

Intellectual Property
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Lecture - 04
Meaning of Intellectual in IPR

(Refer Slide Time: 00:14)

Meaning of 'intellectual' in IPR

- 'Intellectual' refers to 'products that come out of our intellect'
- Intellect is our ability to think and understand ideas
- An idea is a product of careful thinking



Now, let us take the intellectual part of intellectual property rights. When we mean intellectual, we referred to things that are coming out of our intellect. For instance, products that come out of our intellect. By being intellectual, we referred to our ability to think and understand things, sometimes these things are complicated.

So, it is it is the ability to think and understand ideas sometimes which some of those ideas could be complicated ideas. So, an idea is something that comes out of a mental effort. We could also say that an idea is product of a careful thinking.

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Meaning of 'intellectual' in IPR

- Inventions are products of creative human labour.
- Intellectual effort cannot be perceived by others.
- Intellectual effort is special to the inventor and cannot be attributed to machines.



Now, all these things creativeness, that is inherent in human beings, creativity that comes out of an intellectual effort, and idea that comes from constant thinking or careful thinking; these things is what we referred to as intellectual in the context of intellectual property rights.

Intellectual property rights are descriptive of the character of the things that it protects. For instance, when we say patterns protect inventions. The intellectual property rights that is patterns, they protect the intellectual property that is invention. We refer to the invention as something that comes out of creative human labour. And invention it could be as serendipitous invention, but nevertheless be attributed as a product of the intellect.

Now, if we need to understand intellectual property how it can manifest. We could have the example of a carpenter creating a chair. Now if you get just imagine a carpenter who is creating a chair out of the wood, he soft the wood, cuts them into pieces, then he alliance them, he could do the and he could construct an entire chair without even having any drawing, with him without even putting pen on paper, or even without even making others feel that there is some kind of an intellectual effort that is coming out of him.

What a person gets to see when a carpenter is actually making a chair, is the fact that he is involved in human labor, what we call physical labor. The mental labor is not discernable though it is there. But at the end of the product, when the product gets done, you will be able to see a beautiful crafted chair, where you may not be able to discern the

mental effort that went in, but you were while you were watching him, you were able to ascertain the physical effort that he as put in. Intellectual covers that mental element, it would also covers skills that come out of that mental labor. It is sometimes hard to seggrate the physical and mental element, because when when when there is a particular move or a skill that comes out of the carpenters hand; there is a combination of certain physical skills and mental skills.

So, it is very hard for us to cut and say the physical part is different from the mental part, but for us to understand this concept better, though we saw the carpenter exercising physical effort and physical labor, we were not able to see the process that went in in conceiving the chair and in putting the chair together, which went in his mind. Similarly, when we see an author writing a book, what we see him do is putting the pen on paper, and you seem laboriously doing that days and days together till is book is done. This site that we see could be the same for all authors regardless of who it is. It could be an author of a text book, it be an author of an letter being sent to someone else, it could be author of a masterpiece.

But the mental effort differs from all these is different and it differs, and the quality that comes out while also differ. So, intellectual by intellectual we mean or we are looking at the mental effort or the creative effort, which could be a combination of physical and mental skills. We are looking at that part which is special to human beings, if you need to put it that way.

So, whenever we talk about the property that comes out and intellectual effort, it is this straight that we are talking about. For instance, we do not say an artist or a tailor uses colourful threads to create an embroidered piece of cloth. The same could be done today by a sewing machine. We do not say the work of the sewing machine as something intellectual property. Because the intellectual property went in much before in the creation of the sewing machines, which was capable of doing this intricate designs on cloth using colorful thread.

Whereas the tailor who did it, or the person who actually embroidered a piece of design on a cloth, we would say that that involved an intellectual effort. So, we distinguish intellectual as something that comes from human being, and not something that comes

from machines. We also distinguish intellectual as something that is special to human beings and not to other beings.