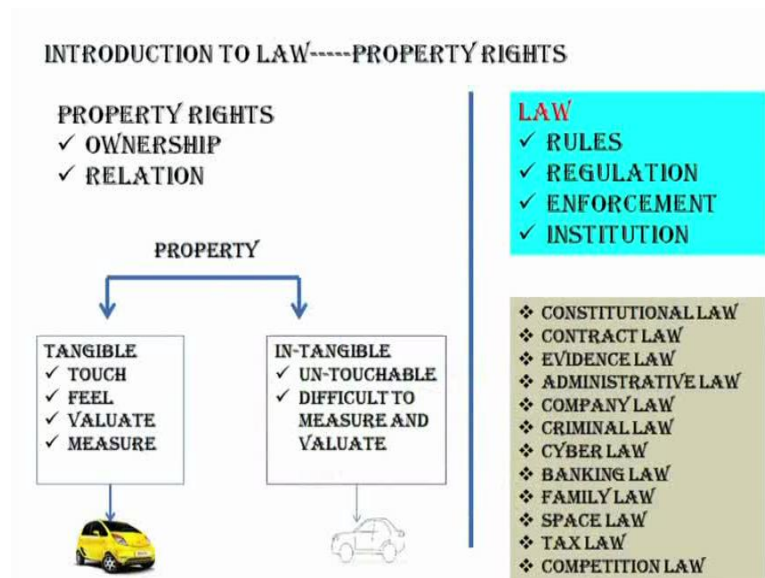


**Introduction on Intellectual Property to Engineers and Technologists**  
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**Lecture - 02**  
**Introduction of Law**

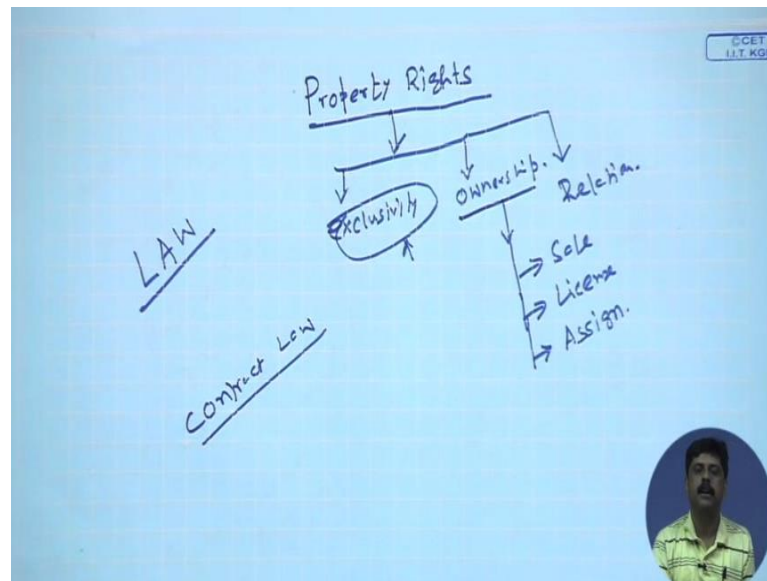
Good morning everybody. Now, I will already give you an overview on and basics about the intellectual property rights.

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And there you came across a term a called property rights, and ultimately I told you that intellectual property rights.

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So, now definitely I told you in the class number 1, that intellectual property is inform, having the by nature is, having information goods and public goods, but we are trying to get benefit out of that, for that reason we are providing or establishing some sorts of property rights over those creation of Mister Stomes; do you remember Mister Stomes, creations I told you in the form of e is equal to m c x, in the form of that chemical formula, in the form of a bottle, in the form of a logo. So, considering that we have given some sorts of property rights over the Mister Stomes creation for the benefit of Mister Strome, and the society. Now you are definitely curious about the term property right. There I also explain the property right means ultimately exclusivity and ownership.

So now, let us say exclusivity and ownership; and they lies another problem, let us say everybody knows land is our property, car is our property, the chair where I am sitting is the property. But I also told you e m c x x is the property of Mister Tom, so what is the difference? Definitely you may ask the questions, what is the difference, between those things you telling that chair is the property, you also telling e is equal to m c x is the property.

So, what is the difference, what is the property, property means that is like some attributes, or some object, or something else. Let us say, I will try to explain reference to

that, and also I will try to explain little bit about the law and the legal; the law which is required for a person who is learning intellectual property rights, or sometime you call intellectual property law. So now, I will try to explain the first; the property rights already told you ownership, but now here I have created the instead of exclusivity, I have created another term for you, the relation.

So, now I told you Mister x, and e m c x, and Mister Ambani, he is the owner of a particular land in Navi Mumbai; so he has also the owners. Now, here the property rights, or property, sometime property rights mean some way we may consider now that land and Ambani, e m a x and Tom. So, somehow the relationship between the things, means their land and Ambani, here e m c x and Mister Tom. So, for that reason I have created the word relationship.

So, property right justifies relationship of an object. So, I was telling about the property, means relationship between Mister Ambani and the land Mister x and that property rights justifies the relationship between the material object, or object and the persons that I was stating, that therefore that property rights means relationships between that. And it means that a bundle of rights; the right means like the ownership is a also in the form of a rights. Also along with the ownership definitely exist a bundle of rights, that a Mister x can use, Mister x can sale, just like say Mister x can sale, Mister x can say license, Mister x can let us say assign.

So, this sorts of rights is also associate with Mister x in the form of ownership. So, sometime we call property rights means a bundle of rights in the form that may be embedded within ownership we may consider. So, exclusivity is also rights of the owners, so he can exclude others and he can enjoy the, the bundle of rights over that material object. So, the ultimately the property right what I told you that is coming up a relationship between the material object and at the creator, owner, or particular person. Now, you may consider the ownership here, how the ownership can be, can somebody can enjoy the ownership. Like Mister x has been enjoying the ownership, why, because he is the creator. Mister Ambani is enjoying the ownership over the land, because may be he has purchased that land, or from government or maybe by virtue of his origin means,

he got that land from his parents or from his father or father may got; just like may be virtue of his origin, he got the rights over those lands.

That way the ownership means, ownership can be created, ownership can be transferred, just like the ownership has transmitted from his Ambani's father to the Mister Ambani, this Ambani, like this way. So, that is a relationship in the associated with, that property rights, that what I am telling, the within the purview of property rights per say. So now, let us say, as I have stated about the property or property rights and I have describing the two forms of property; now let us classify the property of Mister x and Mister Ambani. One is I am considering the tangible thing, because I can touch; just I have given the examples of a Nano car, I given the example of Nano car design. What is the difference between those things? Nano car design you have drawn on paper or in a cardboard, but Nano car is in the form of physical forms, that can be touch, you can feel, you can evaluate easily, you can measure it, but the design what I provided here, just like e m c x of Mister Tom, you cannot touch, that it is difficult to measures and valuate of that thing?

So, those two forms of property I am considering then that; one is tangible forms, one is intangible forms. So, tangible, means which can be easily measured, valuate, we can feel, touch. Intangible, which cannot be measured or valuate easily, and which cannot be touched. Just similarly, lots of example of intangible property are there, are just like a share, just like a your procured or purchased some share. So, there it is also somehow intangible. So, beauty of a particular garden, you may consider intangible, but the tree itself is tangible, but the beauty of the garden is intangible Similarly, the design of the Nano car, before fabricating or manufacturing the car is difficult to valuate, difficult to measure, we will not able to touch. So, that particular design I can consider as intangible thing, and the rights associate with that, I consider that intangible property rights, over the design, but when I procured that car, I have the ownership. However, getting the ownership over the car, by virtue of procurement, you got a registration of that car.

So, of that particular car you are the owners. Further particular car, you can exclude others to use that particular car. You have the thus, you are the owner, you can give your car on rent, you can use, or give somebody on license, or you can sale your own car, that whatever ways you will think about. So, those are cars that you have the relationship

between the car and the owner, car and the person who is purchasing that, ownership? How are you getting the ownership? You are getting by virtue of say sale, by virtue of creation, or, and registration, sale and registration, because they are required proof of ownership. So, that way, the property rights, again I am classifying in the form of tangible, intangibles. So, they are lies the relationship, with reference to intangible object intangible creations, with reference to the tangible object, tangible creations.

So, that ultimately come in the form of law, sometime we call a rights, sometime we are calling intellectual property law. So, property rights, then you ultimately you told, I have the rights. Who has given me the rights? How can I enforce my rights? If somebody ultimately not obeys or, not ultimately obey over a, obey my rights, if somebody snatch my rights, if somebody some, some a, somebody pirated my creations, somebody duplicate my creations, then what will happens? So, ultimately they lies the, that you have to create, some mechanisms. So, there lies the knowledge of law. So, what do you mean by a law, l a w? As a scientist or technologist, you have heard about the Boyles Law, Charles Law, and other kinds of things. Now, we are, I will state you, the different things; law. Just like a Charles law, Boyle's law, everybody knows, they state about some things. Just like say, you just be pressure wise, pressure and volume relationships in Boyle's law, volume versus temperature relationship in the Charles law.

So, some relationships so that by virtue of that you may consider, how that, something can be regulated, considering that, let us say whether I can correlate, that what about Charles law, Boyles law things are there, in now, in the form of law. So, law means, some sorts of rules, regulations, ok? Rules, regulations, prescribed by some institution, and that institution ultimately enforce those rules and regulations, just like I told you, if somebody ultimately snatch your car, somebody snatch that formula, somebody pirate your that chemicals, then who somebody has to prescribe, somebody has to give you that rights. So, they have created that rules, regulations.

Then they have ultimately enforced your rights. So, you have to create a mechanism, create institution, that will prescribe, that will give you the rights. So, to prescribe the rules and regulations, that will ultimately enforce the rights. So, ultimately law means a

set of rules and regulations, prescribed and enforced by an institution, that institution maybe a social institution.



So, now in our context, if I consider the rules regulations, and others, prescribed by a legislative body, legislative assemblies now, some cases, law is created by the legislators, law also created by judges, by in the judges. So, now, based on that, we classify the law in the form of say, some time we called as a statutory law, sometime we call common law. Let us say difference between the two, just like a law passed or framed by legislator, passed by the houses we call a statutory law. Law, every day during the course of the judgment, the judges have to ultimately develop the law furthers, based above that statutory prescribed limit, to develop the law further so that we call the come up in the form of a precedent, we consider that, as a common law.

So now, a say the law, you understood, the law means, rules, regulations prescribed by institution. So, ultimately you know, that our, our government time to time, that, create or, or formulates some law, just like a that come up in the form of a bill, ultimate pass by the both houses of the parliament, and ultimately got the status of law. So, now, say different forms of law, you should know about and I thing you are aware of those kind of law specifically, but will give emphasis of the law which law is very much required to, in respect of intellectual property system so on those kinds of law. I will give some more emphasis, it compare to other forms of law.

So, different forms of law, you know about that constitutional law, and sometime we consider that get others law ultimately may be supported by the constitutional law. So, others laws are like a contract law, evidence law, administrative law, company law, criminal law, cyber law, banking law, family law, space law, tax law, competitions law. So, just like a different subject matters, that is like legislator, or say government has created different law or maybe for different subject matters starting from space tax. So, they have to the prescribe rules regulations, for regulation of space, they created a space law, for regulation of the banking system they created banking law, or regulation of the information, and transmission and transfer, they created a cyber law, for the formation of the company, and its a formation of company, and its other parts they created company law.

So, to regulate the market they created competition law, and there for administration they created administrative law, they have we have evidence law, and we have contract law.

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<p><b>CONTRACT LAW</b>-----</p> <p><b>CONTRACT = F( TIME, TERRITORY, CONSIDERATION)</b></p> <ul style="list-style-type: none"><li>✓ <b>PARTY</b></li><li>✓ <b>OFFER</b></li><li>✓ <b>ACCEPTANCE</b></li><li>✓ <b>INTENTION</b></li><li>✓ <b>CONSIDERATION</b></li></ul>  <p><b>CONSIDERATION</b></p>
<p><b>EVIDENCE LAW</b>.....</p> <ul style="list-style-type: none"><li>✓ <b>PROOF OF FACTS</b></li><li>✓ <b>ADMISSIBILITY</b></li><li>✓ <b>RELEVANCY</b></li><li>✓ <b>CONFORM TO SOME RULES</b></li></ul> 

So, now that two law, which are essential for intellectual property right system, this two law, I will give some emphasis on, this two forms of law, one is let us say, a contract law, another is I put it evidence law. Although that we have transferred of property acts, that is applicable for I referred that, a, you may the question you may talk about the property rights, all sorts of things, but you have not mentioned any form of law, in the form of a property law. So, per say, we need in India, we do not have property law, but we have transfer of property act, but that is applicable for a tangible property, just like land, may be cars, and others, that may not be applicable for our property, that is, intellectual property rights.

Now, the contract law, the basics elements of the contract law, just everybody, I think every day, we are executing n number of this thing, but we do not know; what is the rules regulations, enforcing mechanism, regarding that. So now, the contract, I put it, in the purview of that contract, is a function of time territory and consideration. Although, the major elements of the contract are the consideration; just like let us say you are enjoying food in your mess, by providing some sorts of money. That means charges. So,

consideration is that mess charges, and the contracts means, ultimately that, you, and maybe that particular mess or agency, has the contract for that, what, for providing you the food. So, that way that and consideration is that your paying some sorts of miss bill or charge, for get enjoying the food from that particular mess.

So, what I am getting? That for contract means, you can enjoy the food, of where have, have we have the contract means, that we maybe enjoy the food is number one, because you have a consideration with reference to that mess number one, and executed that thing, which reference to mess number one, but you mess number two, you do not have any rights, to enjoy the foods. So, I told you, this is also contractual things, or sometime you call contractual rights. Sometime people referred property rights, in (Refer Time 20:41) means you can exclude others, others means, any, any number of persons, by virtue of your property rights, but contractual rights, we consider right over person name, means in this a contracts always required two party. Means let us say, you have executed contract with Mister x, then you can exclude only Mister x, but you have property rights over something, then exclude Mister x, Mister y, Mister j, Mister Rasam, Mister Jodu, all those kinds of things. So, that is the difference between the property rights, and contractual rights.

So, what you are getting that for contractual things, we required at least two parties, means you, and that particular mess, but mess if I consider that that as a form of legal entity, or we may put it as a, may not mess, ultimate mess is, mess is executing some sorts of power on a behalf a particular institution. So, the contract lies between you and the institution. So, two party involvements is very much required for some particular contract. And now, for formation of contract, always we required of our acceptance, intension, and consideration. So, for a contract what is the element? Party, minimum two party, just like we cannot say, I have a contract with all people, you may not say that, but you can say that, I have a property rights, means you are of the rights over that property, and you can exclude any persons with reference to that property, but contractual says look, you have given a particular land on contract, to sow or to, to cultivate to somebody.

So, then, that person only can cultivate, the know cultivate on that field, because we have the contracts, we had the owners, we had given the contract to ultimately cultivate that,



for a particular time, may be for a 3 years, 4 years, 5 years, for a (Refer Time: 22:48) because on that land, on that field you have given him the right, you have not given any rights to that persons to cultivate in a surrounding field, which Mister Z is the owner. So, contract ultimately, they flavored, in the contract, will get the flavor of time, territory, consideration. So, just like say, I am giving the example, Mister x has permitted Mister y to use his land for 5 years, on payment of rent of rupees say 300 per month.

So, here, so Mister x and Mister y are the two parties, consideration is say 300 rupees whatever I told you per month, and that time is for the 3 years, territory means within that house itself, then sometime, when you execute the contract to refer, that which law will be ultimately applicable with reference to that contracts. Let us say if you are executing some contracts with may say other country people, then he have to specify, the which country which countries contract law will be applicable, because for enforceability, institution, you have to prescribe that institution is best ultimately enforced your rights. So, you have to refer there which state it will be applicable. So, contract I refer here, that consideration is the essential parameter.

So now, we may referred consideration, whether always be money may not be, but monetary consideration is easy to enforce, compare to others types consideration I may referred. So, so consideration may come up in the purview of, that purview of conduct of the parties, may be sometime, we called that marriage is per say is also contract. Law sometime referred marriage is a conduct, ultimately contracts, because ultimately is regulating the, just like say, conduct of the two parties there. So, just like this is a brief about the contract law.

So, now another form of law, what I want to mention here, that is coming in the form of evidence law, because it is also essential for a scientist, and technologist, because the evidence law, based that is like, a you ultimately, how the institution or somebody will enforce the law. Because they ultimately they have to rely on facts, the facts, what will be the facts, will be acceptable, admissible. So, they ultimately that that has to be prescribe in the form of rules regulations, so their lies the ultimately, the rule of evidence law. Evidence law ultimately, gives you the proof of facts, its admissibility, and relevancy; confer to some rules, just like I am giving you an example. Just like a how,

you may, just like some dispute arises, with reference to the ownership of your land, car, and may be that your information goods, in the form of creations.

Now, conflicts how will you prove that you are the owners? The facts regarding that ownership, the proof of ownership; Proof of the fact means, facts means the ownership facts, how will prove that? And how that particular institutional will accept the facts, admissibility? How the how that fact is relevant, with reference to that particular cause, means ownership whether are putting that, now I was the owner, because Mister x is telling, I am the owner, whether that relevancy of that facts. So, ( Refer Time; 26;56) whether I will prescribes some sort of rule, just like consider, that say in respect of information technology law.

So, now again, there lies that, evidence in the form of an e format, and tangible format, how will I compare that, the, the facts, which is applicable, available or available in the form of e format, and something is available in the tangible format. So, we have to prescribe some, create some sort of confirmative rules, or how, how, how way that e evidence will be, what e evidence will be correlate, or evidence will be acceptable to the institution, which is who are enforcing that things.

So, then I have to create, that that when e evidence conform to a particular standard, then on only, I will accept that because, then only I can consider e evidence is equivalent to my tangible evidence, means tangible things, whatever in the paper based things, I am getting the documents, and something in a getting in a floppy from or e version forms. So, some conform to some rules, I have to create. So, now, this two forms of law why I am telling, is a essentials I used to alternating the ownership the ownership. So, ownership now this put arises with reference to that fact, of ownership.

So now, what sorts of thing you will put, again you are claiming Mister x is snatching my rights, then again, what sorts of facts will puts, to prove that you, you are the owner, and Mister x is snatching the rights. So, ultimately you have to create a relevant fact before the institute, put the relevant fact before the institution, to ultimately enforce the rights over that. So, this is essential, because I told you intellectual property rights, there you have to create rights, you have to transfer the rights, and you have to enforce the rights.

All cases maybe you may correlate one with another, just like enforcement of rights, there also required the facts, because of cause of absence, ultimately, correlate with reference to the facts, there lies the role of evidence laws.

How will you correlates something beyond reasonable doubt, facts, if you put something beyond reasonable doubt facts, before the enforcing authority, they will be able to enforce it easily. Similarly you want to transfer your right, there lies of contract law, what I referred there, I have to create some consideration there, just like you want to rights, license your information, then which your owners, then you have to create some consideration. So, you have to ultimately execute that thing with some parties, there lies a role of contracts.

So, in this class I have given you some knowledge, although this is a vast area, I have given some knowledge with reference to the law. So, what is law? Law means sets of rules, regulations prescribe by institution, and also enforce by institution. And property rights I refer two types of property rights; tangible, intangible property. You now know the difference between this two I think. And that the intellectual property rights are coming in the form of intangible property rights. And again intangible property rights, again I referred that limited period rights in another (Refer Time: 30:41) of intellectual property rights systems.

Now, the law, property rights, difference forms of law, you have learnt I guess. I will diffidently give you some sorts of assignments to test your learning with reference this two classes, but I will give that assignment after finishing my forth class, that is the week one class and I will give some assignment regarding that.

Thank you.