

Preface

Intellectual property is the outcome of human intellect. The main motivation for its protection is to encourage creative activities and inventions. The role of intellectual property is a *sine qua non* in the economic and technological development of a nation. The prosperity achieved by developed nations is the result of exploitation of their intellectual property. In the absence of an efficient law to protect intellectual property, there will hardly be any creative activity or inventions and the economic and technological development of a nation will come to a halt. It is, therefore, essential to protect and promote intellectual property.

Intellectual Property Rights (IPRs) assumed central importance in the recent past throughout the world. Apart from the World Intellectual Property Organisation (WIPO), a specialised agency of the United Nations which is responsible primarily for the promotion and protection of intellectual property rights, IPRs were also negotiated under the General Agreement on Tariffs and Trade (GATT) and became a part of the TRIPs Agreement of the WTO Treaty. The TRIPs Agreement evolved minimum standards for copyright, patents, trade marks, industrial designs, geographical indications, layout-design of integrated circuits and undisclosed information which include trade secrets.

India, being a Member State, was obliged to bring her municipal laws into conformity with provisions of the TRIPs Agreement. Consequently, the Trade and Merchandise Marks Act 1958 and the Designs Act 1911 have been replaced by the Trade Marks Act 1999 and the Designs Act 2000 respectively. In addition, the Geographical Indications of Goods (Registration and Protection) Act 1999; Protection of Plant Varieties and Farmers' Rights Act 2001; and Semiconductor Integrated Circuits Layout-Design Act 2000 have been enacted to give effect to our obligation under the TRIPs Agreement. The Copyright Act 1957 and the Patents Act 1970 have also been amended drastically.

This book, *Intellectual Property Rights in India*, is an attempt to discuss and analyse all the aforesaid Acts in depth through commentary supported with case law. This book also discusses know-how and licences to give an overall picture of the Indian law on IPRs. A summary of all the International Agreements, Treaties and Conventions on IPRs has also been given at the end of the book to enable the readers to understand them more clearly.

Apart from Indian cases, cases from the UK and other countries have also been referred to in the book to make it more explanatory.

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