

Introduction on Intellectual Property to Engineers and Technologists
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Lecture - 27
Certification Mark and Collective Mark

So, you have learnt about trademark antenna that may be more interesting for you, but why not to just like say it is I am giving overview of different types of intellectual property. So, here also one important parameters or important terms somehow, sometime you have heard about let us say ISI and then ISO 9000 and then let us say BIS, then Hallmark, then Agmark. Nowadays peoples are more cautious about that type of mark. Why? What is the importance of those kinds of mark? Can somebody tell me? Just like people say people go to gold bars gold in particular market, you should try to look that particular shop and now particular shops business organizations also prefer they are advertising the business with reference to that particular mark.

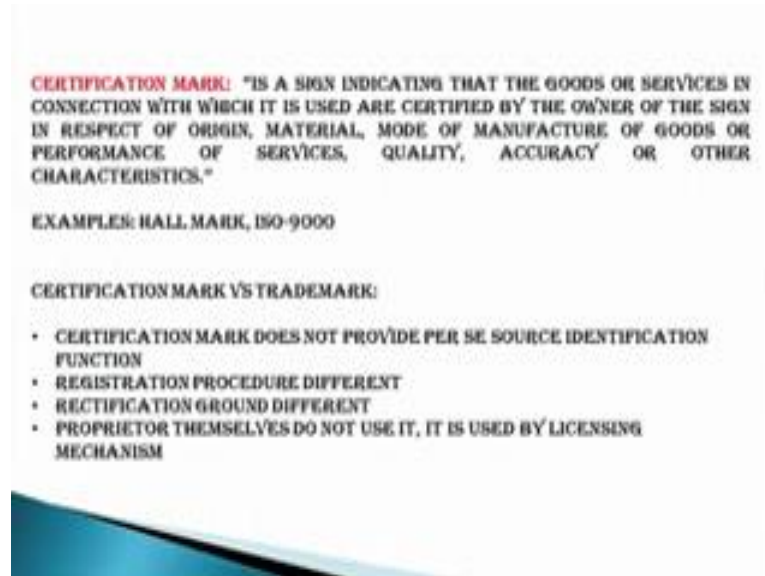
So, what is that, then we say similarly let us say Khadi Gramudyog Society or CA chartered accountant CA, Chartered Accountant Association, CA association, CAA Chartered Accountant Associations. Some cases different way, just like say different way they are using particular group of people, they are using a particular mark for identification of their associations association.

So, all those things what is the importance and as you are organization working in organizations. So, if in your organizations you are working in marketing teams, then also even you are working in a quality control teams, then definitely also you thought about. So, what are the different types of certification agencies, for that quality control part because that will help you to get a marketing edge or say competitive edge as compared to the other organization in the markets. So, that their importance definitely you should know that what is that?

So, on that context I will in this class I will discuss about 2 important forms of mark, whether it will be considered as a considered within the purview of trademark that the issues may be that within the trademark, say trademark act also they refer as 2 separate

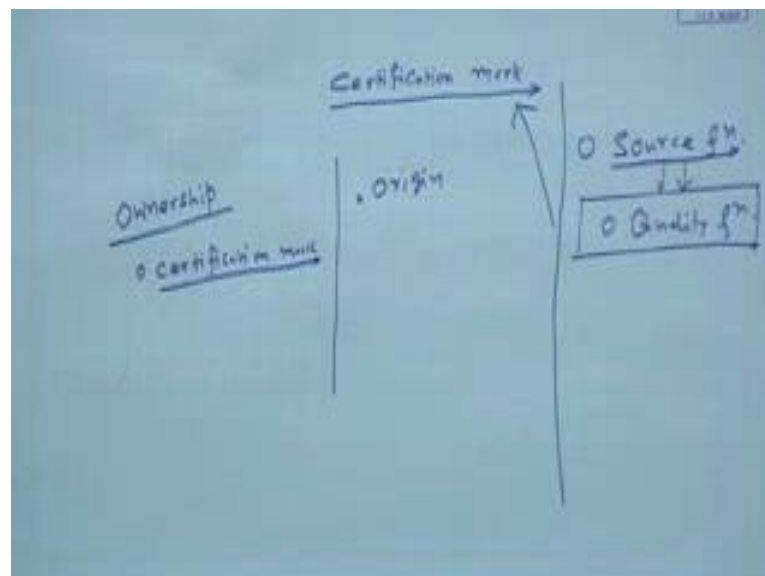
categories of mark, this certification mark and collective mark. So, next 20, 25 minutes I will discuss about these 2 forms of mark, within the purview of trademarks specifically.

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Now come to that, what is certification mark? If I ask what is the need of certification mark? Then you understood the need of certification mark is that I told with respect of trademark that is performing two functions, one is source identification function, another is quality function source functions and quality function, but say source function from the day 1 and say quality functions not from day 1.

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So, now in you are that source function part, how the quality function part can be incorporated there lies the role of certification mark. So, quality function you are trying to eh incorporate within the source functions part its. Now, that context just like say from day 1, you have the trademark and also with the trademark you want to also take marketing advantages may be by use of some that will indicate the quality of your goods or services then there lies the role of certification mark. Otherwise also trademark now later on by virtue of use will give you a quality indication function from that you want that from day 1 then you should use this certification mark.

Let us see what is the definition of certification mark is. So, it is a mark is a sign means automatically a sign indicating it is a mark sign indicating is a mark, that the goods or services in connection with services in connection with which it is used are certified by the owners of the sign with respect of origin, then in material this I am not writing origin, material, then mode of manufacture of the goods or performance of services quality accuracy or other characteristics.

So, mark to characterize some things, some attributes of the organizations it is not characterizing the organization part, but characterizing the particular see goods or services of the organization with reference to what? Origin, material, mode of manufactures or performance of services, quality accuracy or other characteristics, that are the certified by the owners. Who are the owners, Owner of the certification mark? So, certification mark definitely will be owned by a particular owner. Now he will give that certification mark to be used by the organization. Let us say from day 1 who wants to use or subsequently who wants to use that mark in the course of trade or any other cases also, but course of trade definitely.

So, certification mark is the mark used to certify the characteristics of goods or services of an organization. What will be the definition? Certification mark the mark used to certify the characteristics of goods or services of any organizations, that we call a certification mark. Got the definition, means to characterize the goods or services of that organization, characterize with reference to what? Let us say already refers origin, material, mode of manufactures, performance, quality, accuracy all sorts of things. So, that is the things. So examples we say Hallmark, Agmark, ISO 9000, ISI, BIS all sorts of things we consider as certification mark ok.

So understood, what is the importance of certification mark? Importance of certification mark is with reference to quality attributes quality characteristics with reference to the quality attributes certified by the owner of that particular mark, if you tell me why we learn this thing with respect of intellectual property.

So, you are there creating particular sign or mark, the organization want to put that as certification mark. There may be you may create a particular mark sign for that certification mark. So, that sign or mark there may have intellectual contribution involved in that creations may be or innovativeness or ingenuity involved in that creation that creation of that particular mark. So, you are working you may work with certifying agencies also, then certifying agency wants register particular mark as certifying mark. So if you have your engineers and technologists also may work in that vital organization. Then with knowledge you may create a particular mark as a certification mark and using your intellectual or intellectual creativity, you may suggest them a particular mark would be as I said register as a certification mark, now, Hallmark, ISO 9000 all those kinds of things.

Now if ask what is the difference between let us say trademark and certification mark? You will learn subsequently on that part. So if I definitely based on the discussion we had held till now, you had you came to know that certification mark is giving some sorts of quality attributes, but trademark perceive is giving the source thing source identification functions; source with reference with particular goods or services.

So, now that the part, the issues of their registration, issues of their enforcement, where to register, what way to register, what way it will used, who will use, all those things will be discussed. So certification marks so I am telling you certification mark does not provide per se source identification function. Why? Because let us say MP jewelers also can use Hallmark and Kharagpur jewelers can also used hallmarks. So, Hallmarks then MP jewelers, Kharagpur jewelers, how they deal it based on the use of Hallmark.

Now no per say, there is no source identification function to the both the jewelry is source they are using the Hallmark. So, that way certification mark does not perform the source identification function. So, 2 organization can they can also use the same certification mark that is the Hallmark.

Definitely the questions will come up to your minds, then Who will register? Who has registered? Who is the owner of that hallmark? Who is the owner of ISI mark? or ISO 9000 mark? Or let us say tea board or tea related things, tea quality related characteristics who certified. So, reference to the particular other services certified by let us say hotel or other some certification agency is involved in that part.

So, certification agency you are working then also you have you should have knowledge, when you are working in an organization, you want to your organization products or services to be certified by that authorities. So, then also you should have knowledge regarding that. So now the issues with that who owns that certification mark definitely owner; that how they get ownership; ownership of certification mark.

So, now who is the owner of Hallmark regarding that? So, that particular organization may be jewellery association or tea board or other. So they will register this as a certification mark. So, what is the characteristic or character required for them, that authority will check, whether they are competent enough to certify. So, definitely they should have a competency means that capabilities to certify the tea board, whether they have enough capability with reference to manpower and other kinds of things for certifying and what type of regulations they have created to administer and regulate. They have given the MP jewelers Hallmark; they have given Kharagpur jewelers also Hallmark so.

Now, how it will be regulated or governed. So, whether they have enough capacity or capability with reference to certifications and what type of regulations they we have created for that standardization of the characteristics of that standardization of those characteristics Hallmark. What type of standards or regulation with reference to use of that Hallmark? They have to be created regulations because otherwise they understood they have get the hallmarks 2 jewelers that some aspect they should have similarities with reference to the characteristics of their goods. So, people when they are entering in a particular shop with a hallmark, then that that characteristics should have uniform in the both the shops. Specifically with reference to that regulations, as they have got the permissions to use the hallmark in along with their particular trademark that regulations.

So, that who that authority that or just like tea association or authority, who has enough competency to certify will register that. What procedure they have to adopt for

registration? They have to just like say if they are local standee, along with that they have to give the governing regulations with reference to use of that certification mark. Why to register? Again trademark registries, but procedure is different here understood that certification mark definitely the mark, representation of that mark, they have to provide, but along with the representation of that mark they have to give the governing regulations with reference to the use of that particular mark. So, that way that certification marks will be will be registered in the trademark registries following that the mark is examinations and oppositions definitely.

Then certification mark one important part, you are certifying whether you will be using that part? No. The proprietor do not themselves use it is used by means of life sensing mechanism. What do you mean by that? The proprietor will just like tea board or hallmark jewellery association, who has the ownership with reference to hallmark they will give that that they will ultimately go to that organization, who is trying to take license of that particular hallmark. Then they will check their attributes of the goods or services based on that hallmark regulations, whether they are that regulations, they have based on the hallmark regulation, they have registered that hallmark, then based on that they will ultimately give the license to use that hallmark and definitely that they have to also administers with reference with that regulation whether they are following that conditions based on which they got the permissions to use that particular hallmark in their goods or services.

So then that part is also important part. That way registration procedure is different the governance is difference and see ultimately the use is also difference used by it is an important mechanism. So, use that proprietor himself is not using, Who is using? The user is using based on what licensing. Licensing from whom the proprietor or owner. So, you understood the nuisances of certification mark and important for you the certification marks you will work in organization, then why not to learn something about the certification mark within the purview let us within intellectual property rights ok.

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Now another thing I will discuss just like say that is called Collective mark. Collective mark that is a collective mark is sometimes used say just like say people try to create with reference to some in a groups, sometimes in a groups advantage is that they will numbers of people involved in that groups. So, there lies the role you will be able to identify this I am the member of that particular group and then automatically you are also allowed to use that particular groups mark, just like say medical associations or chartered accountant association then I put up Khadis also in that part. So, there that is not an individual number of peoples are involved in respect of that goods and services. So, then they try to use a common mark, there lies the role of trademark. So, that is called collective mark the mark is called collective mark.

So, what is the definition suggested? A sign distinguished the goods or services of members of the association, which is the owner of the sign from those of others undertaking or a member of association does not members, other members of association. So, that way collective marks is distinguishing the marks for distinguish the one members association goods to the other member's association you may consider or the with reference to the other undertakings also just like say other undertakings also.

So, advantage with reference to we may consider a group of organization within a single umbrella they are doing trading. So, definitely there we may also consider the quality control and other part may be governed by that associations and not by individual and

that in a single umbrella trading advantage members will also get. So, just this is the philosophy may be with reference to the collective mark. Who is using? Not members of associations. Sometimes you call it is not includes with reference to the partnership firm, may be 2 partner are doing trading just like say Lal and Sethi, two partners of partnership firm, but their partnership firm things is not by virtue of that collective mark collective mark.

So, members of association if they do trade with reference to that they use a particular mark for their goods and services that (Refer Time: 23:14) is coming in the form of collective mark. So, there also the issues with reference to the regulations of the use of those collective marks, they have to create regulations with reference to the use of collective marks because understood is that the members may be allowed to use that mark based on those regulations. So, they are the issues of governance, governing framework with reference to the use of that particular collective marks have to be create, otherwise the people members also and the people also they will be confused with reference to that.

So, the procedure of collective marks registration is also just like say you are getting an associations with reference to let us say particular hub, sometimes we are taking that is software hub, within that we want to create an association of a particular operating system software, no problem within operating system software you may use consider a collective mark, advantage the brand buildings and the promotion may be easier and may be that people that quality controls and other parts can also be come up automatically along with that. So, that is the advantage may be with reference to the collective mark.

Now if I ask what are the advantages and disadvantages of the collective marks and certification marks you understood that part. So, whether this will be used along with that trademark, definitely the source is also important along with the particular that certification mark. So, generally certification marks are used along with the trademarks part.

So, now you got the idea with reference with the certification mark and collective mark and who can register? How to register? What is the registration procedure? And that may be similar to trademark part, it will be ten years and renewal basis or renewal basis the ownership remains with that particular owner so that part. Now let us say as we are

trying to end the certification mark end trying to close the chapters of trademark specifically.

So definitely what is the difference between the Trademark, Collective mark and certification mark? So now, you will definitely be able to tell now say with reference to philosophical aspect if you ask that collective certification mark or most probably give the characteristics of the goods, trademark will give the source function of the goods source function of the goods. Similarly collective marks may be also both may provide. The association has some quality attributes and association has also source. So, association may also provide you the source of the goods, that is coming from textile associations of Odisha, that associations definitely will provide you the source identification functions also, that is the difference may be the collection mark, certification mark the difference to the use and registration difference to the use that is trademark that owners can use the trademark the certification mark the owners cannot use collective mark definitely the owners can use and also members can use that part.

So, that is the difference between the certification marks, collective mark and per se trade mark specifically. So, with reference to intellectual property again marks selection and selection the intellectual contribution involved may be with reference to the selection part. Other aspects you may consider managerial aspects and governance aspects legal aspect you is the legal aspect little bit knowledge, if you have along with that the management and governance aspects is also very much important for this type of situation. So, there lies the importance of certification mark and collective marks for you people the technologists and engineers specifically. So, let us close these things now, Trademark part specifically.

Thank you.