

Awareness Initiative by



Archetypal & Quintessential



An easy-to-understand handbook for entrepreneurs, innovators & businesses in India.

Basics of Intellectual Property Rights

A Simple Guide for Startups & Businesses

*Authored by Vrunda Parekh
Edited by Nakul Shredalal*

Supported by





TABLE OF CONTENTS

Preface	2
Introduction to Intellectual Property Rights (IPR)	5
1. Trademark.....	5
2. Copyright	8
3. Patent.....	10
4. Design	13
5. Geographical Indication	15
6. Semiconductor Integrated Circuits Layout- Design (SICLD).....	17
7. Trade Secrets	19
Why Startups & Businesses Must Care About IP	20
Quick Reference Tables.....	22
Frequently Asked Questions	24

PREFACE

In the modern world that is highly dynamic, thoughts are the new cash. It is a startup developing a mobile application, it is a family business opening a new food brand, it is an artisan selling handicrafts the protection of intellectual creations has become as significant as physical protection of property.

This book has a simple objective of explaining the fundamental intellectual property rights (IPR) in a manner that is easy to comprehend by all individuals, particularly the entrepreneurs, small businesses, students as well as innovators who may not be in the legal field.

We have been using such words as trademark, copyright or patent but what do they imply? What can they do to protect your business? How do you get them registered in India? What is the time and money required? This book provides the answers to these questions in a simple language and not using a complicated legal terminology.

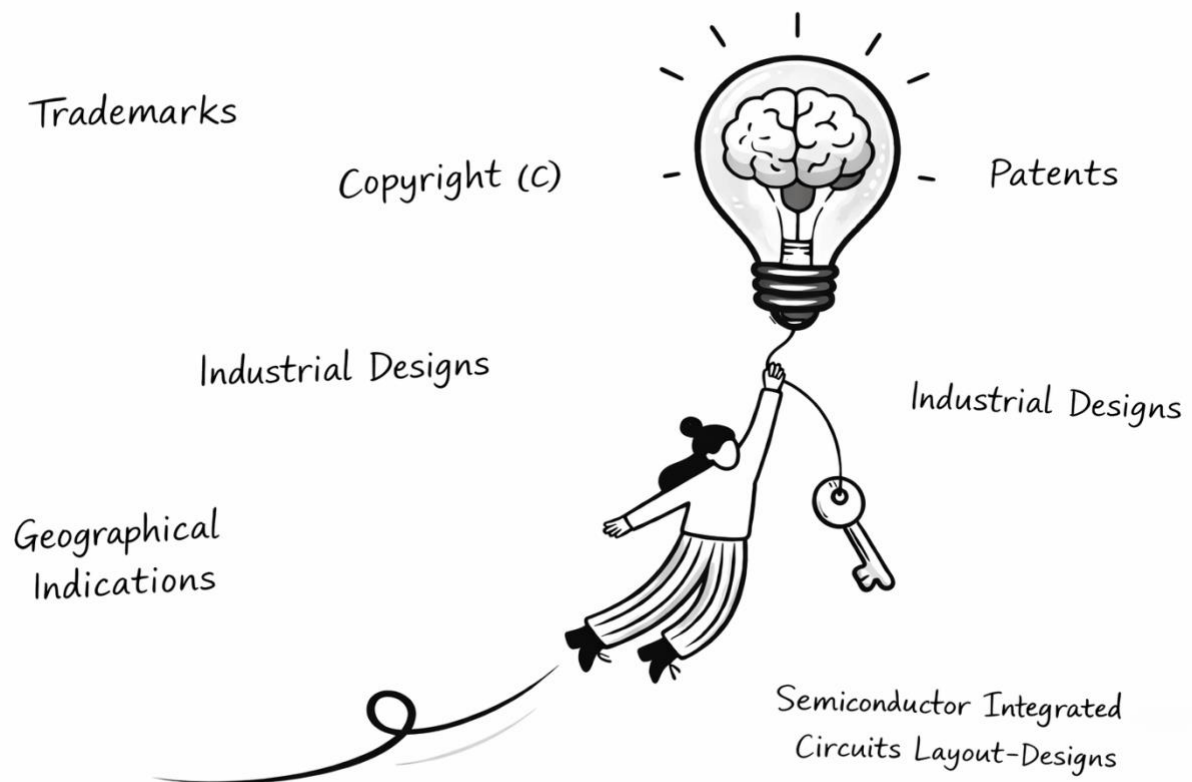
Through reading this brief guide you will know:

- The type of IPR that each one is (Trademark, Copyright, Patent, Design, Geographical Indication, Semiconductor Layout Design, etc.).
- India as a step-by-step process in applying.
- Timescales and state expenses.
- The reasons as to why startups, businesses and creative people should be concerned with IPR.

It is not a lawyer textbook. Rather, it is a manual to all of us a useful guide to make you guard your ideas, your brand, and your innovation. It is our hope that this book will make more entrepreneurs and business owners take the easy steps needed in order to protect their intellectual property and to appreciate its relevance in the current competitive economy.

Message: It is not a piece of law, just common sense that any entrepreneur has to know.

INTRODUCTION TO INTELLECTUAL PROPERTY RIGHTS (IPR)



What is the Intellectual Property?

Think of your home. It has doors, windows, walls to be felt and seen. You secure it, insure it and guard it as it is yours. Suppose now you make something that you cannot touch, and yet is equally precious: a catchy brand name, a unique product design, a new business idea, a movie script, or even a special recipe. This is what is termed Intellectual Property (IP) the property of the mind. Similarly to the way that you own a house, you can legally own your ideas, too. And the copyright provides you with some rights to defend, utilize, and enjoy your intellectual works. Such rights are referred to as the Intellectual Property Rights (IPR). Why Intellectual Property is to be protected? Encourages Innovation: When inventors are sure that nobody is going to steal their work, they will continue developing new technologies,

medicines, and ideas. **Protects Brand Identity:** Suppose somebody was allowed to open a cafe under the name of Starbucks. Customers would become confused and the actual Starbucks would be deprived of its identity. Trademarks protect that. **Drives Economic Growth:** Countries that enjoy high levels of IPR protection receive increased investments, increased exports, and start ups. As an example, Indian GI such as Darjeeling Tea or Banarasi Saree generates international fame and revenue to the local people.

1. **Increases Business Value:**

Investors look at a startup's intellectual property trademarks, patents, designs before investing. Owning IP increases credibility and valuation.

Types of Intellectual Property in India

India has a well-structured system to protect different forms of IP. Each type protects a specific kind of idea or creation:

1. **Trademarks (™ / ®):** Protects brand names, logos, taglines, sounds, shapes, or colours that distinguish your goods/services.
Example: Wagh Bakri Tea, Amul, Tata.
2. **Copyright (©):** Protects creative works like books, songs, films, paintings, software code.
Example: Bollywood movies, music albums, novels.
3. **Patents:** Protects new inventions products or processes that are novel, useful, and non-obvious.
Example: A new drug formula, a unique machine, or a smartphone technology.
4. **Industrial Designs:** Protects the aesthetic look/shape of a product, not its function.
Example: Coca-Cola bottle design, iPhone shape.
5. **Geographical Indications (GI):** Protects products that originate from a specific region and have unique qualities. Example: Darjeeling Tea, Kanchipuram Silk, Gir Kesar Mango.
6. **Semiconductor Integrated Circuits Layout-Designs:** Protects the circuit designs used in microchips and semiconductors. Example: Used in electronic devices like laptops and smartphones.
7. **Trade Secrets (not registered, but protected by contracts like NDAs):** Protects confidential business information. Example: Coca-Cola's secret recipe, Google's search algorithm.

Intellectual Property Rights are like a lock and key for your ideas. They protect your hard work, prevent misuse by others, and allow you to benefit commercially.

1. TRADEMARK

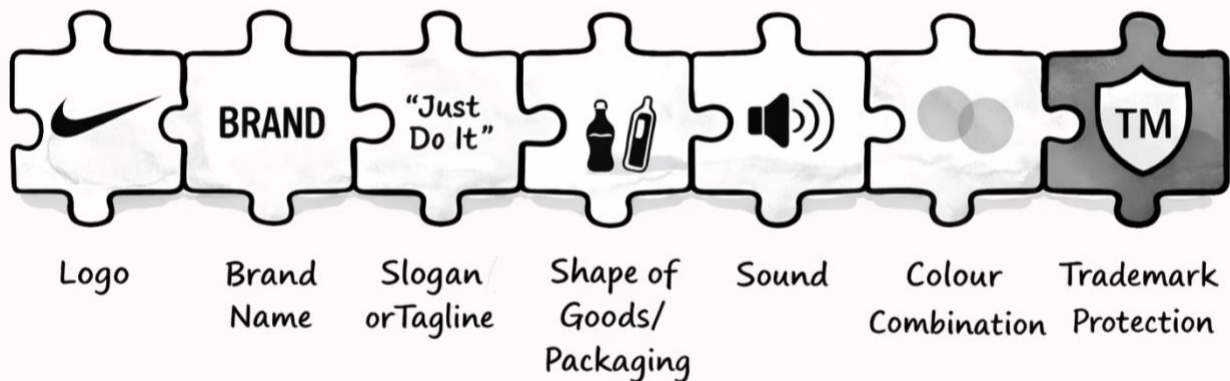
What is a Trademark?

A Trademark is like the face of your business. It is a sign that makes your product or service different from others in the market.

A trademark can be:

- **Logo:** Nike's "swoosh" symbol
- **Brand Name:** Amul, Tata, Havmor
- **Slogan/Tagline:** "Just Do It", "Daag Ache Hain"
- **Shape of Goods/Packaging:** Coca-Cola bottle, KitKat bar
- **Sound:** Airtel tune, ICICI jingle
- **Colour Combination:** Red and white for Coca-Cola

In short, anything that helps people recognize your product and connect it with your business can be a trademark.



Why Does a Trademark Matter?

1. **Brand Protection:** Prevents others from copying or misusing your brand identity.
2. **Consumer Trust:** Customers rely on brands they recognize. A registered trademark builds credibility.
3. **Exclusive Rights:** Gives you legal ownership over the mark for your goods/services.
4. **Business Asset:** Increases your company's valuation (can be licensed or franchised).
5. **Global Recognition:** Helps expand internationally, as trademarks can be protected abroad too.

Example: If you build a startup called “FreshSip” for juices, having a registered trademark ensures that no one else can sell beverages under the same name.

Application Process in India

1. **Search (Optional but recommended):** Before applying, check if a similar mark already exists at IP India website.
2. **Filing the Application (Form TM-A):**
Submit online/offline with details:
 - Applicant (individual/startup/company)
 - Mark (logo/name/slogan)
 - Class (choose from 45 categories of goods/services)
 - Power of Attorney (if filed by an agent/lawyer)
3. **Examination by Trademark Office:** The examiner checks whether the mark is unique and not descriptive/conflicting.
4. **Reply to Examination Report:** If objections are raised, you get a chance to reply and justify.
5. **Publication in Trademark Journal:** If accepted, the mark is published in the journal for 4 months. Anyone who thinks it's conflicting can oppose.
6. **Opposition (if any):** If no opposition, or if you win the opposition case, your mark moves forward.
7. **Registration & Certificate:** Registrar issues a Registration Certificate. You can now use the ® symbol.

Timeline of Trademark Registration in India

- **Filing of Application:** Day 1
- **Examination Report:** 6-9 months
- **Reply & Hearing (if objections):** 1-3 months
- **Publication in Journal:** 4 months
- **Opposition (if any):** Up to 4 months after publication
- **Registration Certificate:** 12-18 months (if smooth process, no opposition)

Overall: 1-2 years on average (but you can use [™] from the day you file).

Government Costs (Filing Fees)

Applicant Type	Government Fee (per class per mark)
Individual / Startup / MSME	₹4,500 (e-filing)
Company / Large Entity	₹9,000 (e-filing)

(Offline filing attracts an additional ₹500 fee; e-filing is cheaper & faster.)

Examples of Trademarks in India

- **Amul (Word + Logo):** Milk products brand.
- **Wagh Bakri (Word + Device):** Famous tea brand from Gujarat.
- **Nokia Tune:** Registered as a sound mark.
- **Coca-Cola Bottle Shape:** Protected under design + trademark law.
- **Taj Mahal Tea Slogan:** “Wah Taj!”

Practical Notes for Startups & Businesses

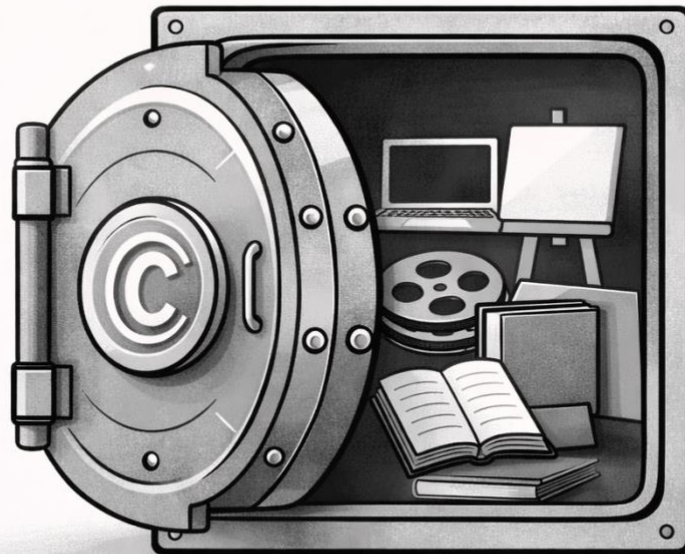
- **Register Early, Not Late:** Many startups delay trademark registration thinking it's costly. But if someone else registers the same/similar brand, you may lose rights or face lawsuits.

- **Check Availability Before Branding:** Before printing packaging, marketing, or launching a website, do a **Trademark Public Search** (free on IP India website). Saves rebranding costs later.
- **Protect Logo + Word:** File both **word mark** (business name) and **device/logo mark** for stronger protection. Example: "Zomato" (word) + its red logo (device).
- **Domain Name ≠ Trademark:** Owning a .com or .in domain does not give you trademark rights. Secure both separately.
- **Think Long-Term:** A trademark lasts **10 years** and can be renewed forever. It's an asset that grows with your business valuation.
- **Defensive Strategy:** Even if you don't use a brand immediately, registering prevents competitors from grabbing it.
- **Trademark vs. Company Registration:** Registering your company with ROC (Registrar of Companies) doesn't protect your brand name as a trademark. Both are separate.
- **Investor Perspective:** Investors prefer businesses with secured trademarks—shows seriousness and reduces legal risks.

2. COPYRIGHT

What is Copyright?

Copyright is the legal right given to the creator of an original work. It protects the expression of an idea, not the idea itself.



If you:

- Write a book or article,
- Compose a song or music,
- Shoot a film or video,
- Create software code,
- Paint a picture,

- Or even design an architectural plan,

you automatically get copyright over that creation.

Think of copyright as a safety lock on your creative work it ensures nobody can copy, sell, or misuse it without your permission.

Automatic Protection vs. Registration

- **Automatic Protection:**
In India, as soon as you create something original (a poem, a photograph, a software code), copyright is automatically yours. No need to apply.
- **Registration (Recommended):**
Although copyright exists automatically, **registration helps in legal proof**. If a dispute arises, a registration certificate makes it much easier to prove ownership in court.

Example: If you compose a song today, you own the copyright. But if someone else later claims it's theirs, having a registration certificate will protect you.

Application Process in India (Step-by-Step)

1. **Filing Application (Form XIV):**
Submit details of your work (online or offline) at the Copyright Office. Attach copies of the work.
2. **Diary Number Issued:**
Once filed, you get a diary number (acknowledgment).
3. **Mandatory Waiting Period (30 Days):**
During this time, the office checks if there are any objections.
4. **Examination by Copyright Examiner:**
If no objections, the examiner reviews the work for originality.
5. **Hearing (if objections filed):**
If objections are raised, a hearing may be scheduled.
6. **Registration Certificate Issued:**
If all is clear, the Registrar issues a Certificate of Registration.

Timeline & Cost

- **Timeline:** Usually 2-6 months (depending on objections).

- **Validity:** Lifetime of the author + 60 years after death.

Government Fee (per application):

Type of Work	Fee (₹)
Literary, Dramatic, Musical, Artistic works	₹500 per work
Cinematograph Films	₹5,000 per work
Sound Recordings	₹2,000 per work
Software/Computer Program	₹5,000 per work

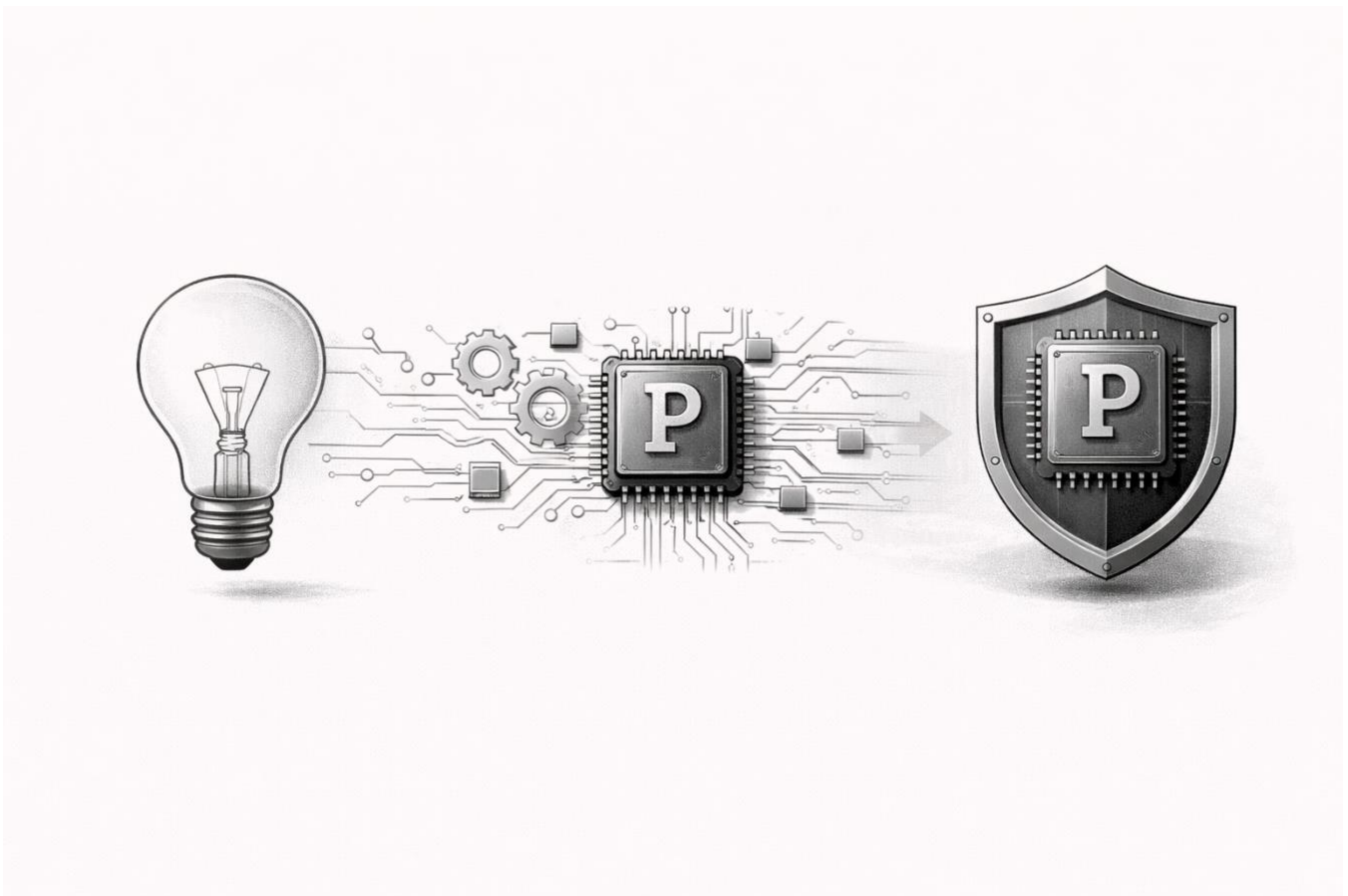
Practical Examples of Copyright in India

- **Bollywood Movies:** Every film (script, screenplay, dialogues, music, video recording) is protected by copyright.
- **Songs:** Lyrics, music composition, and recording each have separate copyrights.
- **Textbooks:** Authors and publishers hold copyright over educational books.
- **Software:** Apps, codes, and programs are registered as literary works.
- **Paintings & Art:** Artists like M.F. Husain or Raja Ravi Varma have copyright protection over their original artworks.

3. PATENT

What is a Patent?

A patent is an exclusive right given by the government to an inventor for an invention.



In simple words:

- If you invent a new product (like a medicine or gadget), or
- A new process (like a unique method of manufacturing),

you can apply for a patent. Once granted, only you (or your company) can make, use, sell, or license that invention for 20 years.

A patent does not just protect the invention it gives the inventor a legal monopoly for a fixed period, while encouraging innovation.

Who Needs a Patent?

- **Startups:** To protect their unique innovations and attract investors.
- **Pharma Industry:** For new drug molecules, formulations, vaccines.
- **IT & Tech Companies:** For software-related inventions, electronic devices, AI/ML systems (if technical in nature).
- **Manufacturing & Engineering:** For new machines, processes, or industrial tools.
- **Universities & R&D Institutions:** For research-based inventions.

Example: If a startup invents a solar-powered water purifier, a patent ensures that no other company can copy the exact technology.

Types of Patent Applications in India

1. Provisional Application:

- Filed when the invention is not fully developed but the inventor wants to secure a priority date.
- Gives 12 months to file the complete specification.
- Useful for startups in R&D stage.

2. Complete Specification Application:

- Filed when the invention is ready and fully described.
- Contains detailed claims about how the invention works.

3. Other Variants (for reference):

- **Convention Application:** Claiming priority from a foreign application.
- **PCT Application:** International patent application route for multiple countries.

Patent Application Process in India

1. Patent Search (Optional but Recommended):

Check if a similar invention already exists. Saves time and cost.

2. Drafting the Application:

Prepare technical details, drawings, and claims (usually with professional help).

3. Filing (Provisional or Complete):

- File **Form 1** (Application) + **Form 2** (Specification) + drawings + fees at Indian Patent Office (online preferred).
 - If provisional filed → complete specification must be filed within 12 months.
- 4. Publication of Application:**
- By default: within 18 months from filing date.
 - Can request early publication (Form 9) for faster process (within 1 month).
- 5. Examination:**
- File Request for Examination (Form 18) within 48 months of filing.
 - Examiner reviews novelty, inventive step, and industrial applicability.
- 6. First Examination Report (FER):**
- Issued with objections (if any).
 - Applicant replies to objections.
- 7. Hearing (if required):**
Clarify issues before Controller.
- 8. Grant of Patent:**
- If satisfied, Controller grants patent and publishes it in Patent Journal.
 - Patent certificate issued.

Timeline of a Patent in India

- **Filing → Publication:** 18 months (can be earlier if requested).
- **Request for Examination → FER:** ~6-12 months.
- **Replies, Hearings, Decision:** 6-12 months.
- **Total Duration (if smooth):** ~2-3 years.
- **Validity:** 20 years from the filing date.
- **After Expiry:** Patent goes into public domain.

Government Costs

Applicant Type	Filing Fee (₹)	Request for Examination (₹)	Renewal (per year from 3rd year onwards)
Individual / Startup / MSME	1,600	4,000	Starts at 800 (increases every year till 20th year)
Company / Large Entity	8,000	20,000	Starts at 2,000 (increases every year till 20th year)

Examples of Patents

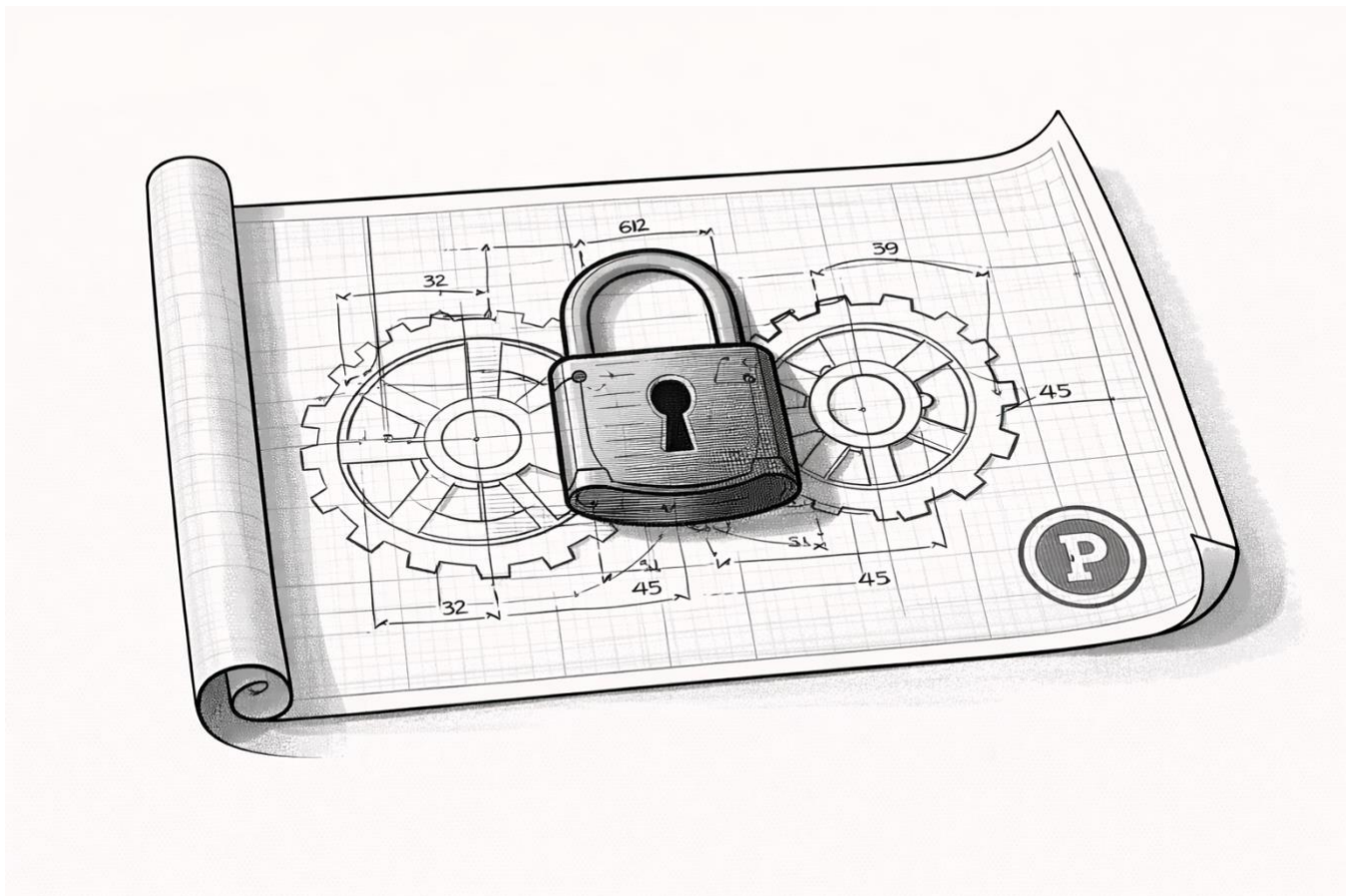
- **Pharma Formulations:**
 - Ranbaxy patented new drug formulations for global markets.
 - Pfizer patented Viagra (blue pill) for erectile dysfunction.
- **Technology & Gadgets:**
 - Apple patents its iPhone technologies (touch gestures, face ID).
 - Samsung patents foldable display designs.
- **Indian Innovations:**
 - Rotavac (Indian vaccine for rotavirus).
 - Nano car technologies by Tata Motors.

4. DESIGN

What is a Design?

A Design refers to the appearance of a product, not its function. It covers the shape, configuration, pattern, ornamentation, or surface decoration that makes a product look unique.

If a trademark is about brand identity, a design is about product look and feel. Customers are often influenced by appearance before even checking quality or price. That's why protecting designs is critical.



Examples:

- The unique Coca-Cola bottle shape.
- The Apple iPhone design (rounded edges, sleek shape).
- Jewellery patterns or furniture designs.
- Textile prints and packaging styles.

Design protection is important because customers often choose products for their look.

Why Protect a Design?

- **Prevents Copying:** Stops competitors from copying the “look” of your product.
- **Market Advantage:** A unique design makes your product stand out.
- **Legal Proof:** Registration is proof of ownership in case of disputes.
- **Business Value:** Adds brand equity and can be licensed or franchised.

Application Process (Step-by-Step in India)

1. **Prepare Application (Form 1):**
 - Include drawings, photographs, or representations of the design.
 - Mention the class and sub-class of the article (as per Locarno Classification).
2. **File with Design Wing:**
 - Online filing is possible.
3. **Examination:**
 - Examiner checks for novelty and originality.
 - If objections are raised, reply must be filed.
4. **Acceptance & Registration:**
 - Once approved, the design is entered into the Register of Designs.
5. **Publication in Official Gazette:**
 - Makes it officially public and enforceable.

Validity of a Registered Design

- **Initial Term:** 10 years from the date of registration.
- **Extension:** Renewable for another 5 years.
- **Maximum Protection:** 15 years.

After expiry, the design goes into the public domain and anyone can use it.

Government Costs (Official Fees)

Applicant Type	Fee (₹)
Individual / Startup / MSME	₹1,000 per design
Company / Large Entity	₹4,000 per design

Renewal fees apply after 10 years for extension.

Examples of Registered Designs

- Coca-Cola Bottle: Distinctive contour bottle shape.
- Apple iPhone Shape: Sleek rounded design.
- Gillette Razor Handle Design.
- Tupperware Containers.
- Unique Saree Borders/Patterns registered under textile design.

Practical Notes for Startups & Businesses

- Register designs before launch, if you publicly disclose it first, it may lose novelty.
- If your product has both brand value and unique look, go for both trademark + design protection.
- Remember: Design law protects looks, not function. (For functionality, patents may apply.)

5. GEOGRAPHICAL INDICATION

What is a GI?

A Geographical Indication (GI) is a sign used on products that have a specific geographical origin and qualities, reputation, or characteristics linked to that place.

A GI tells customers “This product is special because it comes from this place.”



Examples:

- Darjeeling Tea - world-famous tea grown only in Darjeeling hills.
- Banarasi Saree - handwoven sarees from Varanasi.
- Alphonso Mango, Basmati Rice, Mysore Silk, Kanchipuram Silk.

Unlike a trademark, which is owned by an individual/company, a GI belongs to a community of producers from a region.

Who Can Apply for GI?

- Associations of Persons (e.g., weavers' associations).
- Producer Groups / Farmer Cooperatives.
- Government Organizations representing regional products.

Individual producers cannot apply alone - it must represent the collective identity of the region.

GI Registration Process (in India)

1. Application Filing (Form GI-1):

- Filed before the GI Registry.
- Includes product description, origin details, proof of uniqueness.

2. Preliminary Scrutiny & Examination:

- Registry examines application.
- Queries/objections may be raised.

3. Publication in GI Journal:

- For public opposition (if anyone objects, they can file within 3 months).

4. Opposition (if any):

- Heard by the Registry before granting.

5. Registration & Certificate Issued:

- Once granted, the GI is valid for 10 years.

Validity & Renewal

- **Validity:** 10 years.
- **Renewal:** Can be renewed every 10 years indefinitely.

Government Costs (Official Fees)

Applicant Type	Fee (₹)
Association of persons / producers / NGO	₹500 per application
Large organizations / companies	₹5,000 per application

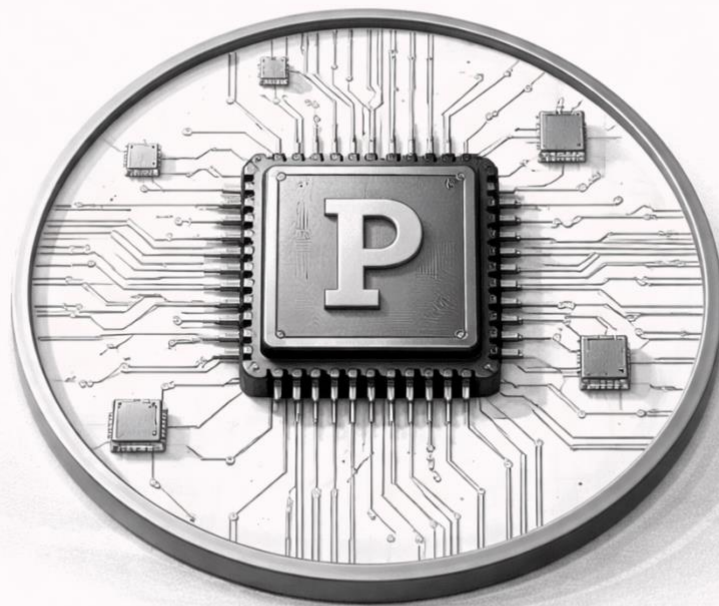
Famous Indian GI Examples

- Darjeeling Tea (first Indian GI, 2004).
- Banarasi Saree (UP).
- Gir Kesar Mango (Gujarat).
- Basmati Rice (Punjab, Haryana, UP, etc.).
- Mysore Silk (Karnataka).
- Hyderabadi Haleem (Andhra/Telangana).

6. SEMICONDUCTOR INTEGRATED CIRCUITS LAYOUT-DESIGN (SICLD)

What is it?

A Semiconductor Integrated Circuit Layout-Design (SICLD) is the three-dimensional layout of transistors, resistors, capacitors, and other elements that form an integrated circuit (IC).



It is the blueprint/design map of a microchip.

- Like a floor plan of a house, this layout-design is the “floor plan” of a chip.
- Since making these layouts requires huge investment and innovation, the law protects them from being copied.

India protects them under the Semiconductor Integrated Circuits Layout-Design Act, 2000.

Who Needs It?

- Electronics companies designing microchips.
- Tech startups working in semiconductors, IoT, AI hardware.
- Research & development institutions making new chip architectures.
- Industries like telecom, automotive, medical devices, consumer electronics.

Key Features of Protection

- Protection is given only if the design is original and not commonly known.
- The protection does not cover the process, system, or function—only the layout design itself.

Registration Process (India)

1. Application Filing:

- Filed with the Semiconductor Integrated Circuits Layout-Design Registry (under the Ministry of Electronics & IT).
- Application includes drawings, photographs, description, and a declaration of originality.

2. Examination:

- Registry checks if the design is original and complies with the Act.

3. Publication:

- The accepted application is published for opposition.

4. Registration Certificate:

- Issued if no valid opposition is filed.

Validity of Registration

- 10 years from the date of filing OR first commercial exploitation (whichever is earlier).
- No further renewal after 10 years.

Government Fees

Applicant Type	Fee (₹)
Individual / Startup / Small Entity	₹5,000
Others (Company/Organisation)	₹25,000

Why It Matters?

- Prevents copying of chip designs.
- Encourages innovation in semiconductor sector.
- Helps India move towards self-reliance in electronics & hardware manufacturing.

7. TRADE SECRETS

What is a Trade Secret?

A Trade Secret is any confidential business information that gives a company a competitive advantage.

- Unlike patents or trademarks, trade secrets are not registered with the government.
- Protection comes from keeping the information secret and using legal agreements like Non-Disclosure Agreements (NDAs).
- If someone steals or discloses the secret, the company can take legal action for breach of confidence.



Who Needs Trade Secrets?

- Businesses that rely on unique formulas, strategies, or processes.
- Startups with proprietary algorithms, software code, or business methods.
- Manufacturing companies with special techniques or recipes.
- Corporates with sensitive customer lists, pricing models, or marketing strategies.

Examples of Trade Secrets

- Coca-Cola Formula: The exact recipe for the drink is a secret for over 100 years.
- Google Search Algorithm: Proprietary ranking and search formula.
- KFC Secret Recipe: The blend of 11 herbs and spices.
- Software Source Code: Some companies keep core code confidential instead of patenting.

Key Points

- Not Registered: Protection depends on secrecy.
- Enforcement: Through confidentiality contracts (NDAs) and legal action if leaked.
- Duration: Can last indefinitely, as long as the secret is maintained.

WHY STARTUPS & BUSINESSES MUST CARE ABOUT IP



1. Risk of Not Protecting IP

Not protecting your intellectual property can be costly and risky:

- **Copcats & Competitors:**
Without a trademark, patent, or design registration, others can copy your product, logo, or technology legally.
- **Loss of Revenue:**
If your invention or brand is copied, you lose customers and profits.

- **Legal Battles:**

If someone else registers a similar mark, you may end up fighting to reclaim your own brand.

Example: A startup launched a new juice brand but did not register the trademark. Later, another company registered a similar brand, forcing the startup to rebrand, losing time, money, and brand recognition.

2. Real Cases of IP Disputes in India

A. Wagh Bakri vs. Sher Bakri (Trademark):

- Gujarat Tea Depot Company successfully stopped another company from using a similar brand name.

B. Rakhi Band vs. Other Handicraft Vendors (Design):

- Unique handicraft patterns were copied by competitors, leading to legal action.

C. Pharma Patents:

- Patent disputes over drug formulations sometimes delayed generic medicines.

These cases highlight the importance of early IP protection.

3. How IP Increases Valuation & Investor Trust

- **Investors look at IP as a key asset:** Patents, trademarks, designs, and copyrights increase credibility.

- **Startup**

A startup with registered IP can command higher investment because it shows innovation, uniqueness, and legal protection.

Valuation:

- **Licensing**

Patents and trademarks allow licensing deals or joint ventures, creating revenue streams.

&

Partnerships:

Example: A tech startup with patented AI software was able to raise higher funding than a competitor without patents.

4. Startup India Scheme & Fee Benefits

The Government of India supports startups through the Startup India Initiative:

- **IPR Support:**

- 80% rebate on patent filing fees for eligible startups.
- Reduced costs for trademark applications and design registration.
- **Faster Processing:**
 - Startups get expedited examination for patents and trademarks.
- **Mentorship & Guidance:**
 - Assistance for IP strategy, protection, and commercialization.

Tip for Startups:

- Use the IPR awareness programs under Startup India.
- Always file trademarks, patents, and designs early before pitching to investors.

Quick Takeaways for Startups & Businesses

1. Protecting IP prevents copying and revenue loss.
2. IP increases brand value and investor confidence.
3. Early registration reduces legal disputes.
4. Government schemes like Startup India make IP protection affordable and faster.
5. Think of IP as a business asset, not just legal paperwork.

QUICK REFERENCE TABLES

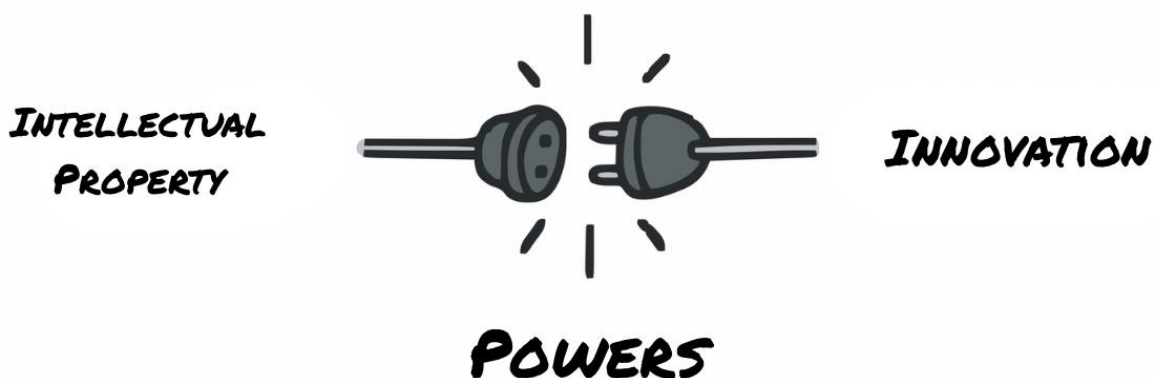


Table 1: Comparison of Major Intellectual Property Rights in India

IP Type	What It Protects	Who Can Apply / Needs It	Validity	Government Cost (₹)	Key Points / Notes
Trademark (TM®)	Brand name, logo, slogan, sound, shape, color	Individual, Startup, Company, MSME	10 years (renewable)	Individual/Startup/M SME: 4,500 Company: 9,000	Distinguishes goods/services, builds brand recognition
Copyright (©)	Books, songs, films, software, art	Creator / Author / Publisher	Life of author + 60 years	Literary/Artistic: 500 Cinematograph: 5,000 Software: 5,000	Automatic protection; registration helps in legal proof
Patent	Inventions, products, processes	Startups, Pharma, IT, Manufacturing	20 years	Individual/Startup/M SME: Filing 1,600, Examination 4,000 Company: Filing	Requires novelty, inventive step;

				8,000, Examination 20,000	provisional & complete applications
Design Registration	Shape, configuratio n, pattern, ornamentat ion	Individual, Startup, Company	10 years + 5 years renewal	Individual/Startup/M SME: 1,000 Company: 4,000	Protects appearance, not function
Geographica l Indication (GI)	Products linked to origin & reputation	Associations, Producer Groups, Cooperatives	10 years (renewable indefinitely)	Small groups/NGO: 500 Companies: 5,000	Protects region-based identity; belongs to community
Semiconductor IC Layout- Design (SICLD)	Microchip layout / blueprint	Electronics / Tech Industry	10 years	Individual/Startup: 5,000 Company: 25,000	Protects layout, not functionality
Trade Secret	Confidential business info (recipes, algorithms, strategies)	Companies, Startups	Indefinite (as long as secret maintained)	Legal / NDA cost varies	Not registered; protected via contracts & internal measures

Table 2: Simplified Decision Guide for Startups

Business Goal	IP	Why	Notes
Protect brand & logo	Trademark	Prevent others from copying your brand	Apply before launching products
Protect original creative content	Copyright	Automatic protection; legal proof via registration	Books, software, videos, music

Protect inventions & products	Patent	Exclusive rights to make/sell/license	Early filing important
Protect product design/look	Design Registration	Prevent copy of unique appearance	Filing required for legal enforceability
Highlight regional uniqueness	Geographical Indication	Community-based identity	Collective application required
Protect chip layout	SICLD	Protect microchip design	Relevant for electronics startups
Keep formulas or algorithms secret	Trade Secrets	Competitive advantage, indefinite protection	Use NDAs & confidentiality agreements

FREQUENTLY ASKED QUESTIONS



1. Do I need a lawyer to register my IP?

- IP laws are complex and technical, especially for patents, trademarks, and designs.
- A lawyer can help you:
 - Avoid filing errors that may delay approval.
 - Ensure proper documentation and claims.
 - Strengthen your application to prevent future disputes.
- For startups or innovative products, investing in legal guidance saves time, cost, and risk in the long run.

2. Can I register my business name as a trademark?

- Yes, but it must be unique and not identical/similar to an existing registered trademark in the same class.

- Simply registering your company name with MCA (Ministry of Corporate Affairs) does not automatically give trademark protection.

3. How much time does IP registration take?

IP Type	Typical Timeline
Trademark	12-18 months
Copyright	2-6 months
Patent	2-3 years
Design Registration	6-12 months
GI	12-18 months
SICLD	6-12 months
Trade Secret	Indefinite (protected as long as secret maintained)

4. What if someone copies my idea or brand?

- Trademark / Patent / Design / GI / Copyright: You can take legal action in court.
- Trade Secret: Enforceable via contracts / NDAs.
- Tip: Early registration is key prevents disputes and strengthens your case.

5. Can I file multiple IPs for the same product?

- Yes! Many products require multiple IP protections:
 - Trademark for the brand name/logo.
 - Design Registration for shape/appearance.
 - Patent for any new invention or technical process.
 - Copyright for software, manuals, or marketing content.

6. Does IP protection work internationally?

- IP is territorial: Indian registration protects you only in India.
- For international protection, you can:
 - File through PCT (Patent Cooperation Treaty) for patents.
 - Apply in foreign jurisdictions for trademarks and designs.

7. How much does it cost to protect IP?

- Costs vary depending on IP type and applicant type (individual/startup vs. company).
- Government fees are lower for Startups/MSMEs under the Startup India initiative.

8. Can I sell or license my IP?

- Yes! Registered IP is a valuable business asset:
 - License your brand, design, or patent to others.
 - Sell IP rights to generate revenue.
- Trade secrets can be shared under confidentiality agreements.

9. Can my IP be renewed?

IP Type	Renewal / Extension
Trademark	Every 10 years, indefinitely
Patent	Not renewable (20 years maximum)
Design	10 + 5 years (max 15 years)
GI	Every 10 years, indefinitely
Copyright	Lifetime + 60 years (automatic)
SICLD	10 years (non-renewable)

10. What are the benefits of protecting IP?

- Prevents copying and disputes.

- Builds brand value and customer trust.
- Increases investor confidence and startup valuation.
- Enables licensing, franchising, and commercialization.

Awareness Initiative by



Archetypal & Quintessential

Supported by

