



INTELLECTUAL PROPERTY RIGHTS (IPR) IN: AN OVERVIEW

DR. SAWAI A. B.

Librarian,

Vinayakrao Patil College Vaijapur,

Dist. Aurangabad. (MS) INDIA

ABSTRACT

Intellectual property rights (IPR) is a term referring to creations of the mind, such as inventions, literary and artistic works; designs and symbols, names and images. Intellectual property rights (IPR) allow their owner to completely benefit from his/her product which was initially an idea that developed and crystallized. IPR can be divided in to several types like, copyright, trademark, etc. Copyright protects written or published works such as books, song, films and artistic works, patents protects to commercial invention and designs protects to drawings and computer models.

Keywords: *Intellectual Property Rights, Patent, Copyright.*

1 INTRODUCTION

Intellectual property (IP) is a term referring to a brand, invention, design or other kind of creation, which a person or business has legal rights over. IPR is a general term covering patents, copyright, trademark, industrial designs, geographical indications, protection of layout design of integrated circuits and protection of undisclosed information (trade secrets). IPRs refer to the legal ownership by a person or business of an invention/discovery attached to particular product or processes which protects the owner against unauthorized copying or imitation.

2. DEFINITION

DR. SAWAI A. B.

1 Page



Intellectual property is the product of the human intellect including creativity concepts, inventions, industrial models, trademarks, songs, literature, symbols, names, brands etc. Intellectual Property refers to creations of the mind, such as inventions; literary and artistic works; designs and symbols, names and images. Intellectual Property Rights do not differ from other property rights. They allow their owner to completely benefit from his/her product which was initially an idea that developed and crystallized. They also entitle him/her to prevent others from using, dealing or tampering with his/her product without prior permission from him/her. He/she can in fact legally sue them and force them to stop and compensate for any damages.

3. WHY INTELLECTUAL PROPERTY RIGHTS

The Intellectual property rights were essentially recognized and accepted all over the world due to some very important reasons. Some of the reasons for accepting these rights are: to provide incentive to the individual for new creation, provide due recognition to the creators and inventors, ensuring material reward for intellectual property and ensuring the availability of the genuine and original products.

4. FEATURES OF IPR

- IPR are property rights over information, knowledge and ideas
- IPR are exclusive, trade able and temporary
- IPR differ in the information being protected (copyright, patent, trade secrets, trademarks)
- IPR protect information that has public good characteristics (non-excludability and non-rivalry consumption)

5. NEED OF IPR

- With the advent of technology one of issue is legal characterization of the new Invention.
- It is created to protect the rights of individual.
- Created to insure protection against unfair trade practices.
- To assure the world a flow of useful, informative and intellectual works.
- To encourage the continuing innovativeness and creativity of owners of IPR.

6. IPR DEVELOPMENTS IN INDIA

- Patents & Designs Act - 1911 Developments in 1947

DR. SAWAI A. B.

2P a g e



- India joins WTO Developments in 1995
- India joins Paris Convention/PCT Developments in 1998
- Patent amendment provided EMR retrospectively from 1/1/95 in 1999
- 2nd amendment in Patents Act Developments in 2003
- Term of Patent – 20 years after 18 months publication
- Patent Tribunal set up at Chennai
- Patents (Amendment) Act 2005 Developments in 2005
- Plant Varieties and Farmers ‘Rights Act & Biodiversity Act. Designs, Developments in 1999 – 2005

7. TYPES OF INTELLECTUAL PROPERTY

Intellectual property is divided into two categories, Industrial Property and Copyright. Industrial property includes patents for inventions, trademarks, industrial designs and geographical indications. Copyright includes literary works (such as novels, poems and plays), films, music, artistic works (such as drawings, paintings, photographs and sculptures) and architectural design.

7.1 PATENT

Patent is an exclusive right granted by law to an inventor to prevent others from commercially benefiting from his/her patented invention without permission, for a limited period of time in exchange for detailed public disclosure of patented invention. The purpose of this law is to encourage inventions by promoting their protection and proper utilization of invention. Patent consists on a deal between inventors and society: The Patent System in India is governed by the Patents Act, 1970 (No. 39 of 1970) as amended by the Patents (Amendment) Act, 2005 and the Patents Rules, 2003, as amended by the Patents (Amendment) Rules 2006 effective from 05-05-2006.

7.2 TRADEMARK

A trademark is a sign by which a business identifies its products or services and distinguishes them from those supplied by competitors. It can be distinctive words, marks or other features. It helps consumers identify and purchase a product or service because its nature and quality, indicated by its unique trademark, meets their needs. It is popularly called as “Brand name”. It is mainly used in commercial sector. Its nature and quality indicated by its unique trademark to help consumers to identify and purchase product or services.

7.3 COPYRIGHT



Copyright relates to describe the rights that creators have over their literary and artistic works. Works commonly protected by copyright throughout the world include literary and artistic creations, such as poems, novels, music and paintings, but also includes cinematographic works, architectural works, sculptures, TV and radio broadcasts and many others. Work must be original or expressed differently to be protected under copyright.

REFERENCES

1. Firdous, Maqbool. Mir. (2016). Intellectual property rights issues and challenges of academic libraries in digital environment, international journal of computer engineering in research trends, Volume 3, Issue 12, pp. 639-644.
2. Handa, Sumeet, and Bhatt, Kishor. (2015). Intellectual Property Rights (IPR) In digital environment: An overview in Indian digital environment, international journal of digital library services, vol. 5 issue no. 2, pp- 117-123.
3. <http://www.innovaccess.eu/types-of-ip>
4. <https://www.dubaicustoms.gov.ae/en/IPR/Pages/WhatIsIPR.aspx>
5. Patrick, F. Roughen, (2017). Ownership of Intellectual Property in the Library Complex, Library Philosophy and Practice (E-Journal), pp-1-23.
6. Saha, C.N., Bhattacharya, Sanjib. (2011). Intellectual property rights: An overview and implications in pharmaceutical industry, journal of advanced pharmaceutical technology & research, vol. 2, issue 2, pp. 88-93.
7. www.wipo.int.