

IPR for Creators & Innovators

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Abstract: This paper integrates IPR in digital Environment. It mainly focuses Need and Necessity, Duration of IPR, International Organizations, and Types/Components of IPR along with Copyrights. This paper suggests IPR is an essential human creativity as creators gets incentives in the form of recognition and fair economic rewards under the system of rights. It also suggests that the copyright protection should be encouraging the use of information for creativity and not for creating hurdles in the use of information. IPRs in digital age are of major concern and we have to emphasize more on the practicality to get additional benefit and prosper.

Keywords: IPR, Intellectual Property Right, IPR and Creators; IPR and Digital Environment

INTRODUCTION

The term intellectual property reflects the idea that intellectual property rights may be protected at low in the same way as any other form of property. This includes ideas, designs, symbols, writings and creations. Every human being is endowed with certain but varying degree of intellect. The IPR law plays a vital role in deriving the socio-economic, political, technological, environmental, cultural benefits of a nation. Intellectual Property refers to a number of distinct types of legal monopolies over creations of mind, both artistic and commercial and the corresponding field of law.

OBJECTIVES

- To know that 'What is IPR'?
- To determine various aspects connected with IPR
- What are the concerns of IPR in present environment?
- To suggest "fair use" in the context of IPR.

INTELLECTUAL PROPERTY RIGHTS

IPR is a term used for various legal entitlements which attach to certain types of Information,

ideas, or other intangibles in their expressed form. IPR can be defined as the rights given to people over the creation of their minds. They usually give the creator an exclusive right over the use of his/her creations for a certain period of time. IPR is a government right granted by government for maintaining the quality of product or services. IPRs are important to maintain the quality, purity and safety of products. IPR is for determination of product stability and safety and applicable for companies, industries, business and marketing. Protection of IPR allows the innovator and copyright holder to benefit from his/her work.

NEED AND NECESSITY OF IPR

- To providing recognition to the creators and inventors.
- To ensuring the availability of genuine and original products.
- To protect the right of individual to enjoy their creations and inventions.
- To ensure protection against unfair trade practices.
- IPR is needed for to create value for R&D.
- To provide monetary profit to the creators and inventors.

- To insure protection against unfair trade practices and to enjoy their creations and invention.
- To assure the world a flow of useful, informative and intellectual works.
- To encourage the continuing innovativeness and creativity of owners of IPR.

DURATION OF IPR

Term of every patent will be 20 years from the date of filling of patent application, irrespective of whether it is filled with provisional or complete specification. Term of every trademark registration is 10 years from the date of making of the application which is deemed to be the date. Copyright generally lasts for a period of sixty years. The Registration of geographical indication is valid for a period of 10 years. The Duration of chip layout design is for a period of 10 years counted. The duration of protection of registered varieties is different for different crops namely 18 years for trees and vines, 15 years for other crops and extant varieties.

INTERNATIONAL ORGANIZATIONS

- **World Trade Organizations (WTO):** WTO was born on First January 1995 with main objective to improve the welfare of people of member countries. Its main function is to ensure that flows as smoothly, predictably & freely as possible.
- **World Intellectual Property Organization (WIPO):** WIPO was established in 1970. The organization became a specialized agency of the United Nations in 1974, Based in Geneva. WIPO is dedicated to developing a balanced and accessible international intellectual property (IP) system, which rewards creativity, stimulates innovation and Contributes to economic development while safeguarding the public interest.
- **European Patent Organization (EPO):** is a public international organization created in 1977 by its contracting states to grant patents in Europe under the European Patent Convention (EPC) of 1973. The European Patent Organization has its seat at Munich, Germany. It is not legally bound

to the European Union (EU) and has several members which are European Union state.

TYPES/COMPONENTS OF IPR

IPR connotes the right to literary, artistic and scientific work; performances of performing artists and broad-cast; inventions in all fields of human endeavor; scientific discoveries; industrial designs; trademarks; service marks and commercial names and designations, and all other products resulting from intellectual activity in the industrial, scientific, literary and artistic fields. IPR is a generic term covering patents; registered design; trademark; copyright; trade secrets; Trade Dress; Mask Works; Design; Tangible Research Property; Database Rights; Industrial Design Rights and geographical indicators etc in contractual licenses:

Copyright

Copyright refers to the legal right of the owner of intellectual property. It is a collection of rights that automatically vest to someone who creates an original work of authorship like a literacy work, song, movie or software. Copyright may be given for creators of literacy; dramatic; musical and other artistic work. In fact, it is a bundle of rights, including rights of reproduction, communication to the public adaptation and translation of work. The purpose of copyright law is to balance the rights of copyright holders and users. Intellectual Property Rights plays a very important role in not just protection the individual to protect the use of their facts from misuse but it is meant to promote originality and creativity.

CONCLUSION

IPR awareness is the key to technological innovations and in the emerging knowledge-based economy in the present scenario. IPR are essential human creativity and its importance is likely to go further. IPR assured the creators that their works can be disseminated without fear of unauthorized copying or piracy. National institutions dealing with IP rights need to have a continuous service-oriented approach with developing new and specialized services to facilitate the needs of society as Copyright

laws have to be modified as per digital environment. We need to take a much more thoughtful approach to rationalizing copyright, Introduction of general fair dealing guidelines, reduction of copyright term, Decriminalization of non commercial infringement and other such measures. Some orientation programs can also be organized by the educational institutions so that the users may become more conscious about the use of information with much more carefully and lawfully. The awareness among the creators of information and knowledge about IPR has become essential in the digital environment. The copyright protection should be encouraging the use of information for creativity and not for creating hurdles in the use of information.

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