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SRINIX COLLEGE OF ENGINEERING, BALASORE
LECTURE NOTE
INTELLECTUAL PROPERTY RIGHTS (IIPR)
MODULE-II - LAW OF COPYRIGHTS. By - MANUJ KU. BEHERA
CHAPTER-01 - FUNDAMENTALS OF COPYRIGHT LAW

Copyright is an automatic right which is applicable to a wide and diverse range of creative works in a material form, giving the authors/creators of original works the right to control the use of their materials for a fixed period of time. All these works, which are protected by Copyright Law are as follows:

1. Literary Works - Books, Journals, News Papers, Articles, letters, Poetry, Computer programmes.
2. Artistic Works - Photos, Paintings, Sculptures, Buildings, Maps, etc.
3. Musical Works - Any original composition recorded in a permanent format.
4. Dramatic Works
5. Sound Recordings
6. Films and Broadcasts

Copyright is a legal means of protecting an author's works by providing certain exclusive rights to the author. The basics or the fundamental principles on which the Copyright law rests are as follows:

- I. Automatic Application of Copyright Law.
- II. Automatic Protection Without Copyright Notice or Registration.
- III. Validity of Copyright Protection.

IV. Copyright Registration

- V. Owner's Rights Under Copyright Law.
- VI. Transferring Copyright
- VII Works in Public Domain.

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I. AUTOMATIC APPLICATION OF COPYRIGHT LAW!

Copyright Law is applicable to nearly all creative and intellectual works like Literary Works, Artistic Works, Musical Works, Dramatic Works, Sound Recordings, Films and Broadcastings etc.

II. AUTOMATIC PROTECTION WITHOUT COPYRIGHT NOTICE OR REGISTRATION —

Works are protected under Copyright Law, if they are "Original Works of Authorship" that are "fixed in any tangible medium of expression". In simple terms, once original work is created and fixed on a Paper, Clay or 2nd Computer drives, the work receives instant automatic copyright protection. The law does not require placing a copyright notice and registering the same with Copyright Office.

III. VALIDITY OF COPYRIGHT PROTECTION:

The basic term of protection for works created is for the entire life of the author plus Seventy years.

In case of "works made for hire", the copyright lasts after 95 years of publication or 120 years from the creation of the work, whichever is earlier.

IV. COPYRIGHT REGISTRATION:

In order to defend a copyright legally, owner/author must register it with U.S Copyright Office / Authorised Copyright office. Statutory damages and attorney fees can only be awarded in the case of registered copyright violation. Registration must be completed within 3 months of the first publication.

V. OWNER'S RIGHTS UNDER COPYRIGHT LAW: (3)

The Copyright Act 1976 (Section-106) grants five rights to a copyright owner, which are as follows:

1. The Right to Reproduce the Copyrighted Works
2. The Right to Distribute/^{sell} Copies of the Work to the Public.
3. The Right to Perform/^{Display} the Copyrighted Work to the Public or in a public setting or environment.
4. The Right to Adapt or make Changes to the original.

VII. TRANSFERRING COPYRIGHT: Ownership may be sold or transferred at any time during the life of Copyright, using varieties of methods either through sale or assignment in the following four ways:

- a) Assignment or Sale transfer of some or all of the Copyright ownership, usually happens when the author sells the Copyright to the publishing company for a contract and monetary compensation in order to publish the book.
- b) Transfer of death reassigned ownership when an owner dies with a valid will with named beneficiary. If no will or law of succession will be applicable.
- c) Mortgage temporarily transfers the interest in the Copyright to another as security for a loan or debt.
- d) Involuntary transfer usually occurs by Court order during a divorce, bankruptcy or foreclosure.

VIII. WORKS IN PUBLIC DOMAIN: Some works lack copyright protection and they are freely available for use without the limits and conditions of Copyright Law.

for certain conditions, the moment copyright expires,⁽⁴⁾ the works also enter the public domain.

These are the some of the fundamental characteristics of Copyright law throughout the world including USA and India. These above mentioned fundamentals are the eyeopener for Copyright Law in general.

BALASORE.

MODULE-II - LAW OF COPYRIGHTS

CHAPTER-II - ORIGINALITY OF MATERIAL

Originality of material is the basic yardstick used by the copyright regime throughout the world to evaluate the availability of copyright protection to a particular work.

This doctrine of "originality" refers to author's own intellectual creation, may be artists, writers and thinkers.

This "originality" doctrine is the vital aspect of created or invented works, as being new or novel and thus can be very easily distinguishable from reproduction, clones, forgeries or derivative works.

In law, originality has become an important legal concept so far as Copyright is concerned and creativity and invention have direct bearings or manifestations toward any works to be copyrightable under Law.

In USA, Copyright Law and laws of many other states of America, protect only original works. — A work must pass a threshold of originality in order to be copyrighted.
— In term of 17 U.S.C 102 of US Copyright Law.

"Originality", under Indian Copyright Law, Sec 13(1)(a) of the Indian Copyright Act, 1957, mentions originality as requirement for copyright protection to literary, dramatic, musical, artistic works. There are different doctrines adopted in different jurisdictions of law throughout the world.

UK's "Sweat of the Brow" doctrine regarding Originality -
According to this doctrine, an author gains rights through simple diligence during the creation of a work. The "Sweat of the Brow" doctrine rests entirely on the skill and labour of the labour, towards the requirement of "creativity".

USA's Modicum of Creativity Doctrine:
This doctrine stipulates that originality subsists in a work where sufficient amount of intellectual creativity and judgement are involved in the creation of the work.

Doctrine of "Sweat of the brow" and "Modicum of Creativity" in India —

India adopted both the versions of originality with a merger.

Various doctrines show that there is no single unified approach throughout the world regarding the concept of originality in Copyright.

INTELLECTUAL PROPERTY RIGHTS(IPR)

MODULE-II - LAW OF COPYRIGHTS

CHAPTER-I - RIGHT OF REPRODUCTION

LECTURE NOTE

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Right of Reproduction in Copyright, is perhaps the most important right granted by Copyright Act. Under this right, no one other than the copyright owner may make any reproductions or copies of the work. Examples of unauthorised acts, which are prohibited under this right include photocopying a book, copying a computer software programme, using cartoon character on a T-shirt and encroaching incorporating a portion of another's song into a new song etc.

Copyright infringement can occur even when someone does not make a complete copy of the work. The copy need only be substantial and material.

The reproduction right is one of the exclusive rights granted to the owner of a Copyright by the Copyright Law Act. The general rule of the Copyright Law states that only the copyright owner can control the reproduction commonly occurs in the form of manuscripts, preserving musical work or manufacturing motion pictures etc.

- Reproduction publishing books records from a DVD's from Under this has the exclusive right to reproduce the copyrighted works or to authorise its reproductions. However, there are some important exceptions to this rule.

The exceptions in Copyright Law of reproduction are as follows:

I. 'Fair Use' Reproduction: This allows someone to make an authorized copy of the work, if it is for the purpose of education, commentary, criticism, parody or other similar reasons. Always keep in mind that the copy is limited to the extent what is necessary for the goal of "fair use" only.

II. Reproduction for Blind or Other People with Disabilities Exception: It is not a copyright infringement for an authorised entity to reproduce copies or phonorecords of a previously published nondramatic literary work if such copies are reproduced in specialized formats exclusively for use by blind or other persons with disabilities

III. Reproduction by Libraries and Archives Exception: It is not an infringement of copyright for a library or archives, or any of its employees acting within the scope of their employment to reproduce no more than one copy or phonorecord of a work,

INTELLECTUAL PROPERTY RIGHTS(IPR)

MODULE-II - LAW OF COPY RIGHTS

CHAPTER-I. RIGHT TO PERFORM THE WORK PUBLICLY

The right to perform the work publicly is one of the six exclusive rights granted to copyright holders.

The public performance right allows the copyright holder to control the public performance of certain copyrighted works. The scope of the public performance right is limited to the following types of works:

- i. Literary Works
- ii. Musical Works
- iii. Dramatic Works
- iv. Choreographic Works
- v. Pantomimes
- vi. Motion Pictures
- vii. Audio Visual Works.

This right prohibits illegal persons from performing a copyrighted work before the masses to earn profit. As an exclusive right, anyone wishing to perform a copyrighted work publicly must first obtain permission from the copyright owners.

Under the Public Performance Right, a copyright holder owner is allowed to control when the work is performed publicly.

A performance is considered "public", when the work is performed: (1) in a place open to the public, or (2) at a place where substantial number of persons outside of a normal cycle of family and its social acquaintances are gathered. In simple terms, if somebody plays music for family members or close friends will be private performance not public performance.

A performance also considered 'public', if any copyrighted work is transmitted to multiple locations through various radio stations and television shows.

As a general rule, live or recorded performances that can reach more than a few people, will be public performances.

The traditional right to public performance applies to musical works only, but not to sound recordings.

The right to public performance does have its limitations:

1. Charitable, non-profit making and educational groups may publicly perform copyrighted works without permission, if it's for a reason recognized by law.
2. Certain businesses may also play copyrighted music without permission for their customers if they play by the rules.

A performance is considered "public", when the work is performed: (1) in a place open to the public, or (2) at a place where substantial number of persons outside of a normal cycle of family and its social acquaintances are gathered. In simple terms, if somebody plays music for family members or close friends will be private performance or not public performance.

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COPYRIGHT OWNERSHIP ISSUES

Determination of Copyright ownership is the most crucial aspect of Copyright Law. The general rule is that the creator of the work is the owner of all copyright interests in the work. Copyright ownership in an original work of authorship, provides six exclusive rights to the holder of copyrights:

1. The Right to Reproduce and Make Copies of an original work.
 2. The Right to Prepare derivative works based on the original works
 3. The Right to Distribute Copies to the Public by Sale or another form of Transfer, such as Rental or Lending.
 4. The Right to Publicly Perform the Work.
 5. The Right to Publicly Display the Work
 6. The Right to Perform Sound Recordings Publicly through Digital Audio Transmission
- The categories of Original works of authorship include:

- I. Literature
- II. Computer Programmes
- III. Dramatic Scripts
- IV. Choreographed or Perfomred Works
- V. Motion Pictures
- VI. Video Art
- VII. Graphics
- VIII. Sculptures
- IX. Architectural Plans.

Each of these categories are clearly mentioned in the Copyright Act. When any of these Rights are violated / infringed with regard to an original work of authorship, the holder of the Copyrights may bring a Copyright Lawsuit to enforce those rights.

However, any of these Six rights or some aspect of them can be transferred. There are two Methods of Transfer:

1. Licensing
2. Assignment

and two modes of transfer:

1. Exclusive Transfer: Exclusive Transfer requires to be by Writing and signatures of both the Copyright Owner and Authorised Agent.
2. Non Exclusive Transfer: Here transfer of Right does not require any written format.

BASIS OF COPYRIGHT OWNERSHIP:

1. The author owns the rights associated with an original work of authorship. The "author" is usually the Person who creates the Copyrightable items/categories in a tangible medium.

2. Some original works of authorship are for "Works for Hire" - Employer / Commissioning Entity enters into Contract with the Creator and the Employer is paid for his works.

But the employer takes the financial risks involved and is the initial owner of the Copyright, enjoying all the six exclusive rights provided by Copyright Law.

3. In some case, two or more authors, come together to create a joint work or a collective work and here the authors of joint works are co-owners of the copyright, unless there is an express/written assignment of copyright or contract.

Let us come to a general conclusion that the ownership of copyright issues rest on the following aspects.

1. Author is the copyright owner: As a general rule, the initial owner/first owner of the copyright is the person/author who does the creative work.

2. Employer may be copyright owner: If some one created the work as an employee, acting/performing on behalf of the employer within the limits of employment, the work may be a "work made for hire". Here the copyright owner will be the employer.

3. Copyright can be transferred: The copyright owner can transfer the copyright to another person through signed and written documents.

4. Copyright owners may allow public uses:

A copyright owner may grant rights to the public to use protected work, may be through a simple statement to use or through a Creative Commons License. In order to make the creative work an "open access" or "open source", it is the choice of the owner only.

COPYRIGHT REGISTRATION

In terms of Berne Convention (1886), which most of the Countries signed as Member, authors / creators of original works are automatically protected under Copyright Law, if they are Original works of authorship that are "fixed in any tangible medium of expression, without serving any Copyright Notice.

But in the event of any infringement or plagiarism, the Copyright holder owner has to file Copyright law suit or Infringement suit in the Court of Law. In order to get legal claim in the form of Statutory Damages and (ii) Attorney Fees, registration of Copyright is essential as in many countries including USA.

Objective Of Copyright Registration:

1. Registration is a procedure for creating record of the Copyright with Copyright office ~~USA & India~~.
2. Registering Copyright can allow the owner of the Copyright to sue / make legal claims or compensation in the Court of Law for Copyright violation or infringement.
3. Upon a Copyright registration, the Copyright office as in USA & ~~India~~ will send the Certificate, confirming registration.

COPYRIGHT REGISTRATION IN USA: In the United States, the United States Copyright Office accepts registration for Copyrights. In order to file infringement suit for copyright violations, in the US Court of Law to claim statutory damages and or attorney fees, for the works created in the US by US Citizens, it is required for a Copyright registration within three months of publication or prior to infringement.

Requirements for Copyright Registration Application:

In order to submit Copyright Application at the US Copyright Office, there are three essential requirements:

1. A Completed Copyright Application Form -
 - i) Online Application Form
 - ii) Mail Paper Application Form

Online Applications have lower filing fees and faster processing time than Paper Application
2. A filing Fees for Online Forms or Paper Forms
3. Copies of the Works to be registered.

Registering Copyright Online:

One can register a copyright online by logging into the Copyright Office's Online Registration System - i) Submission of filled up Application Form and ii) Submitting payment and iii) Submission of copy of the work electronically.

Types Of Copyrights That Can be Registered Online:

1. Copyrights for Literary Works
2. Visual arts works
3. Performing arts works
4. Sound Recordings
5. Motion Pictures

Registering a Copyright by Mail:

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The Copyright Office has different set of forms for literary works, visual art works, performing art works, Sound recording.

One must submit by mail:

- i. A Completed form in any category
- ii. Package of Payment either through Cheque or Money Order
- iii. A copy of the work.

Responses After Registration:

E-mail Confirmation is followed by Copyright Online Registration, but no confirmation if done registration is done through mail.

- But there are three responses after online / Mail Registration of Copyrights.
1. In case of any queries, copyright owner will receive e-mail / letter / phone call from the Copyright office.
 2. In case the Copyright Application is rejected, Copyright holder will receive letter with proper explanations of rejections.
 3. If the Copyright is accepted and registered the Copyright owner will receive Certificate of Registration in the mail.

This Copyright Registration Process in US
Starting from sending Registration Application
to receiving of Certificate of Registration,
generally takes 3 Months to 9 Months time.

Copyright Registration in India:

In India, the Copyright registration is governed by the Indian Copyright Act, 1957.

Essential Requirements:

1. 3 Copies of the work, if the work is published.
2. If the work is not published, then 2 Copies of Manuscripts.
3. If the Registration Application is filed by an Attorney, then Power of Attorney signed by the Attorney & the Party required.
4. NOC (No Objection Certificate) from the Publisher (if Publisher & applicant are different)
5. NOC (No Objection Certificate) from the Author of the work (if Applicant and Author are different)

Procedure for Registering Copyright:-

Step I: File an Application.

The Author himself or authorised agent can file application physically in the Copyright Office through Speed post/ Regd. Post or e-filing onto official website with fees in the respective category.

Step 2: Examination:

Examination of the Copyright takes place within 30 days in two categories - i) No objections are raised.

ii) Objections

Step 3: Registration:

Registration is the final step. Here, the Registrar may ask for queries/ documents. If the Registrar is satisfied, finally enter the details of Copyright into the Register of Copyrights and issue Certificate of Registration.

The process of registration of Copyrights ends when the applicant is issued the Extracts of the Register of Copyrights (ROC). This Copyright process of registration generally takes 10 to 12 months.

NOTICE OF COPYRIGHTS

In order to secure copyright protection for the works, under Copyright Law, every Copyright holder must satisfy the following conditions.

1. Works must be original
2. Works must be fixed in a tangible form
3. It must fall within certain category of works like - Literary Works, Sound Recordings, dramatic Works etc.
4. It also had to have a Notice of Copyright.

The use of Copyright notice is the responsibility of the Copyright owner and does not require permission from or registration with the Copyright Office.

In US Copyright Law, Copyright notice is a notice of statutory prescribed form that informs users of the underlying claim to Copyright ownership in a published work. Copyright notice is always beneficial for the Copyright holder, serving the following purposes:

1. It notifies the public that the work has got Copyright protection.
2. It identifies the Copyright owner.
3. It also provides the year the work was first published.

In United States, after adherence to the Berne Convention in March 1989, Copyright notice is no longer a requirement and it is optional only, not mandatory. But use of Copyright notice was mandatory for all published works before 1st March, 1989.

Otherwise the copyright owners may have lost copyright protection without serving copyright notice. There are certain foreign works that were still protected even if they did not serve copyright notice due to the Uruguay Round Agreements Act (URAA).

ELEMENTS OF COPYRIGHT NOTICE:

A Copyright notice generally has three elements.

1. The first element is the copyright symbol ©

or the word "Copyright" or its abbreviation (Copr)

2. The second element is the year of first publication of the work and if unpublished, the phrase "Unpublished Works" and the year it was created.

3. The final element is the name of the copyright owner in the work

Example: © 2019 Sushant Singh (Published)

Unpublished Work © 2020 Amitabh Bachchan.

The copyright symbol is only used for "visually perceptible and literary works. For audio recordings, a 'P' in a circle is used because it is a phonorecord and not a copy."

Symbols are used to protect the underlying dramatic, literary or musical work that is recorded.

Whether the work has the "C" or "P" in a circle, the notice of copyright, if it is required, must be served in a proper manner giving all the required details, showing that copyright protection.

INTERNATIONAL COPYRIGHT LAW

The first thing to remember that there is no such thing as an "international Copyright" that will protect an author's works throughout the world with a single registration. Copyright law is "territorial" and national in scope. Regardless of where the author lives or where the work was first published, the availability of copyright law protection depends on the National Law of the country in which the author seeks protection.

The basic requirement of Copyright Protection in all the countries including ~~including~~ USA as in Copyright Act, 1976 and in India by Indian Copyright Act, 1957, lies in "Original Works of Authorship" that are "fixed" in any tangible medium of expression. In simple terms Copyright exists upon "Putting pen to paper" and creating an original work.

Protection against unauthorised use or Plagiarism in a particular country depends on the national Law of that country. International Copyright Law does not exist. Each country has its own domestic Copyright Laws that apply to its own citizens and also to the use of foreign content when used in one's country. While no creative work is automatically protected worldwide, there are international treaties which provide protections automatically.

for all creative works as soon as they are^③ fixed in a medium. There are two primary international copyright agreements in this regard:

1. Universal Copyright Convention (UCC)
2. Berne Convention for the Protection of Literary and Artistic Works.

The UCC (Universal Copyright Convention) was adopted in Geneva, Switzerland in 1952 and was developed by the United Nations Educational, Scientific and Cultural Organization (UNESCO) as an alternative to the Berne Convention, for those countries that disagreed with aspects of Berne Convention.

The Berne Convention for the Protection of Literary and Artistic Works, known as the Berne Convention, is the leading international copyright treaty, was first signed in Berne, Switzerland on 9th September, 1886. It is administered by WIPO, having currently 179 member countries.

In the light of Berne Convention and UCC, works of an author who is a national or domiciliary of a country that is a member of these treaties or works first published in a member country or published within thirty days of first publication in a Berne Convention country, may claim copyright protection.

FOUNDATION OF PATENT LAW

A Patent Law is a government granted right for a fixed time period to exclude others from making, selling, using and importing an invention, product, process or design or improvement on such items.

In USA, a patent is a protection/grant from the Federal Govt, allowing an inventor to exclude others from producing, using, selling or importing the inventors discovery or invention for a limited period of time, generally 20 years from the filing date of Patent Application.

Section 101 of the US Patent Act states regarding general requirement of a Patent Protection as follows:

"Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a Patent, subject to the conditions and requirements of this title."

- On the whole, the basic foundation of Patent Act (Law) rests on four pillars:
1. The Invention Must be Statutory | Subject Matter Eligibility
 2. The Invention Must be New | Novelty (Newness) Requirement
 3. The Invention Must be Useful | Useful Requirement
 4. The Invention Must be Non-Obvious | Non-Obviousness Requirements.

(1) SUBJECT MATTER ELIGIBILITY: This is one of the prime requirement or foundation for granting Patentability in USA. United States has one of the broadest standards for what constitutes Patentable subject matter in the entire world.

(2) NOVELTY (NEWNESS) REQUIREMENTS: The invention must be considered to be new or novel, so that it can be Patentable. This novelty requirement states that an invention cannot be patented if certain public disclosures relating to the invention, have been made.

(3) USEFUL REQUIREMENTS: The Patent Law specifies that the subject matter must be "useful". This means that the invention must have a useful purpose.

(4) NONOBVIOUSNESS REQUIREMENTS: If an invention is not exactly the same as prior products/processes, then it is considered novel. Nonobviousness or Change/improvement is "obvious", is one of the difficult task of determination in Patent Law. This determination is done by deciding whether the invention sought to be patented clearly reveals or shows the person having ordinary or average skill, to which the claimed invention pertains.

Nonobviousness, refers to ordinary skill or average skill, not expert's skill.

PATENT SEARCHING PROCESS

A Patent Search is a process of identifying issued and published Patents Applications (collectively referred as Patent Documents) for inventions that might be considered relevant and important "prior art" (Patent) references when applying for a Patent.

The basic objective of Patent Search process is as follows:

Generally a Patent Search is an examination performed/conducted by an inventor or attorney with the following objectives:

1. Determine the invention is new/novel.
2. Determine the invention is useful.
3. Determine the invention is nonobvious.
4. Determine the validity of already issued patents.
5. Identify which aspect of 'prior art' (Patent) is patented, so that own patent can be improved.

PATENT SEARCHING METHODS: The patent searching strategy will vary depending on the objectives. In today's world, the web and internet are playing great roles. It has brought revolution in every aspect of human endeavour. Various Methods are adopted in the Patent Searching.

1. Patent Search of the U.S. Patent Office ~~Online~~ in Person:
An inventor or attorney can search physically in person at the library of USPTO in Arlington, Virginia etc. USPTO maintains library in major cities of USA for Patent Search.

2. Patent Search of the US Patent Office Online:

One can very easily search Patent applications online by accessing uspto.gov/patft

3. Patent Search through Google:

One can also have patent searching at a number of free sites including google.com/patents.

4. Hiring of Professional Patent Searcher:

The inventor also can hire any licensed, professional Patent Searcher, engaged by USPTO to do the job of Patent searching.

But hiring of patent searching through ~~through~~ is very expensive.

In whatever methods may be adopted for Patent searching, but the basic motto of the search relates to one's own invention whether it is already patented or not. Through Patent search, the inventor can see similar inventions with further scope of improvement of own invention without infringing someone else's patent.

OWNERSHIP RIGHTS AND TRANSFER OF PATENTS

Ownership of a Patent is important, because the owner/holder of the Patent enjoys all the rights, title and interest granted by the Patent. Normally Patent rights are held by the inventors until these rights are assigned/transferred.

In United States, Patent rights are governed by both State Common Law and Federal Law. In India, Patent rights are governed by Indian Patent Act, 1970, where only Civil Suits can be initiated in the Court of Law for violation or infringement.

A Patent is considered as transferable property that can be transferred from Original Patentee to any other persons by —

1. Assignment

2. Licenses

3. By operation of Law.

A Patent can be licensed or assigned only by the owner of the Patent. In case of Joint Owners or Co-Owners, a co-owner can assign or license the Patent upon consent of the other owner(s).

(i) Assignment: Assignment is an act, by which the Patentee assigns whole or part of his Patent right to the assignee, who acquires the right to prevent others from making, using, exercising or vending the invention. There are three kinds of assignment.

1. Legal Assignment (ii) Equitable Assignment
3. Mortgage.

(1) Legal Assignment: A Patent which is created by legal deed, can only be assigned. A legal assignee is entitled as the owner/proprietor of the Patent, acquires all rights thereof.

(2) Equitable Assignment: If the ~~legal~~ Patentee (holder of the Patent) agrees to give certain defined share of the Patent to another person through Agreement Letter, is an equitable assignment. In case of equitable assignment, the assignee or the Owner of the Patent cannot have his name entered in the Register, as the Proprietor of the Patent.

(3) Mortgages: A mortgage is an agreement in which the Patent Rights are wholly or partly transferred to the assignee in return of a sum of money.

(2) Licenses: The Patent Act, 1970 allows a patentee to grant a license by way of Agreement (Sec-70 of Indian Patent Act, 1970). A Patentee by way of granting a license may permit a licensee to make use or exercise the invention. It's an agreement / contract signed by the licensor and the licensee.

(3) Transmission of Patent by Operation of Law:

Transfer or Transmission of Patent by operation of Law (Court Order) occurs in the following forms.

- i. When a Patent holder dies, his interest and rights in the Patent are passed to the legal heirs or legal representatives.
- ii. In case of dissolution or winding up of a company.
- iii. In case of bankruptcy.