

An Overview of Intellectual Property Rights in India

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Introduction:

India is one of the world's most challenging major Economy, with respect to protection and enforcement of Intellectual Property. It has to take steps to address longstanding IP issues that are affecting innovative industries in India. India remains on the Priority Watch List in USTR's Special 301 report for 2019. In 2016, India released its comprehensive National IP Policy, with its primary focus being on awareness and building administrative capacity. In July 2018, India acceded to the WIPO Internet Treaties, namely the WIPO Copyright Treaty (WCT) and WIPO Performances and Phonograms Treaty (WPPT).

Objectives of the Study :

1. To know the Concept of Intellectual Property Rights
2. To know the types of Intellectual Property Rights.
3. To know the importance of Intellectual Property Rights.

Research Methodology :

The study has been carried out based on the relevant secondary data. The secondary data has been collected from internet sources, articles, research paper, newspaper, etc.

Concept of Intellectual Property Rights :

Intellectual property rights are like any other property right. Intellectual property refers to creations by human mind, inventions, literary and artistic works, and symbols,

names and images used in commerce. It is allow creators, or owners, of patents, trademarks or copyrighted works to benefit from their own work or investment in a creation.

Types of Intellectual Property :

There are many types of intellectual property, and some countries recognize more than others. Following are the most well-known types of intellectual property;

1. Copyrights :

Copyright is a right given by the law to creators of literary, dramatic, musical and artistic works and producers of cinematograph films and sound recordings. It is a bundle of rights including, inter alia, rights of reproduction, communication to the public, adaptation and translation of the work.

2. Patents :

Patent usually refers to the right granted to anyone who invents something new, useful and non-obvious. A patent is a form of intellectual property that gives its owner the legal right to exclude others from making, using, selling and importing an invention for a limited period of years

3. Trademarks:

Trademarks used to identify services are usually called service marks. It is a type of intellectual property consisting of a recognizable sign, design, or expression which identifies products or services of a particular source from those of others.

4. Trade Secrets :

Trade secrets are a type of intellectual property that comprise formulas, practices, processes, designs, instruments, patterns, or compilations of information.

5. Industrial Design :

An industrial design refers to the ornamental or aesthetic aspects of an article. Industrial designs may consist of three-dimensional features, such as the shape or surface of an article, or two-dimensional features, such as patterns, lines or color. Industrial designs are applied to a wide variety of industrial products and handicrafts.

6. Geographical Indications :

A geographical indication identifies agricultural or natural or manufactured goods

as originating or manufactured in the territory of a country or region or locality in that territory. Most commonly, a geographical indication consists of the name of the place of origin of the goods.

Importance of Intellectual Property Rights :

The importance of intellectual property was first recognized in the Paris Convention for the Protection of Industrial Property (1883) and the Berne Convention for the Protection of Literary and Artistic Works (1886). Both treaties are administered by the World Intellectual Property Organization (WIPO).

Intellectual Property and India :

Department of Industrial Policy & Promotion (DIPP), Ministry of Commerce, Government of India, has been appointed as the nodal department to coordinate, guide and oversee the implementation and future development of IPRs in India. The 'Cell for IPR Promotion & Management (CIPAM)', setup under a professional body under the aegis of DIPP, is to be the single point of reference for implementation of objectives of the National IPR Policy. India is a member of the World Trade Organization (WTO) and committed to the Agreement on Trade Related Aspects of Intellectual Property. India is also a member of World Intellectual Property Organization, a body responsible for the promotion of the protection of IPRs throughout the world. India has laws covering various areas of intellectual property as enumerated herein below:

- 1) Trade Marks.
- 2) Patents.
- 3) Copyrights and Related Rights.
- 4) Industrial Designs.
- 5) Geographical Indications.
- 6) Layout Designs of Integrated Circuits.
- 7) Plant Varieties.
- 8) Information Technology and Cyber-crimes.
- 9) Data Protection.

Broadly, the following acts have been made to the protection of intellectual property in India:

1. Trade Marks Act, 1999
2. The Patents Act, 1970 (as amended in 2005)
3. The Copyright Act, 1957(as amendment). It has been revised latest in 2012 to conform to WIPO internet treaties.
4. The Designs Act, 2000
5. The Geographical Indications of Goods (Registration and Protection) Act, 1999
6. The Semiconductor Integrated Circuits Layout Design Act, 2000
7. The Protection of Plant Varieties and Farmers' Right Act, 2001

India is also a signatory to the following international IP agreements:

1. The Paris Convention - For the protection of the industrial property.Under this, any person from a signatory state can apply for a patent or trade mark in any other signatory state.
2. The Berne Convention -For the protection of Literacy and artistic works.
3. The Madrid Protocol - Under this, a person can file a single trade mark application at their national office that will provide protection in multiple countries.
4. The Patent Cooperation Treaty -The Treaty facilitates patent protection for an invention simultaneously in its member countries.

References :-

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