

QnA with Praveer Gupta, Founder 'Ripple IP Services': Basics of Intellectual Property Rights & its relevance in Business

Q: Is a Patent more stringent than a copyright?

Patents and copyright prevent two fundamentally different things. Patent on one hand protects invention or something which is new, whereas copyright protect an expression of an idea, Patent can itself prevent an idea which is new, but suppose an idea is mentioned in a book then copyright prevents making copy of that book. So these are totally two different things.

Q: I am building a new kind of User interface for a web application. It can be re-created by competitors or other companies once it's out in the market. Can I go for a design patent?

With patents, as soon as you make something public, you lose the right to patent it. So the patent has to be obtained before any Intellectual Property is made public

Q: When you register a logo for trademark, does it take care of the name of the company also?

No, the company name is registered with registrar of companies, whereas logos or trademarks are registered at Registrar of trademarks. Once you register your company's name then no one else can take that name.

Q: How is the cost of damages calculated?

Various factors are involved in calculating damages like, reasonable revenue losses and any justifiable losses that can be shown in court are taken into consideration. But there is no formula as such for calculating the damage.

Q: So, can e-commerce ideas patentable? If it's catering to a niche segment, can i prevent others from targeting the same niche!

E-commerce ideas are not patentable in India, in U.S. they are. In India Patent Law excludes business methods categorically. But there are ways to file such businesses in India

Q: What is the ballpark cost of filing for a patent in the US? Approximately

There are two costs involved typically while filing the patent. One is the government fees or patent office fees and second is the attorney's fees or consultant fees. In India patent filing for individuals is Rs 1000 and copyright is Rs 4000. In U.S. for a small entity it is \$550, and for big entity it is \$1100. In U.S. attorneys charge something \$7000-\$10000 for drafting one application. In India attorney fees varies from Rs30000 to Rs3lakhs. Prosecution charge is extra.

Q: What is the expiration date of Trademarks, Patents and Copyrights?

Patents have an expiry time of 20 years; trademarks have no expiration time, whereas copyrights have an expiry of 60 years from the death of the creator.

Q: Can a patent be filed without an Attorney?

In India and U.S. you can file a patent without an attorney regardless of your nationality, where as Europe and China doesn't allow foreign nationals to file patents without an attorney, but engaging someone who knows about patents is suggested to deal with the intricacies of patents.