of industrial design. Not the shape and configuration. Similarly let say these are all 3 dimensional element object, but in a textile it is 2 dimensional in that textile you know that use business, that aesthetic look is more the attractive features for an textile, just like say people perfumed and purchase textiles produced art another part for the aesthetic looks, see the aesthetic looks of this textiles items.

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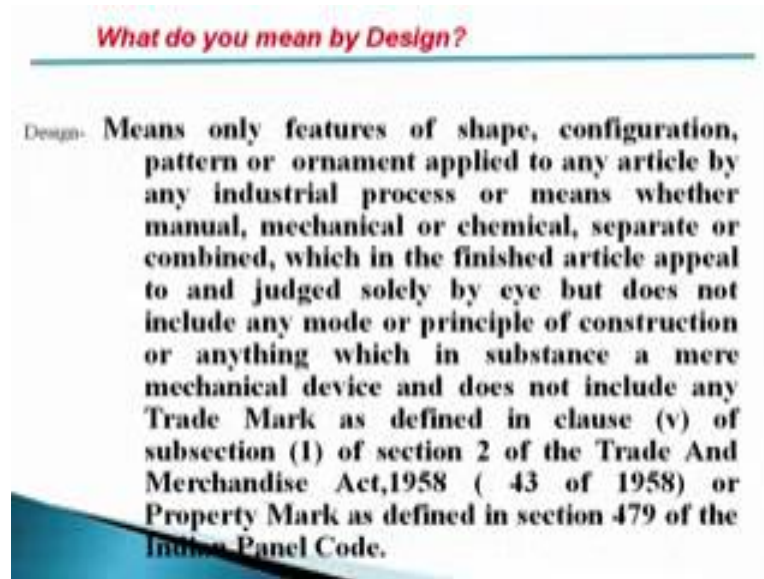
These are the different elements that will come within the purview industrial designs. So, you got little bit idea about that industrial design. Now, I already referred the protection mechanism for industrial design. So, just likes in India registered design right, may be by copyright also that is different part I will discussed just like some design, if is if you not

producing 50 times and more then till copyright may be subsist the act suggested, some design if you implemented in an article. An article you are not producing more than 50 times and then copyright will subsist. There lies the issues between intermingle between the industrial design copyright and copyright. In copyright just like that part more legal compare to technical.

Then UK, it is protected by registered design right. Unregistered because they are also unregistered design rights exist. US, they call it is design patent design patents. So, the period of protection in India or registered design rights is 10 plus 5. It is yearly initially for 10 years. It may be extended for another 5 years, so this 10 plus 5 years. So, exclusive right with reference to design in the form of a copyright will be available for 10 years. And that can be extended for another 5 years. US also they protect by some, they told it is design patent by virtue of that, they do not enlarge the scope of protection they also protect by virtue of design patent the same features whatever will protect by this of registered design right. Means shape configuration ornamentation or surface patent of an article what the thing. So, registered design rights in India. How long? 10 plus 5 15 years, UK. So, comparative part also we are getting an idea in other jurisdiction also that is like an Australia, Canada also India; Australia facility industrial design rights.

Why protection? Why not copyright? What is the protection mechanism available? And how long the protection mechanism is been has been provided in specifically to India and also US also it is (Refer Time: 18:59) and for (Refer Time: 19:00) design like definitely there is no specific period of protections we (Refer Time: 19:05) write this one. So, that what the within the purview of UK; with India, we do not have any unregistered design rights. So, protection of design by virtue of registered design rights.

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Now, let us go in depth little bit all legal part of industrial designs. So, now, just like. So, when I discussed about that patent and invention. The definition of invention; we have discussed legal with the context of legal context because better to learn what is the definition; the law has been means the statue have been provided has been provided. So, similarly here say design, they have considering the means only features of shape configuration, pattern, ornament, applied to an article by an industrial process or means just like say shape configuration that bike, shape configuration pattern, patterns means like surface pattern, ornamentation means also that surface, ornamentation applied to an article is the on that by an industrial process.

Definitely that one those shape and configuration they were applying to that bike definitely, they are producing those things in an industry. Industry, industries process or means whether manual mechanical or chemical separate or combined the industrial process part may be done by manual just like cottage industries just like say (Refer Time: 20:42) industries manually mechanical or understand, the mechanical by using mechanical means, chemical means surface ornamentation can be applied on an article bike chemical means ,separate means you can apply all those tools for industrial process separately just like a color, you know that car industry.

Surface ornamentation mechanical part, they are doing one unit then lead down surface ornamentation part. May be they are providing or color combination or they are providing in another unit. So, by they are using may be chemicals process. So, ultimately the surface ornament shape and configuration part is a design feature, that is combined by means of mechanical and chemical means understood that. So, just like say as an engineer why not your role is to be denied it by as a mechanical means, what type of mechanical means will you adopt to give a unit shapes although that unit shapes then they are you may have thought about that just like Nano car you know that. So, chemical separate or combined, which is in the finished article appeal to and judged only by eye that finished article, you should not consider other elements just like technical features or functional features, but those article fully judged by eye, those features judged by eye, while eye appealing features will come within the purview of industrial design.

So, but say limit that include, but appeal, but does not include any mode or principle of construction, just like consider sometime I give the example, just like heaters on the principle of construction suggested, you should make it like this way spring principle of construction suggested you will do that, that on the like this way, see here you understood they are always not in bold and in others say bolting device is one a device you have to used. So, (Refer Time: 22:43) the mode of principle of construction. So, those are those features are not design features understood. Just like in this chair wherever I am sitting you see the lots of joints are available lots of fastening devices are available. Those by virtue that by the construction features of the chairs suggested that you have to adopt those kinds of means. So, those are not the designed features, and does not include a trade mark later on we discussed about that the trade mark, just likes a just like a logo, we are consider over a putting a logo on that chair you are telling that the logo is providing some sorts of aesthetic look to that article. That logo part will not come within the purview of industrial design.

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So, logo of the, that logo incorporates on that article to for purchasing. So, people have to make procurement decision. So, that part will not come within the purview of industrial design that will come under another form of IP that is called trade mark. Now, you understood now able to distinguish what do you mean by industrial design specifically now another parameter you should remember here. So, I told when you discussed that (Refer Time: 23:52) part. Always told that design should be apply to an article, that articles have some purpose, that jurisdiction suggested that article means article could have some purpose, although in Indian context you will not apply, the article definition Indian context.

We apply means an article of manufactures and any substance artificial or partly artificial and partly natural and includes any part of an article capable of being made and sold separately this part you should remember the article which can be made and sold separately, that can be manufactures, by manufacture or may artificial or partly artificial partly natural, just like say raw sometime I give you the example raw, by waste of sand erosion or based on natural erosion that beautiful article in the form of paper weight, have been coming up whether I that can be consider as an article definitely paper weight is an article, but the pattern ornamentation of that paper weight have been developed by

partly natural means that sand erosion and later on you may use some manual (Refer Time: 25:00) to incorporate that features further.

So, that way that and that way that it should be made and sold separately. So, that way if I consider this chair is an article, but if I consider the house is not an article, but house if I convert into the paper weight, let say, some nice way let say if I consider yours let say your college building. Your college building, you are converting in the form of an article. That article is a paper weight or table lamp. Then this can be sold in the form of made and sold purview table lamp, not in the form of that house.

So, house cannot be made and sold separately, means transferable. One person cannot say that I am transferring my school building to you. Physically, may be means of transfer by means of instruments of law by sell did or assignment did not physically. So, like an Obama when he is visiting India, you will not come with that white house to India. Understood? White house will always remain in US. So, understood that, but white house (Refer Time: 26:14) at evil lamp or white house (Refer Time: 26:16) paper white understood no problem, nobody can deny to get an industrial design rights over all those kinds of elements now.

So, these are the one part of industrial design and it is integrates. Let us summarized the points we discussed, that we discussed about why industrial design? What is the importance of industrial design? If I ask you what is the importance of industrial design in present (Refer Time: 26:51) context specifically for a small entrepreneur or SMEs, yeah definitely it is really important then if I asked why separate say (Refer Time: 27:06) of body forms for industrial design, you have answer regarding that also, know what is design purse I think you have answer on that also.

And how you can also be, you can also be value added in the value chain of an article, even be an Indian be an engineer and technologist that part also you understood. Just like say given the example of car, given the example of even the spring, that may manufacture in a mechanical ways, but you provide a surface ornamentation on that spring by virtue of that is aesthetic value increases, that lead to the value addition of that articles call spring and you will be the value adders with reference to that spring, and

definitely will get some return on investment by virtue of industrial design rights or it is industrial design copyrights, means the right for the industrial design, call industrial design copyrights means you can only produce the article with that shape and configuration, but if anyone want to say, copy that shape and configuration that is providing the aesthetic features to that article is be consider is impleading your right.

So, nice way if you can give a beautiful shape of a car and that by virtue of that aesthetic value of that car have been increasing, then you can go to the car company and really assign or license your industrial design right to the car company. Similarly, you consider the textile industries and you know that, in fashion design industries specifically what is the value of that different types of fashion design components.

So, that way, that industrial design part also is also an important intellectual property rights property rights. So, just like say, we are not going in details of the statue, but we are just giving an overview of the different forms of IP, within that also we are touching few elements of the law and, but we try to interpret the law more (Refer Time: 29:40) way to understood a technical or engineering students. So, now, I think, I have able to give you the idea on basics of industrial design. So, I am ending the class here, but subsequently will discuss about others important parameters of industrial design.