

# Difference between Patents, Copyright and Trademark.

## Difference between Patents, Copyright, and Trademark:

- **Patents** secure original, helpful and intangible innovations by providing their holders the right to prohibit others from producing, use or sale of patented objects. There are three types of patents: utility patents, design patents and plant patents. **Copyright** protects any unauthorized copying, reproduction, or distribution of their work, such as books, films, illustrations and creative works such as software source code. Only expressions kept in clear form can be protected by copyright. **Trademarks** protect the name of the product or service or the brand associated with it. Trademark is any word, name, symbol, color or tone used by a company to identify and approve its products and to be manufactured or sold by third parties. The service mark is similar to the trade mark, but identifies the service, not the product.
- A **patent** is a right to exclude others from inventing, using, selling, or importing. **Copyright** secures the form of expression, not the content of the writing. **Trademark** rights can be used to avoid others from using the same brand by chance, but not to stop others from producing the similar goods or selling the same goods or services under any other brand.
- A **patent** lasts for twenty years after it is filed under the Indian Patent Act 1970. The **copyright** of the new work is for life, with an additional sixty years under the Indian Copyright Act 1957. Under Section 25 of the Trademark Act of 1999, the **trademark** is protected for 10 years and can be renewed from time to time in accordance with the provisions of Sec. In theory, the trademark will last forever.
- Once a **copyright** or **patent** has expired, they cannot be reactivated. However, the **trademark** may be renewed from time to time according to the conditions of the Trademark Act 1999.
- In a **patent** infringement lawsuit, no gain or loss is imputed to the defendant under the 1970 Patent Act. **Trademark** infringement is punishable by imprisonment and in accordance with the 1999 Trademark Act.
- **Copyright** is automatic. Once the work is generated, it automatically got the copyright protection. Registration is compulsory to save this protection, but

registration does not generate copyright. However, **trademarks** and **patents** originate only after registration and registration approval. Acceptance is not automatic.

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