

A Basic IPR Lexicon

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Adaptation/ Derivative work:

A work based upon one or more pre-existing works, such as a translation, musical arrangement, dramatisation, etc, in which a work may be recast, transformed, or adapted. A work consisting of editorial revisions, annotations, elaborations, or other modifications, which, as a whole, represent an original work of authorship, is a derivative work.

Appellations of origin:

An appellation of origin is a sign used on products to indicate its specific quality that is entirely due to the geographical environment in which it is produced.

Artistic work:

Under copyright law, paintings, drawings, sculptures, products of artistic craftsmanship, architectural works of art, and engravings are regarded as artistic works.

Assignee:

The assignee is the person who receives the right or property being given or transferred.

Assignment:

To give or transfer a right.

Benefit sharing:

Fair and equitable sharing of the benefits arising out of the utilisation of genetic resources, including by appropriate access to genetic resources and by appropriate transfer of relevant technologies, taking into account all rights over those resources and technologies, and by appropriate funding.

Broadcast:

Communication to the public by any means of wireless diffusion, whether in any one or more of the forms of signs, sounds or visual images or by wire, including a re-broadcast.

Compulsory license:

License granted by a government to a third party to use a patent or a copyrighted work.

Copyright:

Copyright is a legal protection that covers published and unpublished literary, dramatic, musical and artistic works, whatever the form of expression, provided such works are fixed in a tangible or material form – ie, expressed in a tangible or material form. Copyright laws grant the creator the exclusive right to reproduce, prepare derivative works, distribute, perform and display the work publicly.

Doctrine of equivalent:

This doctrine can be used by a party who fails to prove the literal infringement claim by proving that the differences between the claimed invention and the accused device are insubstantial. It prevents an accused infringer from avoiding liability for infringement by changing only minor or insubstantial details of a claimed invention while retaining the invention's essential identity.

Doctrine of fair use:

Fair use is a principle in copyright law which allows people to freely use segments or parts of copyrighted materials for purposes of commentary and criticism.

Doctrine of first sale or doctrine of exhaustion:

The doctrine of first sale allows the purchaser of a legally acquired copy of a protected work to transfer it without the permission of the right holder – in other words, the rights of a copyright holder on that particular copy ends once the copy is sold.

Fixation:

The ideas must be fixed in some tangible medium of expression.

Geographical indications:

A geographical indication is a sign used on goods that have a specific geographical origin and possess qualities or a reputation that are due to that place of origin.

Grant of patent:

When a complete specification in pursuance of an application for a patent has been accepted the patent shall be granted to the applicant.

License:

A special permission to do something on, or with, somebody else's property (copyright/patent) which, were it not for the license, could be legally prevented or give rise to legal action in tort or trespass.

Moral right:

The right of the author to be credited as the author of a particular work and also the right to object to derogatory treatment of that work.

Non-obviousness:

A patent is granted only if it is not obvious to the person skilled in the art. It is considered obvious if a person could have easily created the invention from what was already publicly known.

Novelty:

A patented invention has to be new in the sense of forming no part of the state of the art – ie, it should not have been published or be otherwise available in the public domain, whether in written or oral form.

Originality:

To obtain copyright, the work must be an independent creation ie, it should not have been copied.

Parallel import:

Parallel imports occur when the actual goods that have been bought are then resold in a jurisdiction other than that where the original product was sold.

Passing off:

Passing off occurs when there is a prospect of confusion of identity through the unauthorised use of similar marks or get-up, and such use damages, or is likely to damage, the goodwill and reputation of a business.

Patent Infringement:

Any unauthorised making, using, offering for sale or selling of any patented invention

Patent Specification:

It is the part of the patent application that provides a detailed description of the invention, its working as well as the claim/s describing the scope of the invention.

Patent:

A patent is granted by the government to an inventor for his invention, giving the inventor the right for a limited period to stop others from making, using or selling the invention without the permission of the inventor.

Prior art:

The pre-existence of knowledge in the public domain, whether in written or oral form.

Publication:

Making a work available to the public by issue of copies or by communicating the work to the public.

Trade secrets:

Any information, creation of a product or a process that provides its possessor with an advantage over the competition and which must therefore be kept secret if it is to be of special value.

Trademark:

A trademark is any sign which can distinguish the goods and services of one trader from those of another. It can be in the form of words, logos, pictures, or a combination of these.

Traditional knowledge:

Knowledge possessed by indigenous people, in one or more societies and in one or more forms, including, but not limited to, art, dance and music, medicines and folk remedies, folk culture, biodiversity, knowledge and protection of plant varieties, handicrafts, designs, literature.