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**ASSIGN
BUSTER**

In the case of industrial designs the property consists in the exclusive right to apply the design registered under the Designs Act, 1911(presently replaced by Act 2000), in relation to the class of goods for which it is registered for a maximum period of fifteen years subject to payment of renewal fees prescribed by the rules.

This right can also be licensed for use by third parties or assigned to any person. On expiry of the tem of registration anybody can use the design. In the case of trademarks, there are two types of rights:- one ; conferred by registration under the Trade and Merchandise marks Act, I 1958 (now Trade Marks Act, 1999) and the other acquired in relation to a trade mark, trade name or get-up by actual use in relation to some product or service. The rights conferred by registrations are confined to the use of the mark in ration to the actual goods or services for which its registered. The exclusive rights granted by the registration enables the proprietor of the registered mark to prevent others from not only using the mark as registered but also marks which are deceptively similar to the registered mark as to be likely to deceive or cause confusion among the customers of the goods or services covered by registration. In the case of unregistered trademark the right to protection of the good will continues indefinitely provided the owner of the goodwill uses the mark lawfully and prevents other persons infringing those rights by appropriate timely action in courts of law against the infringers. Copyright like patents and industrial design is purely a creation of the statute, the Copyright Act, 1957 as amended from time to time. The Copyright (Amendment) Act, 1999 has affected certain changes in the law.

The works specified in the Act are – an original literary, dramatic, musical and artistic work; a cinematograph film and a sound recording. Literary works include computer programmes, tables and compilations including computer databases. The licensing and assignment of the copyright in any work is governed by the provisions of the Act. As regards copyright, by virtue of international conventions such as the Berne to other countries which are members of these conventions. India is a member of both the conventions. Although the relevant statute defines the rights conferred on a particular species of intellectual property as the exclusive right to use the patent, apply the design, use the trademarks or commercially exploit the work in certain forms (as in copyright), in practice what the statute confers is the right to prevent competitors from commercially exploiting the respective rights to the detriment of the owner of that property.