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**STUDY ON THE NEED OF CHANGING DYNAMICS OF IPR**

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**ABSTRACT**

It is the creator's exclusive rights to their creation that are protected by intangible intellectual property rights (IPR). To be able to compete in the global market, these rights encourage new thinking and research, which in turn provide recognition and economic rewards to the creator. The lack of understanding of intellectual property rights (IPR) in developing countries such as India is the most significant obstacle. Foreigners steal our resources and ideas because they lack knowledge of intellectual property rights, paving the way for biopiracy. This article provides basic information about intellectual property rights (IPRs), including patents, trademarks, and geographical indications, industrial designs, copyrights, trade secrets, layout designs, protection of new plant varieties, and so on, as well as information about the need for and procedure for obtaining each type of intellectual property right.

**KEYWORDS:** *Intellectual Property Rights, Developing, Geographical*

**1. INTRODUCTION**

Globalization and competition have reawakened the ideas of innovators and producers in order for them to be able to compete in the market. India has a large number of knowledgeable and skilled people in all areas of life sciences and technology, which has prompted the country to enter the sphere of intellectual property rights (IPR). The biodiversity and traditional knowledge Intellectual Property Rights (IPR) refer to the creation of a human idea, such as inventions, literary/creative works, symbols, names, pictures, and styles that are used in business. Intellectual Property Rights (IPR) protect the interests of creators by granting them ownership rights over their creations, which are known as intellectual property rights. In exchange for a stipulated sum of money, intellectual property laws grant individuals the right to possess and utilize their innovative scientific and technological discoveries. Individuals have the right to exploit their creative scientific and technological creations under intellectual property laws, which protect the interests of creators by granting them proper rights over their creations. Holding rights protect the interests of creators by providing them with proper rights over their creations. The World Intellectual Property Organization (WIPO) is in charge of monitoring intellectual property rights

(WIPO). According to the World Intellectual Property Organization (WIPO), intellectual property rights comprise the following (as per Art. 2(viii) as of the 14th of July 1967):

- Works that are abstract, masterful, and logical
- Changes in all aspects of human behavior
- Exhibitions of performing artists, phonograms, and radio and television broadcasts
- Logical breakthroughs
- Designs that are contemporary
- Trademarks, administration imprints, and corporate names and designations are all examples of trademarks.

The Trade Related Intellectual Property Systems (TRIPS) Agreement, which was established with the establishment of the World Trade Organization (WTO), established the relevance and role of licensed innovation insurance and codified it in the WTO Agreement. During the Uruguay Round of the General Agreement on Tariffs and Trade (GATT) agreement in 1994, it was consulted about the last stages of the negotiations. To put it simply, the TRIPS Agreement encompasses all sorts of permitted innovation on a fundamental level, and it is committed to integrating and bolstering security measures while meeting pressing requirements at both the national and international levels. It contributes to the pertinence of general GATT standards in the same way as the arrangements in global agreements on intellectual property (IP) tend to the pertinence of IP standards (Part I). Intellectual Property Rights are measured against a set of benchmarks in Part II, including accessibility, scope, and use; Part III, implementation; and Part IV, procurement and upkeep. Furthermore, it tends to be a part of the broader debate about counteractive action and settlement tools (Part V). Arrangements for formal arrangements are addressed in Parts VI and VII of the Agreement, which spread transitional and institutional game plans on an individual basis. The TRIPS Agreement, which went into force on January 1, 1995, is the most comprehensive polygonal franchise to licensed invention that has been developed to date. The following are the areas of licensed innovation that are covered by the programme are as follows:

- Copyright and related rights are protected by law (E.g., the privileges of entertainers, makers of sound chronicles and broadcasting associations)
- Trademarks, including administrative marks, are protected under the law.
- Geographical indications, such as epithets of the beginning.
- Structures used in the industrial sector
- Patents, which include the assurance of novel plant assortments, are also available.
- The layout designs of coordinated circuits are a type of layout design.

- The material that has not been revealed includes competitive innovations (trade secrets) and test information.

## 2. IPR TYPES

Intellectual property is divided into two categories:

**Industrial Property:** It includes inventions that are protected by intellectual property rights such as patents, trademarks, industrial designs, and geographical indications.

**Copyright:** is defined as the ownership of literary and artistic works such as novels, poetry, plays, films, musical works, and other creative works (viz., drawings, paintings, images, sculptures and study styles).

### 2.1 THE IPR BROADLY CLASSIFIED AS FOLLOWS:

#### A. PATENTS

A group of exclusive rights granted by a sovereign state to discover for a certain period of time in consideration for the disclosure of an invention to the broader public is known as an invention license. The following requirements must be met before a development can be considered patentable.

**Novelty:** It requires that the creation be of current relevance or that it be connected for a practical reason.

**Non-obvious:** Innovation must be something completely new that has not yet been distributed or made available in the earlier specialty of the country or anywhere else in the world prior to the filing date of the patent paperwork.

**Industrial application:** Inventive ideas can be implemented or utilised in a variety of industries.

### 3. WHAT CAN BE PATENTED?

The following is not patentable, according to Section 3 of the Patent Act of 1970: product, process, machine, manufacture, and composition of matter. The following is not patentable:

- Create something completely out of the blue. Invention that is in violation of the regular laws
- Inventions that are not reasonable for the strength of the human, the creature, the plant, the condition, or the environment, even in the face of widespread demand or high quality
- Any live item discovered; a revelation of any nonliving substances occurring in nature (for example, the plan of any dynamic hypothesis, the disclosure of any logical rule).
- Substance or compound formed by simple mixing resulting in the sum of its attributes

- It is an invention that is associated with nuclear vitality and that is related to the security of the country.

Aside from being granted selective rights that provide recognition as well as financial benefits, the creator of a patent application is also required to divulge all relevant data in an engaging manner when submitting the patent application to the patent office at the time of filing it with the patent office. The information contained in a patent report is accessible to everybody, and there is no doubt that it provides assistance to different professionals in order for them to go further in the vital subject. The patent enrolment process in India is overseen by the Controller General of Patents, Designs, and Trademarks, who is a government-appointed position. Under the Department of Industrial Policy and Advancement, the Ministry of Commerce and Industry is responsible for this office. The following are the steps involved in preparing patent documents:

## **STEP 1: FILLING OF PATENT APPLICATION**

Patents are handled by four different offices (Chennai, Mumbai, New Delhi and Kolkata [Head office]). To be considered for patent protection, the applicant must submit a patent application that is properly structured and contains all relevant data concerned with development such as portrayal, claims, drawings, dynamic, and so on. When a revealed innovation is only at a reasonable stage, the candidate has the option of recording a temporary determination in order to establish the requirement for the creation. From there, candidates must demonstrate entire determination in the suggested group within one year of being accepted.

### **Stage 2: Submission of the Application for Consideration**

Following the expiration of the 18-month period, the patent application is circulated in the workplace diary. Moreover, by incurring the additional recommended expense, the candidate can create additional demand for early production.

### **Stage 3: Filing an Opposition to the Patent**

If there is any pre-grant patent opposition, it should be recorded within three months of the patent being issued. In the event that a patent recording candidate files a demand for patent examination, the controller of the patent office will use this type of resistance representation to combat the request. There are other provisions in place for patent restriction following the grant of the patent.

## **Stage 4: Submit a Request for Inspection**

The candidate must submit an independent application for patent examination within four years of the date of filing of the patent application, along with the necessary fees.

## **Stage 5: In the event that any complaints have been raised, the complaints will be examined and clarified.**

All aspects of patentability, such as Curiosity and creativity, non-obviousness and current pertinence are checked by the patent analyst before issuing the First Examiner Report (FER) to the potential patent applicant. If there are any complaints in the examination report, the candidate must resolve the issues within one year of receiving the report.

## **Stage 6: The Patent is issued**

The patent is granted to the candidate by the Controller after the candidate's protests are overruled during the examination procedure. A reestablishment charge is required to be paid from time to time in order for the patent to remain in force, according to The Patent Amendment Act 2002. The DIP&P website (<http://www.ipindia.nic.in/>) has all of the nuances pertaining to Indian patents. Since 2007, the patent has also been able to be documented. Following the acquisition of the rights, the proprietor can study these rights through current invention, or he can sell, transfer, or authorise the rights in accordance with his wishes. The patent's privileges are granted for an indefinite period of time. When a patent expires, the development becomes available to the public, and anybody can benefit from the knowledge gained.

## **B. TRADEMARK**

A sign indicator is a visual cue used by a private company organization or other legal body to direct customers' attention to certain products or services. The use of a trademark or trade name helps businesses to increase their recognition, renown, and trust among their customers and clients. When it is difficult to study an item or administration quickly to determine its quality, customers rely on trademarks in the vast majority of circumstances. A specific segment of customers is unquestionably concerned about the brand and is willing to pay a premium for the brand's glory over and beyond equivalent kinds of value in order to distinguish themselves from the competition. When a trademark or service mark is used to distinguish one business or administration from another, it may include words (such as a company's name, surname, topographical name, and so on), letters and numbers, a drawing, a logo, an image, a state, an image, a plan, or a combination of these components. Trademark information

can be found at the Copyright Office, such as Cipla's, Aurobindo Pharma's, Sun Pharmaceutical Industries Ltd's, and Biocon's, among other things.

## **C. Geographical Indication**

These relate to the goods, which are the merchandise or products that are sourced from a specific location inside the country. The GI Act is administered by the Controller General of Licenses, Designs, and Trade Marks, which also serves as the GI enlistment centre. Insurance under GI is permitted for an extended period of time, with recharging possible from time to time for an additional ten years under these standards. E.g., the following items are of natural origin: Darjeeling tea, Alphonso Mango, Nagpur orange, lowing with exceptional alerts and bargains by distinct clan or place. China silk, Mysore silk, Chanderi sari, Kanchipuram silk saree, Kullu shawls, Solapur chaddar, Solapur Terry Towel, Kashmiri handiworks are few examples of human invention. The General Principles of the Indian Geographical System, as well as further information, can be obtained on the website of the Geographical System Registry.

## **D. Industrial Designs (sometimes spelled Industrial Designs)**

Industry-wide designs, which can be applied to an article in two or three dimensions or both, are defined as patterns, configurations, shapes, ornament designs, colour compositions, or lines applied to an article in India. Most national laws require that a modern plan be new or distinctive, as well as nonfunctional, in order to be protected. The plan enrollment does not cover any specialised features or portions of the item to which it is connected; therefore, any specialised features or sections of the item are not covered by the plan enrollment in this modern structure. Despite the fact that the specialised highlights are important, if they are original, they can be protected by obtaining a patent. Copyrights are used to protect structure that is abstract or magnificent in character, such as an animation, a name, a booklet, a map, a dressmaking design, and so on, as opposed to modern planning methods. These are guaranteed for a period of ten years, with the option to renew for an additional five years. Detailed information about the General Principles regulating the Indian Industrial Design System can be found on the DIP&P website (<http://ipindia.nic.in>).

## **E. Copyright and Intellectual Property Rights**

These are the particular legal rights granted to the authors and producers of various forms of imaginative expressions by the government.

Books, sonnets, reference works, articles, plays, books, leaflets, magazines, diaries, and other artistic and scientific works are examples of what is available.

Melodic work includes songs, melodic instruments, ensembles, performances, groups, and ensembles, among other things. Artistic works include painting, illustrations, design, notices, and other forms of communication. Photographic work includes, for example, representations, scene, style, or event photography, among other things.

Films: This category includes works in the field of cinematography, such as films, dramatizations, narratives, newsreels, dramatic shows, television broadcasting, children's shows, videotapes, and DVDs, among other things.

Computer programmes: Computer programmes, virtual products, and the databases that support them, as well as maps and specialized graphics are examples of computer programmes. The length of time that a copyright is valid.

## 4. IPR NEEDS

All of the components of management are in the hands of the people. Creators chronicle their ideas in a straightforward manner, making it easy to map out disagreements between people. Ensure that innovators have the freedom to speak freely about their innovations:

- It is necessary to compensate the original owner.
- With the fostering of invention and creativity, the society can make strides forward in its quest for progress.
- Has a critical function to play in increasing the speed of the nation's economic development.
- Innovators and entrepreneurs who put their money and energy into inventing a new product, procedure, literary work or other artistic production are protected under the law.
- In addition to providing a boost to production and commercial operations, investments in intellectual property also contribute to economic growth.
- In order to produce new processes and products through technological advancement, intellectual property allows diverse agencies to work together in a coordinated manner.
- Intellectual property (IP) plays a crucial role in bridging the gap between cooperative competitiveness and socio-economic development.
- Prevents duplication of effort, resulting in time and money savings.

- Prevents workers from being exploited and ensures that they receive fair recompense if their labour is used for a commercial purpose.
- Contributes to the generating of cash in a variety of ways, such as patent licencing.
- Patents are an important source of technical evidence in intellectual property rights cases.
- Patents encourage innovation and impose challenges on researchers in order for them to take their discoveries even farther.
- IPRs are extremely effective tools for increasing firm profits through strategic business planning.
- The established markets are safeguarded by modifying the course of future development
- Prevents infringements, so avoiding expensive and time-consuming litigation.
- People with the same commercial interests can be identified for global relationships, which is beneficial.
- IPRs help to build trusted, successful brands for use in home and international markets.
- A strong intellectual property system serves as a catalyst for innovation.

## 5. CONCLUSION

Acquiring an understanding of intellectual property rights is essential for any organization's economic and social progress. In order to compete on a national and international level, intellectual property rights (IPR) are required. To encourage IPR registrations and inventions, it is necessary to have a basic understanding of intellectual property rights and to educate others about them. The biodiversity of India provides an excellent platform for inventions in the field of intellectual property rights; also, India possesses renewable resources, raw materials, and labour, all of which are required for gaining intellectual property rights quickly and easily. Finally, intellectual property rights (IPR) are an excellent instrument for India and other developing countries to thrive and reap innumerable benefits.

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