



Cover Page



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## INTELLECTUAL PROPERTY RIGHTS- A THEORETICAL PERSPECTIVE

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### ABSTRACT

The rivalry that has resulted from globalization and liberalization has paved the path for the development of ideas from innovations and creations all across the world. Markets driven by competition have resulted in the introduction of novel products and services. India is brimming with local talent waiting to be discovered in the sphere of legal rights that protect our creation (IPR). The present article exhibits through conceptual study under legal rights of our creation as per Indian context along with the global scenario.

**Keywords:** Patents, Intellectual Property, Regulations.

### INTRODUCTION

The early stages of business entities were based on factors of production; however, the availability of the knowledge workers is currently available abundantly. The modern era focused on information and intellectuals. As an outcome of it supporting the creation of legal rights has grown increasingly essential and relevant. There have been significant developments at the local and international levels during the last two decades, necessitating a unique and pragmatic approach to a larger understanding of intellectual property protection. The WTO was established in 1994 as an agreement on TRIPS swift under invasion. The TRIPS established common regulations for sanctioning and enabling legal rights creation. (Dr. Piyush Kumar Trivedi, 2019)

Intellectual property rights were initially added along the Uruguay Round Negotiations on the premise that inconsistent and insufficient standards impair international trade flows and impede global economic efficiency. If such were the case, IPRs may be classified as "trade-related" and included in the WTO. However, because just disciplining the resulting trade distortion is impractical, an agreement to alter IPR regimes was necessary. These ideas inspired both the name and the structure of the eventual TRIPs agreement.

The World Intellectual Property Organization monitors intellectual property rights (WIPO), as per this, IPR comprises the following rights (according to Art. 2(viii)-1967, July 14,).

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- Abstract, masterful and logical works
- Developments/ advancements along every area of human behavior
- Demonstration of skilled and phonograms and telecasting
- Analytical invention
- Latest designs
- Trademarks, administration imprints, business names, and designations. Business trademarks, management secrets, and entities names and roles

### INTELLECTUAL PROPERTY DESCRIPTION

Legal rights creation is an intangible invention of the human intelligence that is common articulation or transferred into the tangible way of particular legal rights are described. A writer copyrights on a published text or journal, and unique logo creation that represents non-alcoholic entities and their goods and services. Rare designs of a corporate website or a patent about the technological manufacturing babul gums are all examples of knowledge capital (Adukia)

### CIVIL RIGHT TO INTELLECTUAL PROPERTY

Legal rights creation (IP) is a word that refers to a label, idea, design, or another type of product that a person or corporation owns legally. Majorly entities have legal rights creation properties that can be treated as capital assets.

Below are the knowledge capital examples:

- Copyright – protects written or published works such as books, music, films, web material, and creative works; Copyrights and protected writing or textual works such as books, kinds of tune, entertainment, web-based material, and novel works



Cover Page



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- Patents – Commerical novel creation such as start-up companies' products and procedures.
- Designs –Technological designs (Computers) which safeguard the models
- Trademarks — these include signs, symbols, logos, phrases, or sounds that have competitive advantages against our opponents

### TIMELINE OF LEGAL RIGHTS INNOVATIONS

- 1790-1836: As a collective technological improter, the United States controlled the issuance of patents amongst their citizens including residents.
- 1836: Patent fees for foreigners beinga fixed about ten times the rate of US citizens.
- 1858: US commissioner of patents recognized marginal patenting in the US
- 1861: Foreigners handled calmly and completely non-discriminatorily
- 1883: The Paris Convention for the Protection of Industrial Policy is established.
- 1961: Korea adopts patent legislation. Patent laws were revised in the mid-1980s.

### IPR PROTECTION

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- Abstract, masterful and logical works
- Developments/advancements along every area of human behavior
- Exhibitions of performing craftsmen, phonograms, and broadcasts
- Logical discoveries
- Modern/advanced designs
- Trademarks, administration imprints, and business names including designations

### INTELLECTUAL PROPERTY OVERVIEW

The praise and benefits for innovations and creative works fuel the motivation to continue the imaginative and creative activities. In today's business environment, ideas and information are essential components of doing business. Invention, innovation, research, design, and testing will be used to promote high-tech goods and innovative therapies. Creativity is what sells films, music recordings, songs, books, computer software, and online services. Knowledge assets are the claims that impose others from usage from the original creators or inventions, models, or other jobs.

### REVIEW OF LITERATURE

**(2019, NarasimhuluEppe)** Intangible intellectual property rights (IPR) grant the inventor specialised rights to their production rewards to the inventor. To contest in the global markets, legal rights establish new thoughts and innovations that give identity and monitory benefits. The fundamental issue with emerging countries like India is a lack of information regarding intellectual property rights. Due to a lack of IPR understanding, outsiders steal our resources and ideas, paving the way for biopiracy. This page provides fundamental information on many forms of IPRs, such as patents, trademarks across the location indicates, business models, printed right, business secrets, plant layout designs with the protection of novel plant varieties, and so on, as well as the need for and how to get them. (2019, NarasimhuluEppe)

**(2017 Manual)** In India, the value of the intellectual property is widely recognised at all legislative, executive, including judicial levels. India has accepted the treaty after the establishment of the WTO, this agreement includes various agreements on TRIPS, which was begun on January 1, 1995. It creates fundamental requisites for legal rights creation protection and enabling in remembering countries, which falsification and hindrance to international commercial markets. The TRIPS commitments concern the establishment of a basic extents of safety within the member nations' legal-judicial systems including practices. **(2017 Manual)**



Cover Page



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**INITIATIVES OF GOVERNMENT OF INDIA TOWARDS PROTECTION OF IP**

The government also organizes several copyright seminars/workshops. These seminars are attended by law enforcement officers as well as representatives from industry groups. (Adukia)

1. The government has implemented a policy to create awareness about legal rights creation among the various stakeholders of the societies which are used by professionals, industrialists, scientific agencies, and the general public.
2. Policy academy of India and the Indian Academy of customs, excise, and Narcotics conducted various training programs on law related to printed rights for the crews and customs officers.
3. Various governmental department of human resources development and the government of India has done many initiatives to take measures and strengthen the printed rights enforcements.
4. Copyrights enforcement centers being setup at various states including UTs including Andhra Pradesh & Telanagana, Assam, Andaman and Nicobar Islands, Chandighad, Dadra & Nagar Haveli, Daman & Diu, Delhi, Goa, Gujarat, Haryana, Himachal Pradesh, Jammu & Kashmir, Karnataka, Kerala, Madhya Pradesh, Meghalaya, Orissa, Pondicherry, Punjab, Sikkim,
5. The Indian government conducted various seminars/workshops. All these seminars were participated by the government bureaucrats and representatives from corporate groups (Mudukia)

**PRIMARY IPRS ADMINISTRATION IN INDIA**

India has entered into the following global conventions and agreements related to legal rights creation: The arrangement on business-oriented elements of legal rights creations, the Paris conventions towards secure business property, the patent industries agreement, the Bern Convention towards protection of literature including artistic job, the global copyright convention, and the Budapest treaty on the international recognition of the microscopic works.

**Figure 2: Administration of major IPRs in India**

Nature of IPRs	Concerned Ministry/Department/ Organisation
Patents, Designs, Trade Marks & Geographical Indications	Ministry of Commerce and Industry, Department of Industrial Policy & Promotion The Office of the Controller General of Patents, Designs and Trade Marks
Copyright and related rights	MHRD, Department of Higher Education Office of the Registrar of Copyrights
Semiconductor, Integrated Circuit Layout Design Rights	Ministry of Communications and Information Technology Department of IT SICLD Registry
Protection of Plant Varieties and Farmers' Rights	Ministry of Agriculture, Department of Agriculture and Cooperation Protection of green plant and agricultural Rights Authority

(Source: Rambabu, V. (2007). Modernisation Of Intellectual Property Offices In India Ideas From The Experience Of The Japan Patent Office. 1-69)

**IPR SCENARIO FROM AN INDIAN POINT OF VIEW**

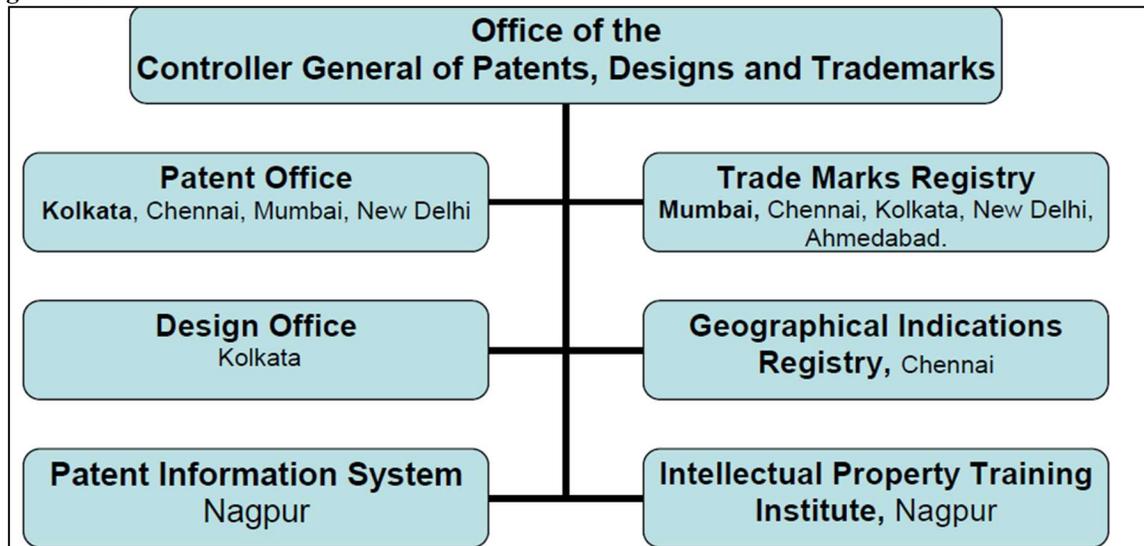
IPR regulation and protection in India is very poor as compared to developed countries, also registration of IPR's is less in number on annual basis. However, recently gaining momentum of established large industries and start-up companies are operating basis of a knowledge asset. Wayback 15 years back 75% of the knowledge assets were licensed and rights borrowed from foreign countries, this era has continued. Later stage due to globalization gradually the number of registration and novel ideas being increased on par with the rest of the world.

**FRAMEWORK FOR LEGAL ACTION**

Highlighting the significant importance of legal rights creation under scientific, technological, and business development, and as long-term responses to the world industrial environment of the Indian economy, and Government of India has renovated on intellectual property policy about patents, brands, across the geographical recognition, and business models. These are all the laws are practicing foreign responsibilities. IPR policy has also been changing to make process improvement and rational thinking to achieve key procedures to gain the importance of patent rights.

**Organizational Framework of IP Offices:** The organization of the IP offices and their locations is depicted in the picture below:

**Figure 1: Organizational Framework of IP Offices**



(Source: Rambabu, V. (2007). Modernisation Of Intellectual Property Offices In India Ideas From The Experience Of The Japan Patent Office. 1-69)

**CONCLUSION**

In India, intellectual property rights are still not decisive and complete. It has a very broad scope and coverage. The extent and scope of coverage are currently being contested. The TRIPs and WTO accords each had their unique impact, which the individual nations were able to adapt to local situations. IPRs have the potential to expand in the global and Indian contexts. The governing authorities will face consistency in the execution of the IPR Law in the coming days.

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