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# IPRs AND INNOVATION

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**Abstract**

Innovation is developing a new idea and putting it into practice. And it is generally understood as the process of commercialising new ideas. Through innovation a business will endeavour to deliver new value to its customers to generate improve revenue/profitability by:

a) Offering new commercially feasible products/ services which generally from "radical innovations".
b) Offering more efficient ways of doing things, which generally result from "improvement innovations"?

- It is focused on the competitive strategy of private enterprises in a market-driven business environment; the term innovation is used here to refer to the process of bringing valuable new products to the market.
- From the idea / slash concept formulation stage to the successful launching of a new or improve product in the market place or the result of that process, so as to meet unequivocal or implied needs of current or potential customers
- For explaining the role of the tools of the intellectual property system it goes beyond merely looking at technological innovation as radical/or incremental technological breakthroughs.
- An invention is considered as a generation of new idea or knowledge, which aims to solve specific technical problem.
- Now a days, it generally accepted that in a knowledge driven, competitive business environment, technological innovation is a principle determinant of successful firm performance

**"MOST DIE A LONELY DEATH, NEVER SEEING THE LIGHT OF COMERCIAL SUCCESS"**

**Keywords**: Radical Innovations, Improvement Innovations, Incremental Technological Breakthrough.

## Introduction

Intellectual property rights (IPRs) are crucial for innovation. It is the foundation of any knowledge- based economy. It is the interface- of creations and rights. Intellectual property rights include, in the broadest sense, all rights resulting from intellectual activity in the industrial, scientific, literary, or artistic fields. It pervades through all sectors of the economy and is increasingly becoming important for ensuring competitiveness of the enterprise. The extent to which countries protect their intellectual property will determine how well they perform in the new economic environment. It is the original creations of human mind that has economic value and is protected Most often one things of property as either movable property (e.g.: a radio or a coat) or immovable property (e.g.: a house or land). One characterises of these forms of property is their tangible existence. In comparison, intellectual property law confers property rights on intangibles. Intellectual property has been characterised as "information which can be incorporated in tangible objects at the same time in an unlimited number of copies at different locations anywhere in the world. The property is not in those copies but in the information reflected in those copies." Role of IPR lay in providing a legal right to the inventor to protect his/her creation as well as preventing others from illegally exploiting the creation and thus avoid re-invention of the wheel. "Your ideas are your property and you have every right to benefit from it" the chief purpose is to encourage inventiveness and research that leads to new ideas and the development of new technologies.

## The various tools of IPR that are used to protect inventions are

**Copy right**: It is concerned with protection of creative works that are music, literary, artistic, lectures, plays, art reproductions, models, photographs etc,

**Patent**: It pertains to pragmatic innovations and aims to protect inventions that are novel, non- obvious and useful.

**Trademark:**It is related to commercial symbols and concern to protect distinctive marks such as words/signs including personal names, letters, numerical, etc,

**Geographical indications:**It is an aspect of industrial property which refers to the country or to a place of origin of that product.

**Industrial designs:**It protects novel non-functional features of shape, configuration pattern ornamentation or composition of lines or colours, applied to any either two or three dimensional or in both forms by any industrial process or means whether manual, mechanical or chemical, separate or combined which in the finished article appeal to and are judged solely by the eye.

**Product and process invention:** Generally, put an invention is developing a new idea and putting it into practice. As this article is focused on the competitive strategy of a private enterprise in a market driven business environment , the term 'innovation' is used here to refer to the process of bringing valuable new products (good and services) to market i.e., from the idea /concept formulation

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stage to the successful launching of a new or improved product in the market place, or the result of that process' so as to meet the explicit or implied needs of current or potential customers of that unique new value and communicating it to the current and potential customers of a business so that the product sells itself. It is a customary to distinguish between inventions that consist of product and inventions that consist of process. An invention that consists of a new alloy is an example of a product invention. An invention that consists of a new method or process of making a known or new alloy is a process invention. The corresponding patents or usually refer to as a "product patent for invention", and a "process patent for invention", respectively. The protection that a patent for invention confers means that anyone who wishes to exploit the invention must obtain the authorisation of the person who received the patent-called "the patentee" or "the owner of the patentee"-to exploit the invention.

Once speaks about "protection" since what is involved is that the patentee is protected against exploitation of the invention which he has not authorised. Such protection is limited in time. In most countries, it is about 14 or 20 years. Nowadays, it is generally accepted that in a knowledge-driven, competitive business environment, technological innovation (hereafter, for the sake of simplicity called innovation) is a principle determinant of a success full firm performance. But difference of opinion persists amongst economist and policymakers about the exact role of intellectual property (IP) in relation to innovation. On the one hand, in theory, the IP system is considered to be absolutely necessary "to encourage creative intellectual endeavour in the public interest, "and on the other, some observers believe that, in practice, the IP system hinders competition to the extent that it is often seen to be playing a negative role in innovation. hence the need for a systematic and periodic study and review of the actual use by business of the tools of the IP system so that economists are able to provide empirical, evidence- based guidance to policy makers to adapt the IP system so that it continues to serve the conflicting private and public interest in spurring further innovation and its wide diffusion in the shortest possible time. The article, however, does not deal with these otherwise important aspects.

Managing innovation better than its competitors is one of the main objectives of a business that wishes to survive and thrive in today's economy. By relying on practical examples, this article highlights the important contributions made by the effective use of the different tools in the IP system to the process of taking innovation technologies to market, through launching of superior products and /or services. For explaining the role of the tools of the IP system, it goes beyond merely looking at technological innovations as an interactive process made up of a number of distinct stages. It begins with the formulation of a novel idea /concept and, through a series of stages, ends in the successful launching and marketing of a new or improved product in the marketplace. In other words, it looks at particular IP issues of relevance to different stages in the whole new product development process in which technological innovations may be introduced at different stages of the value chain from the producer to the end user.

**India lacks the innovation tag**:

One of the key agendas of make in India is creation of intellectual property rights (IPR), as the government understand that IPR will be key to fostering innovations. The Indian government has likewise understood the significance of it and is putting an effort to accelerate innovation from India. The India patents act -1970 has experienced corrections to adjust to the concession to trade related aspects of intellectual property rights (TRIPS) for ensuring the required enthusiasm around innovations driven out of India.

Despite the required revisions, India's non-attendance in 2015 blundering innovation index, yearly positioning of the world's 50 most inventive nations has been quit disappointing. Moreover, in the present landscape, it would be unfair to expect India in the World Bank global innovation index either.

The reasons are clear. India needs to be equipped with more patented innovation. In 2013-2014, just 10,941 out of the 42,951 patent applications were applied by the Indians. Adding to the woes, our intellectual property (IP) department keeps struggling with shortage of officers and this has an adverse effect on the approval on the patent. India's national IP rights policy (IPR) was created in 2016. One of its stated objectives was to guide and enable all creators and inventors to realise the potential for generating, protecting and utilising IP which would contribute to wealth creation, employment generation and business development. It also aimed to foster predictability, clarity and transparency in the entire IP regime in order to provide a secure and stable climate for stimulating inventions and creations.

India has certainly made progress on the seven objects laid down in the national IPR policy across patents, trademarks, copyrights and designs. It has acted to increase public awareness, commissioned technology and innovation support centres, and instituted training programmes in some states. But much is left to be done: strengthening the legislative frame work to respect IP; improving the enforcement and adjudicatory mechanism that deal with infringements; supporting the generation and commercialisation of innovation; developing human capital to bolster capacity for research and skill building. We need to recognise IP as a value creator for India, and build the countries capability for innovation through IP creation, protection, and commercialisation. In

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health, care of instance, to develop and deliver new treatment to patients, inventor companies must be able to rely upon predictable and enforceable IP rights. Regretfully, GoI's initial momentum has not continued to translate into any meaningful change in policy or practice. The Parma industry concerns range from weak patent enforcement, an unpredictable environment, and the threat of compulsory incensing, to non-transparent market access policies, high tariffs and taxes, and an unpredictable environment for clinical research.

India's patent examination backlog is another problem, whether patents being examined currently were filed six to eight years ago. Such backlogs postpone clinical trial activity and ultimately the introduction of new medicines.

India's IP system needs to be thoughtfully assessed and legal flexibilities used judiciously for humanitarian non – commercial use in treating diseases that are epidemic or communicable, with compulsory licensing being invoked only as a rare exception in rare circumstances. Not only would strong IPR make India more attractive to innovators, but a robust IP framework would also deliver increased investment in clinical research, highpoint and skilled jobs transfer of medical knowledge and early access to new medicines.

**Conclusion**

IPR has to be renewed from time to time to ensure the protection of the rights from any infringement. Intellectual property rights are always territorial. Globalisation and rapid proliferation of technology has elevated the importance of intellectual property rights the intangible nature of intellectual property and the world-wide consistency of standard practices create a challenging environment for business wishing to protect their innovations, brands and designs etc, and we are supporting that the IPR helps to put an invention is developing a new idea and putting it into practice.

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