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Original Article

INTELLECTUAL PROPERTY PROTECTION AND RIGHTS: HISTORICAL AND CURRENT PROSPECTIVE

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ABSTRACT

The country's rank in the international market can be assessed by the technology it has, how many Intellectual property rights (IPR) it own or other intellectual things. The IPR have been defined as ideas, inventions, and creative expressions based on which there is a public compliance to bequeath the status of property. They provide certain rights that benefit the owner and provide social benefit to them too. Each company establishes its own research and development department so that they could get some patent of new or novel things and this provide the economic edge over the others. The World Trade Organization's agreement on trade related aspects of Intellectual Property Rights is also providing the protection to the world on global scale. This review elaborately explains the origin and protection of individual IPR, in detail.

Keywords: Patent act, Trade secret, Trademark, Copyright.

INTRODUCTION

With the spread of information technology and new researches being carried out at different levels, the intellectual property protection and the special rights associated with them had now gained special attention[1]. In last few decades with the advancement of globalization the cross border transactions had increased. The many single national countries companies have now become Multinational Companies (MNC's). But the rights associated with them intellectually are being country specific. Intellectual property rights (IPRs) are specific for the owners and provide the rights to owners such that no one other than person having consent from the owner can use it or defines conditions under which it can be used. IPR is characterized by risk in innovation, competition globally, high investment of both money and time and most important human resources needed for the introduction in market. Due to increase in global trade there has occurred shortening of barriers in the marketing of one product in other country. But the real benefit is to the consumers who are getting the multiple choices for the use of same products. With the advent of trade in goods and services, the IPR has become the most common target of infringement. But the developers are taking care that at least cost of product development could be recovered from the market.

Difference between intellectual property protection (IPP) and intellectual property rights

Intellectual property (IP) refers to any original creation of the human intellect such as artistic, literary, technical, or scientific creation. Intellectual rights (from the French "*droits intellectuels*") Intellectual property rights (IPR) refers to the legal rights given to the inventor or creator to protect his invention or creation for a certain period of time. To enjoy the IPR there are certain protection tools designed such as patent, copyright, trademark, industrials rights design etc. Such protection is known as Intellectual Property Protection (IPP). The IPR are the legal rights granted by the government or governing council which allows the owner of the intellectual property to completely take benefit of the work commercially for a certain period of time. But the owner has to disclose all the information related to the work in lieu [2,3].

Characteristics of IPR [4]

These IPR are generally territorial means generally valid to the small region or country, but copyright is an exception. The copyright is default applicable to the all countries member of Berne convention. These rights provide the sole rights to the owners such that no else could use them commercially without asking or having the consent of the owner. But these laws must be renewed after certain period of time except the copyright and Geographical indications which are not liable to get renew. These rights are just sold, traded and bought as same the general property business. But not like the property, they could be held or owned in different countries at a same time e.g. You can own a patent in other countries as you own in your home country to the other countries through Patent Cooperation Treaty (PCT). But for owing a IPR, your work must be original and novel also. The contributory work which is obvious or already known to the public cannot be given IPR. However, the modifications of the existing products could be granted for the patent.

Patents [2]

The term patent is short form of Anglo-Norman lettre patente, meaning an open letter. The patent is the document which contains all the information related to the invention and generally describes the conditions how to use a patent legally or how it can be commercially exploited[6]. The patent is generally granted by the government office with in a country or the regional office of the same. The patents give the owner 'Monopolies'. But having the patent does not mean that you can sell or buy the patent. Without the consent of the inventor you can't use it commercially. The owner of the invention has sole right to check whether others are not copying him and to prevent the piracy of his work. This right is known as a right to exclude others from making, using or selling the invention. He can file a legal case in the court regarding this encroachment. The patentee is itself his own 'Policeman'. As this is not the duty of court or law to keep looking at the people who are violating the patent law, it is a duty of patentee to have the eye on the guilty party [3,4].

History of patent

The scheme of having a patent takes us back to the Aristotle era around 1474. But the first real patent was issued by Elizabeth I under the system known as Statute of Monopolies of 1624 [5]. The Statute of Monopolies was passed from the English Parliament as the constitutional patent law. This law was passed mainly for the skilled individuals who were master in their own art. It was originally intended to make the England economically stronger and to raise more money [6].

In 1641, the first patent in North America was given to Samuel Winslow by the Massachusetts General Court. He discovered new process for making salt [7].

In the year of late 1700s there was conflict on the rule of patent system. There were two inventors of steamboat with a similar

design [8,9]. They were John Fitch and James Rumsey. There was battle in the court and in the end John Fitch was granted patent for a steamboat on August 26, 1791.

On April10, 1790 the US government passed the Patent Law in the senate. It certified that the patent would only be granted to the following categories such as "any useful art, manufacture, engine, machine, or device, or any improvement therein not before known or used." In this law the term for patent was defined as for fourteen years only. The three cabinet ministers the Secretary of State (Thomas Jefferson), the Secretary of War (Henry Knox), and the Attorney General (Edmund Randolph), was having right to grant a patent [10,11].

In the year 1793, it was realized that it was burden work for the three men to examine the patents so a new rule was passed making it clear that – no examination of an application was performed before a patent was issued [12]. But the term and conditions remained similar as previous. But the term saying usefulness of the invention was removed as during the invention steps it was not possible to examine whether the invention is useful or not. If it is useful how it will be useful. Now it was up to court to determine whether the given invention was novel or not.

In the year 1836 [13], the new changes were made. In it the applicant not only describes his or her invention, but includes claim language to determine the scope of the patent. This law again brought back the system of examination of applications before a patent was granted. However it was said that the given invention must not be in the market for sale or any type of civil use. It required that the invention not be on sale or in public use at the time of the application. After the end of fourteen years this term could be increased to further seven years term. But in the year 1861 this was further modified to have the general term of patent to seventeen years.

The Paris convention was signed in the year 1883. It was established for the protection of Industrial property. After a diplomatic conference in Paris in 1880, the Convention was signed in 1883 by 11 countries: Belgium, Brazil, France, Guatemala, Italy, the Netherlands, Portugal, El Salvador, Serbia, Spain and Switzerland. Guatemala, El Salvador and Serbia denounced and reapplied the convention via accession. The Treaty was revised at Brussels, Belgium, on 14 December 1900, at Washington, United States, on 2 June 1911, at The Hague, Netherlands, on 6 November 1925, at London, United Kingdom, on 2 June 1934, at Lisbon, Portugal, on 31 October 1958, and at Stockholm, Sweden, on 14 July 1967, and was amended on 28 September 1979 [14,15].

In the year 1890, the Sherman Antitrust Act was passed. This law prevents the some business activities which were assumed to be anticompetitive and require the government to investigate. It basically aims to have the prohibition on the monopoly and give the consumers the varieties to make choices. But this law created the difficult situation for the workers. And the industries tied with each other to form single alliance and historically major fashion of having cartel started in this phase.

The drawbacks of the Sherman antitrust law were covered in the Clayton Antitrust Act of 1914 [16]. In this law both substantive and procedural modifications were made in the Sherman antitrust law. In reality, this aimed to confine the anticompetitive practices by beginning the prohibition of particular types of conduct.

Further the Robinson–Patman Act of 1936 [17, 18] ruling out some rules of Clayton antitrust law. This rule removed the anticompetitive practices and more important the price discrimination. Now the chain stores were allowed to have buying of goods at lower prices than the retailers.

In the year 1930, in US the new plant patent act [19] was passed in which the legislation was made to make patent of new varieties of plants, excluding sexual and tuber-propagated plants.

In the year 1952, the US patent law was enacted to do the real changes in the previous patents acts [20, 21]. It basically incorporated the requirement for invention and the judicial doctrine of contributory infringement. It was basically having three parts:

Part I — Patent and Trademark Office

Part II — Patentability of Invention and Grant of Patents

Part III — Patents and Protection of Patent Rights

In the year 1970, the new amendment was made and the fourth part was added as the Patent Cooperation Treaty (PCT). It aimed at providing a unified system of application for the inventions to get them patent in the member states. A single application is made to the Receiving office (RO) in a state language of application office. The search is then performed for the invention on international scale by an International Searching Authority (ISA). Further the preliminary examination of the invention is executed by an International Preliminary Examining Authority (IPEA). Further was found good on the grounds of patent terms and conditions a patent is granted.

In the year 1980, the Bayh–Dole Act or Patent and Trademark Law Amendments Act was passed by United States enacted a law related with intellectual property appearing from federal government-funded research [22-26]. This act aimed at ownership awards. In case funding agency is government then there is transfer of exclusive rights from the government to non-profits, including universities, and small businesses may elect to retain title to innovations developed.

In the year 2001, the first patent was published which is a board game designed by Falko Goettsch & James Ernest, and published by Cheapass Games.

In the year 2011, the Leahy–Smith America Invents Act (AIA) was signed by President Barack Obama and was passed by the congress. The previous system of "first-to-invent" was discarded and the newer "first inventor-to-file" system was adopted. Now this law also broadly defined the term prior art used in determining the patentability.

Characteristics of the patent [2]

The thing to get patent must had industrial applicability, something new must be there because which is already known to the public cannot be said to be novel and it must include some non-obvious thing in it. It means that cannot be done by normal person without the applicability of science.

There is list given in the TRIPS Agreement that defines the items or terms that cannot be patented which includes:

the things which are already existed in the nature;
the theories of science and the mathematical formulas and models;
the plants and animals and other biological processes for the production of plants and animals;
the methods of doing business and the way of performing an act or dancing;
methods for used in the treatment of humans and animals.

The patent must not be only possible on the papers only means it can also be applied on the practical scale such as on industrial scale. If the invention or patent is to be used as the product it must be possible to make it or if the patent is to be given to certain process it must be possible to perform such process practically means the product or process must be practically feasible.

Novelty is the modern French word 'nouveauté' meaning originality by virtue of being new and surprising. The invention must have some novelty in it.

Disadvantages

The process of getting a patent is so much time consuming. All the previous history of patent must be searched out so that no previous like or alike patents exist. Even if once the patent is granted it can be challenged even then or revoked on further jurisdiction. It is the responsibility of the patent holder to check whether any infringement is taking place or not. The patent office does not have any responsibility for the prevention of infringement. However the patent holder could report to the patent office that could summon the person for hearing and can charge him for the infringement.

Copyright [27]

The term copyright is defined as the IPR granted by the authority for any "literary and artistic works". It grants the creator of an original work exclusive rights to its use and distribution, but valid for a limited time, so that the creator could get some compensation for their work economically. Another main aim of the copyright protection is the protection of creativity. Because the creativity is not as such found in the nature, it is the result of deep research and time usage to develop a novel thing. The protection provided by copyright to the efforts of writers, artists, designers, dramatists, musicians, architects and producers of sound recordings, cinematograph films and computer software, creates an atmosphere tending to bring out more and more creativity from their brains.

History

The Statute of Anne was passed in the year 1710 by the Parliament of British,. According to this act the copyright would be controlled by the government and court which were then regulated by the private parties [28]. The Engravers Copyright Act was passed by the Britain congress in the year 1734-35. According to this act the engravings which were having the original design were covered under this act and it made the clear distinction between the artists and the draft. The Copyright Act of 1790 was the first central copyright act to be passed by the United States. It was mainly passed to encourage the learning and this was done by giving the authors the "sole right and liberty of printing, reprinting, publishing and vending" the copies of their "maps, charts, and books" for a term of 14 years, plus they can renew it for another 14 years if the owner of the work is still alive [29,30].

The Berne convention is an international agreement related to the copyright, which was first accepted in Berne, Switzerland, in 1886. The Berne convention stated that apart from the cinematographic and photographic shall be covered under the copyright act for the period of 50 years at least. In case of photography the minimum period would be around the 25 years from the time the photograph was taken [31]. The International Copyright Act of 1891 was the first US act passed by the government for the copyright protection. It is commonly called as the "Chace Act" after Sen. Jonathan Chace of Rhode Island. It offered the copyright protection to citizens which were from different countries but were residing in the US [32].

The important landmark in the legislation of US was the passing of Copyright Act of 1909 [33,34]. It became Public Law number 60-349 on March 4, 1909. The Act was repealed and superseded by the Copyright Act of 1976, but it remains effective for copyrighted works created before the Copyright Act of 1976 went into effect in January 1, 1978 [35]. It allowed for works to be copyrighted for a period of 28 years from the date of publication. Like the Copyright Act of 1790 before it, the copyrighted work could be renewed once for a second term of equal value. In the year 1911, the copyright act came into existence. It was passed by the Parliament of the United Kingdom [36]. It was the amendment in the previous acts of copyright such as Berne Convention. There was provision such that a need for registration at the Stationers hall was abolished. The copyright act of 1909 was amended in the year 1976. This act signifies the rights of the copyright owners and a new term of "fair use". In case of new copyrights adopted a unitary term based on the date of the author's death rather than the prior scheme of fixed initial and renewal terms. It became Public Law number 94-553.

The Copyright, Designs and Patents Act of 1988 was an act passed by the Parliament of the United Kingdom [37]. It changed completely the legislative basis of copyright law which had, until then, been governed by the Copyright Act 1956. The Digital Millennium Copyright Act (DMCA) of 1998 is a United States copyright law that gears two 1996 treaties of the World Intellectual Property Organization (WIPO) [38, 39]. It criminalizes production and dissemination of technology, devices, or services intended to circumvent measures that control access to copyrighted works. It also criminalizes the act of circumventing an access control, whether or not there is actual infringement of copyright itself.

What are included in the copyright protection? [2]

The matter to be covered in the copyright included any literary, scientific and artistic realm. For a form of work to have the copyright must be original. The protection given to the work does not depend on the quality, means whether your work is high quality or lower quality but you can still enjoy the copyright if your work is original. The work must have the original idea and labour of the person it must come out from the brain of a person who owns it. The nations provide the copyright act to the:

literary works	novels, short stories, poems, dramatic works and any other writings
musical works	songs, choruses, operas, musicals, operettas
artistic works	two-dimensional, three-dimensional, irrespective of content and destination
maps and technical drawings; photographic works	portraits, landscapes, current events
motion pictures	whether silent or with a soundtrack

Limitations of copyright:[2]

This law is governed for the certain time period only. It provides the protection only till the author or the owner exist. However now there is provision such that even after certain period of time after the death of owner. This provision was basically done so that the successor of author could also get some benefit. The counties which are part of the Berne convention the duration for the copyright is the life time of the owner and not less than the fifty years after the death of owner. The copyright act is basically demographic based. The person having the protection for its work in the one country will have to seek for the law of other country if he wants to have copyright protection in other country also. So there are some treaties are there, if the countries are the members of the treaties then there is so much ease in getting the copyright. There is a provision called fair use. In fair use the original work of a person may be reproduced in any form without the consent of the author, but that use must be for personal work only.

Trademark [40]

A trademark is a characteristic sign that recognizes certain goods or services as those produced or offered by a particular person or enterprise. It may be one or a combination of words, letters and numerals. They may also consist of drawings, symbols, three dimensional signs such as shape and packaging of goods, or colours used as a distinguishing feature.

History

The beginning of trademark era could be accounted from the date back to the exchange of goods. The markings on the various artifacts such as their names, symbols, signatures were the established trademark symbols of Stone Age era. Among those who specialize in researching the cultural heritage of marks, the studies surrounding "potters marks" are famous. Near to the 10th century "the merchant marks" system aroused. These symbols were like the propriety marks to show the ownership of the person on the artifacts [41]. As the time passed near to the Middle Ages the symbols were made on the object to show the people to which quality it belongs or to show that it is made from the good quality. These marks were known as the production marks. In 1803, at France the "Factory, Manufacture and Workplace Act" came into existence. In it there was provision that if a person tries to pass of the seal of other person he would be treated as criminal and provisions were there for punishments also [42]. Other acts like the Criminal Acts of 1810 and 1824 made it subject to punishment by law that it is crime to use or abuse the name of other either directly or indirectly for own benefit. In the year 1832, "The Merchandise Marks Act" was passed which deal with the provisions regarding misleading signs. In the year 1870, the US government passed a new act the Federal Trade Mark Act which was later in the year 1879 was marked to be un- constitutional due to discrepancies found in the act.

In 1875, "Trade Mark Registration Act" was passed. The act passed in the year 1905 was later amended in the year 1919 and 1937 and another act was passed in the year 1938. In the act of 1938 it was made a new rule of permitting registration based on intent-to-use and an examination system was established for which public system was further established. It also included the newer system such as "associated trademarks," system.

In the year 1881, Trademark law was enacted which aimed at the trademarks used in the interstate business. However, as the time passed it was too found to have certain faults which were later on amended in the year 1905. In the year 1946, the act named as the Lanham Act was enacted [43]. It was named after the congressman person who laid his full life for the creations with the America traditions.

The Trademark Counterfeiting Act of 1984 was enacted to define the judicial punishment to the infringement of the Lanham Act. According to the act there was provision for the penalties of up to five years imprisonment and/or a $250,000 fine for selling the illegal goods.

The service marks were begun to be used in the year 1986 in England. In the year 1995, the meeting of various nations held including England, the U.S., Germany, France and Japan which are now known as G5 (Group of 5). In the meeting it was decided that they now be using the service marks registration system. The Anticybersquatting Consumer Protection Act (ACPA) as enacted in the year 1999, by the American Senate [44,45]. In this act there was provision that the strong action could be taken against the registering, trafficking in, or using a domain name confusingly similar to, or dilutive of, a trademark or personal name.

Service marks [46]

In the modern world the people have to deal with various goods of various kinds as a result there is increase in the number of services provided and used by them. Therefore it is necessary to use symbols which would be representing the services. These types of symbols are known as service marks while the trademarks are for the goods which the service offers.

Collective Marks [47]

The association or the group of people who itself does not uses the collective mark but the constituent members of the group may use collective marks. Example the persons working in the hotel may use some type of collective marks to indicate the people working in the group. In addition those people may also own the trademarks.

Certification Marks [47]

The certification marks defines some standards which are defined by the organizations controlled by the government. There is difference between the collective marks and the certification marks. The collective marks can only be used by the persons working in the company while the certification marks can be used by the enterprises who ever comply with the standards laid by the organizations.

Drawback of trademark system [2]

Registering the trademark in the country does not enable you to the related internet domains means still it is possible that the other people may infringe your trademark by getting register the nearly same or identical. This type of registration is really a matter of concern as that could affect the business of the company by large extent.

Trade secret [48, 49]

Trade secret is may be a certain formula, pattern, an instrument or anything else that is always kept confidential. And due to this secrecy you can have some rivalry edge over the others.

The non- disclosure agreement is signed by the company with its employees so that the confidential data could be prevented from leaking further. Due to non- disclosure agreement they have got the monopoly over the others. The further advantage it has got is that it does not expire. It remains as a trade secret as it is kept a secret. Every industry set up its R & D unit. A lot of money is being invested in it. After a decade or so a molecule is able to get pass through it. Now there is two ways to protect it. If you think your new molecule is having some novelty something new then you can go for patent, otherwise it can be kept as a trade secret [50, 51].

History

In the era of Roman law the trade secrets were protected by a assert known as “actio servi corrupti”, construed as an “action for making a slave worse” (or an action for corrupting a servant) [52].

In the 19th century in England the concept of trade secret came into existence. It was the legal fight between Newbery v James [53].

In the year 1939, the American law institute issued the summary known as Restatement of Torts which contained information related to the trade secrets laws.

In the year 1974, the US Supreme Court delivered a jurisdiction in case of Kewanee Oil Co. v. Bicron Corp. which proved to be landmark decision of all time. In the decision it was said that now the states can have their own trade secret laws.

In 1979, the several US states agreed to take up the Uniform Trade Secrets Act (UTSA), which was later in the year 1985 was amended with many more states adopting it [54, 55].

Another act in the year 1996, called as the Economic Espionage Act was passed. This act basically defines the theft of trade secret a federal crime. There were two provisions, in the provision, 18 U.S.C. § 1831(a) it was said that it is a crime to theft a trade secret for the benefit of the foreign powers. The second provision 18 U.S.C. § 1832, said that it is a crime to theft the trade secret for the economic use [56].

Trade secrets protection

Trade secrets are never be disclosed to the general public. It is the prime responsibility of the owner that to keep his secret a secret and he had the prime responsibility to take the action against the slipping out of secret from the files. For it a commonly known agreement called as non disclosure agreement is signed by the person working in the firm for not to disclose the general information related to process being followed during the preparation of product,, machinery employed or the ingredients used [57].

Patent v/s Trade secret [58,59]

The nature of protection sought on the invention depends on the nature of the product. It may be that your invention may not qualify for the terms of trade secret or patent so you have to choose other way to protect it. In case of patent granted for certain invention it may happen that the patent granted may be lost in around seventeen years life time which may not get proper value during these so much years. But if your invention qualifies for the trade secret then you may get the protection over it for the whole life till it is made out to the general public by you or someone else. The information like your list of costumers, your further plans for business or any other data does not get qualify for the patent so you can have trade secret on it rather. But there is provision that you may coalesce patent and trademark both in a single system. For example you can have your product as a patent but at a same time you can the process, ingredient and system involved as a trade secret [60, 61]. Once the trade secret is known to the general public it cannot be reverted whether it is made public by legal or illegal ways. However, independent development and reverse engineering are now being permitted. Once your product is in market you cannot prevent the analysing agencies from analysing it or perform reverse engineering.

When the trade secret is out the owner of trade secret can impeach someone who makes out your trade secret illegally but no action could be taken against other who works it out legally.

Steps to be taken for the protection of trade secrets

Confidentiality agreements signing,

By signing of non- disclosure agreements with the vendors,

Restricted access to the records having manufacturing and other details related to the product,

Limited access by visitor,

The disposal of documents must be done with proper care,

Such products are made so that the reverse engineering could not be done easily.

Geographical indication [62]

In the last decades, the topic of geographical indications had been highlighted most. It is the intellectual chattel not only protects the local products but also acts as the tool for the development of pastoral vicinity and preserve the artistic legacy. It is also said to be "sleeping beauty of the intellectual property world" [63]. It had been a hot topic because many of the developing and under developed countries are aiming their products in the market by associating them with the origin source.

The term geographical indication (GI) can be defined as the any mark or sign used on the goods obtained directly or indirectly from some source and is found to have some properties of its origin place. It represents that the given products had got some of its intrinsic property had some patrimonial worth that is not found somewhere else. They are generally the symbols, icons or geographical names.

History

The first act passed for the protection of GI was passed in the 19th century. It was codified in the statute by law which included the penalties against who falsely indicated the origin of goods or who had given false claims regarding the producers.

In the year 1905, the first Fraud regulation was passed. In this act there was provision that product does not require any labelling regarding the origin. If it has got the labelling regarding its original place then it must be original and truly represent its country of origin.

The appellation d'origine contrôlée (AOC) act used in France of the year 1908 could be seen as the first GI system used [64]. In it the system was there that the items were defined in the GI. The items covered in the GI could be sold with some government mark or stamp on them which will act as the official certification of the product to the consumer. This law not only answered back to the question arising for the stop of deceit wine but it also assured the producers for their products.

In the year 1922, at Europe a new system was developed by the government. They transmit a set of rules to the general public regarding the GI. According to the new rules they will inspect the system where product is being prepared so that they can assure the consumer regarding the quality of the product. But the real plan was not simpler as it seems to be. There were two kinds of protection involved such as [65]:

1. Protected Geographical indication (PGI): this category is to be harmonized in all the agriculture products or foods which are derived from a certain region or a country and is believed to possess the particular quality of the product which is famous from the particular area.

2. Protected Designation of Origin (PDO): it involves the status of the products which are a bit different. It is applicable to the products which originate from the particular region and is found to possess the qualities which are basically due to particular physical environment.

Another scheme was there also side by side for the products which are derived by different methods but contains the same materials originated from the particular region and the way of producing them may be same or different.

Industrial designs [66]

An industrial design is the visual or patterned facet of an item. The motif may consist of three-dimensional features such as the profile and arrangement of an article, or two-dimensional features, such as imitate and ornamentation. It may be applied to any item by the use of any industrial process or by using other means such that in the end the object must appear new to the eye. An industrial design right is the form of intellectual property right that covers the designing of the object that occurs visually and that is not always useful. The design may consist of the any configuration or composition of different colours or patterns or mixture of both of them but is found to give some pleasance to the human eye.

History [67, 68]

The Design act of 1787 of United Kingdom was extended to the Hague Agreement defining the covering of a unified system for the deposit of Industrial Designs. According to the agreement the WIPO-treaty is applicable here. Through this treaty we can file for the registration of Industrial designs by single file application by filling it in regional office in a country. Thus the design could now be protected in the number of countries now which had signed the treaty.

What is not covered in industrial design

The designs must be novel and individual.

The designs which are dictated by the technical function exclusively.

The designs related to the official emblems or symbols either directly or indirectly.

Some countries has got the astringent conditions for the registration, like they does not registers the handicrafts because they cannot make replica of them on industrial level.

Enforcement of rights when industrial design is being infringed

In case someone finds that his rights are being getting infringed so the holder may send a warning letter to the infringer which may call him to cease his practices and may inform him for the possible conflict arising.

If still the infringer does not cease his practices then holder may take legal action against him and sue him in the court.

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