

ANALYSING THE ROLE OF COPYRIGHTS AND TRADEMARKS IN BUSINESS TRANSACTIONS PROJECT

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INTRODUCTION

Trademarks and copyrights are crucial for safeguarding the intellectual property of both people and companies. In this study, we will examine the function of trademarks and copyrights in commercial transactions.

Copyrights are a type of legal protection that grants authors of original works the sole authority to manage how their works are used and distributed. A vast variety of items, including literary works, music, software, pictures, and artwork, can be protected by copyrights. Copyrights can be used in commercial transactions to safeguard brand identities, promotional materials, website content, and other uniquely generated works by a corporation.

The protection of a company's intellectual property also includes trademark protection. A trademark is an easily recognisable symbol, design, or expression that identifies and sets one company's goods or services apart from those of other companies. Due to its ability to help firms create a distinctive brand identity and deter competitors from adopting confusingly identical marks, trademark protection is crucial in commercial transactions.

Copyrights and trademarks may have a substantial impact on the value of commercial transactions such as mergers, acquisitions, and licencing agreements. For instance, having valuable copyrighted content or trademarks can raise the company's worth and make it a more desirable target for licencing or purchase.

It is crucial to remember, though, that if copyrights and trademarks are not properly handled, they can also expose companies to legal risks. For instance, a company may be subject to legal

action and financial penalties if it utilises copyrighted content without authorization or infringes on the trademark of another party.

COPYRIGHT AND TRADEMARK IN BUSINESS TRANSACTIONS

Because it helps to protect the rights of the creators, inventors, and owners of these intangible assets, PR is crucial in business transactions. IPR is frequently used in business transactions to safeguard a company's distinctive goods and services, as well as its branding and promotional materials. Patents, trademarks, copyrights, and trade secrets are a few examples of IPR that are frequently used in economic transactions. By offering legal protection for a company's intangible assets, such as its innovations, branding, marketing materials, and private information, IPR plays a crucial role in economic transactions. It enables businesses to maintain a competitive edge in the market and aids in protecting the rights of the creators, inventors, and owners of intellectual assets.

Copyrights:

Copyrights are given to the author of an original work automatically. To provide a public record of their ownership and make it simpler to enforce their rights, corporations can register their copyrights with the government. Copyrights may be licenced or sold to a third party in commercial transactions. For instance, a business could sell its copyrighted marketing materials to a third party or licence its copyrighted software to another business in exchange for royalties. For works generated by businesses, copyrights can expire 95 years after publishing or 120 years from creation, whichever comes first. Typically, copyrights expire 70 years after the creator's death. When a copyright expires, the work becomes public domain and is open to everyone's usage.

Trademarks:

Government registration is required for trademarks in order to prove ownership and offer protection from infringement. To keep their protection, businesses must continue to utilise their trademarks in commerce. Trademarks may be licenced or sold to a third party in commercial transactions. For instance, a business could sell its trademark to a third party as part of a bigger

deal or provide a licence to another business to use it on a particular product. As long as they are used and maintained appropriately, trademarks can exist forever. To keep their protection, businesses must keep an eye on their trademarks and take measures to stop infringement.

IMPORTANCE OF IPR IN COMMERCIAL TRANSACTION

IPRs are crucial for business transactions because they safeguard the creativity and innovations that companies make, which may be significant assets in the marketplace. IPR is crucial for business transactions for the following reasons:

- IPR gives firms the exclusive rights to their innovations, inventions, and creative works, protecting innovation. This protection enables companies to spend money on R&D to produce novel goods and services that can be bought and sold in the market. Businesses wouldn't have the required incentives to invest in innovation without IPR protection since their rivals may easily steal their ideas without repercussions.
- IPR aids firms in establishing ownership of their original works, ideas, and creations. Because it enables companies to establish the worth of their intellectual property assets and to bargain for favourable terms, ownership is significant in business transactions including mergers, acquisitions, and licencing agreements.
- Generating money: The owner of the intellectual property can make money by licencing or selling their IPR to other companies. For instance, a company might charge another company to use its patented technology or sell a third party its copyrighted works. These transactions are a key source of income for corporations and have the potential to earn large sums of money.
- Brand value creation: Trademarks are a crucial type of IPR that safeguard a company's brand identity. A powerful brand may boost client loyalty, foster goodwill, and drive up pricing for goods and services. In business transactions, a company's trademarks may be a priceless asset that raises the worth of the firm as a whole.

IPR is important because it safeguards the inventive and creative assets that firms rely on for success, IPR is crucial for any commercial transaction. Businesses may make money, acquire

a competitive edge, and protect their interests against infringement and other types of exploitation with its help.

Intangible assets produced by human ingenuity and creativity are protected by a set of legal rights known as intellectual property rights (IPR). Inventions, literary and creative works, symbols, names, pictures, and designs are a few examples of these assets. IPR is essential in business transactions because it promotes innovation while safeguarding a company's rights and assets. IPR is significant in business transactions for a number of reasons, one of which is that it aids in safeguarding a company's distinctive goods or services. For instance, patents might grant the only right to create, use, and market a certain innovation, barring rivals from replicating it. A company's branding and marketing elements, such as logos and slogans, can be protected by trademarks and used to set its goods apart from those of rivals. IPR can also support a company's efforts to maintain market exclusivity. This may be crucial for luring capital, obtaining finance, and expanding market share. Investors and stakeholders are more inclined to put money into a business that has a distinct competitive advantage and robust asset protection laws. IPR may also improve a business's reputation and brand value. Trademarks, copyrights, and other intellectual property rights (IPR) may improve a company's reputation as a leader in its field and assist to increase brand awareness and consumer loyalty. Increased market share and profitability may result from this. The ability of IPR to promote innovation in business transactions is a significant part of the law. IPR offers financial incentives for businesses and people to participate in R&D, resulting in the creation of fresh, cutting-edge goods and services. Without IPR, there would be less of a reason to fund innovation, which may limit advancement and economic growth.

HOW IPR IS USED IN COMMERCIAL TRANSACTIONS

In business transactions including mergers, acquisitions, licencing agreements, and joint ventures, intellectual property rights (IPR) are frequently utilised as a negotiating tactic. IPR is employed in these transactions in the following ways:

Acquisitions and mergers: When one company buys another, the value of the acquired company's intellectual property is a key factor. To make sure that the acquired firm has the

right ownership and protection for its intellectual property, the acquiring business will wish to perform due diligence. Examining patents, trademarks, copyrights, and trade secrets are a few examples of this. To guarantee that the acquired firm can utilise the intellectual property efficiently following the merger or acquisition, the acquiring company may also wish to arrange agreements to transfer ownership or licence the intellectual property.

Licensing contracts: Companies can enter into licencing contracts to pay another company to utilise their intellectual property. For instance, a technological company may provide a different company a licence to use its proprietary software in return for a royalty. The owner of the intellectual property may benefit financially from licencing agreements and may also use them to broaden the use of their intellectual property.

Joint ventures: Companies can create joint ventures to work together on a project or to pool complementary skills and technology. These agreements allow for the contribution of each company's intellectual property to the joint venture. Agreements between the parties may be negotiated to guarantee that the intellectual property is correctly licenced or transferred to the joint venture.

Franchises: Franchisors can provide their business models to franchisees by using their intellectual property, such as trademarks and secret procedures. In this arrangement, the franchiser receives assistance and direction from the franchisor in return for fees or royalties. The franchisor's intellectual property is a crucial component of its operations and is protected by contracts.

HOW IS IPR USED IN INTERNATIONAL COMMERCIAL TRANSCATIONS

Any business transaction involving IPR assets should have particular stipulations regarding intellectual property rights (IPR). To guarantee that the parties' rights and duties regarding the intellectual property are properly specified and enforced, these articles should be carefully crafted. Here are some examples of provisions that might be used in business agreements:

- Ownership provision: This provision identifies the owner of the intellectual property and the circumstances under which ownership may be assigned or licenced. In a licencing agreement, for instance, the ownership clause can provide that the licensor keeps ownership of the intellectual property while the licensee is given permission to use it in accordance with certain rules.
- This section guarantees that the parties have the legal authority to enter into the transaction and that no third party has any claims to the intellectual property. For instance, the representations and warranties provision in a merger or acquisition may require the acquired firm to represent and promise that it is the only and undivided owner of the intellectual property it holds.
- The indemnification provision outlines the parties' responsibilities to hold each other harmless from lawsuits resulting from the use of intellectual property. For instance, the indemnity provision in a licence agreement can demand that the licensor defend the licensee against any third-party claims resulting from the use of the licenced intellectual property.
- The procedure for resolving issues involving intellectual property is described in the dispute resolution provision. For instance, the parties may decide to agree to have any issues brought before a certain jurisdiction's courts or to binding arbitration.

By including these and other IPR-related terms in business agreements, it is possible to make sure that all parties are aware of their responsibilities and rights with regard to the intellectual property at issue. Additionally, it can aid in averting legal issues and disputes with the usage of intellectual property.

International commercial transactions employ intellectual property rights (IPR) to safeguard the interests of the parties involved and to guarantee that the parties can use the intellectual property included in the transaction in a safe and legal manner. IPR is employed in international business transactions in the following ways:

- Licensing contracts: Licensing contracts are frequently used in cross-border business transactions to give a party the right to utilise a particular intellectual property asset. These contracts frequently contain provisions addressing ownership, permissible uses, and royalties.

- Trademark registration: Registering a trademark is crucial in cross-border business deals to safeguard the brand and make sure it may be used without violating the rights of others. A registered trademark offers defence in court against.
- Patent protection: Patents are crucial in cross-border business transactions, particularly in technology-based businesses, as they safeguard inventions and offer a means of redress for infringement by rivals. The Patent Cooperation Treaty (PCT), which permits applicants to submit a single patent application that can be acknowledged in several nations, can be used to secure international patent protection.
- Copyright protection: To safeguard artistic, literary, and other types of creative works, copyright protection is crucial in cross-border business deals. Registration offers extra legal protection against third-party infringement and can be used to secure copyright protection.
- Resolution of Disputes: Disputes involving intellectual property rights may result from international business transactions. To settle these disagreements and guarantee that the parties' rights are upheld, conflict resolution procedures like arbitration or litigation might be utilised for protection of rights of the parties

CONCLUSION

In conclusion, intellectual property rights (IPR) are important in business deals made both domestically and abroad. IPR supports a company's efforts to safeguard its distinctive goods and services, guarantee market exclusivity, boost brand value, promote innovation, and offer a legal foundation for enforcing rights. IPR is even more crucial in cross-border business operations because it protects a company's assets and interests in foreign markets, guards against infringement, ensures market exclusivity, gives a legal foundation for enforcing rights, and complies with international rules and regulations. Therefore, for any organisation wishing to flourish in the current global business climate, understanding and effectively managing IPR is essential. IPR is considerably more crucial when conducting business internationally. Businesses that do business overseas confront particular difficulties such diverse legal frameworks, cultural nuances, and language problems. In order to avoid infringement and

preserve market exclusivity, it is crucial for businesses to protect their IPR in international markets.

Having IPR protected by law can provide businesses a competitive edge in international marketplaces. Customers are more inclined to pick goods or services that are protected by trademarks, patents, and copyrights, and investors and stakeholders are more willing to invest in a firm that has strong legal protections for its assets.

IPR offers a legal foundation for pursuing rights against infringers in international marketplaces. Without legal safeguards, preventing infringement may be challenging or impossible.

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