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Start ups –Educational Institutions Protection of Intellectual Property Rights

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ABSTRACT

Intellectual Property rights (IPR) means to provide property rights on patents, copyrights and trademarks some of the important elements include ideas, inventions, and creative expressions based on public willingness to bestow the status of property. It provides certain exclusive rights to the inventors or creators of their property, in order to enable them to gather commercial benefits from their creative efforts and reputation. Patent is a granting of a Property right for an invention which satisfies the criteria of global novelty, non-obviousness, and industrial application. Copyright refers to the legal right of the owner of intellectual property with exclusive right to reproduce the work. A trademark is a type of intellectual property consisting of a recognizable sign, design, expression which identifies products or services of a particular source from those of others. IPR also prerequisite for better identification, planning, commercialization, rendering, and protection of invention to creativity organization should evolve its own policies, management style, strategies depending on its area of specialty. The internet has been engaged in Promoting revolutionary technology of the new millennium, empowering consumers and business similar with blessings of connection. At present scenario most of the countries adopting this method with the help of electronic as a main source for betterment on the whole. This paper aims to provide some information about the protection of Intellectual Property rights in electronic commerce.

Keywords: IPR, Copyrights, Patents, Trademarks, Internet, E-Commerce, pharmaceutical etc.

INTRODUCTION:

Intellectual property rights are the rights given to persons over the creations of their minds. They usually give the creator an exclusive right over the use of his/her creation for a certain period of time. It pertains to any original creation of the human intellectuality such as artistic, literary, technical or scientific creation. IPR refers to the legal rights given to the inventor or creator to protect invention or creation for a certain period of time. These legal rights confer an exclusive right to the inventor/creator to fully utilize his invention/creation for a given period of time. It is very well settled that IP play a vital role in the modern economy. It has also been conclusively established that the intellectual work is associated with the innovation and should be given due importance. There is a quantum jump in research and development (R&D) costs with an associated jump in investments required for using a new technology in the market place. The stakes of the developers of technology have become very high, and hence the need to protect the knowledge from unlawful use has become expedient at least for a period, that would ensure recovery of the R&D and other associated costs and adequate profits for continuous investments in R&D. It is a strong tool, to protect investments, time, money, effort invested by the inventor/creator of an IP, since it grants an exclusive right for a certain period of time for use of his invention/creation. Thus IPR, in this way aids the economic development of a country by promoting healthy competition and encouraging industrial development and economic growth. Present review furnishes a brief overview of IPR.

History:

The laws and administrative procedures relating to IPR have their roots in Europe. The trend of granting patents started in the fourteenth century. In comparison to other European countries in some matters England was technologically advanced and used to attract artisans from elsewhere, on special terms. The first known copyrights appeared in Italy. Venice can be considered the cradle of IP system as most legal thinking in this area was done here. Laws and systems were made here for the first time in the world and other countries followed in due course. Patent act in India is more than 150 years old. The inaugural one is the 1856 Act, which is based on the British patent system and it has provided the patent term of 14 years followed by numerous acts and amendments.

Types of Intellectual Properties and their Description

Originally only patent, trademarks and industrial designs were protected as 'Industrial Property', but now the term 'Intellectual Property' has a much wider meaning as Intellectual Property Rights. It enhances technology advancement in the following ways

- (a) It provides a mechanism of handling infringement, piracy, and unauthorized use.
- (b) It provides a pool of information to the general public since all forms of IP are published

except in case of trade secrets.

IP protection can be sought for a variety of intellectual efforts including

1) Patents

2) Industrial designs relates to features of any shape, configuration, surface pattern, composition of lines and colors applied to an article whether 2-D, e.g., textile, or 3-D, e.g., toothbrush.

3) Trademarks relate to any mark, name, or logo under which trade is conducted for any product or service and by which the manufacturer or the service provider is identified. Trademarks can be bought, sold, and licensed. Trademark has no existence apart from the goodwill of the product or service it symbolizes.

4) Copyright relates to expression of ideas in material form and includes literary, musical, dramatic, artistic, cinematography work, audio tapes, and computer software.

5) Geographical indications are indications, which identify as good as originating in the territory of a country or a region or locality in that territory where a given quality, reputation, or other characteristic of the goods is essentially attributable to its geographical origin.

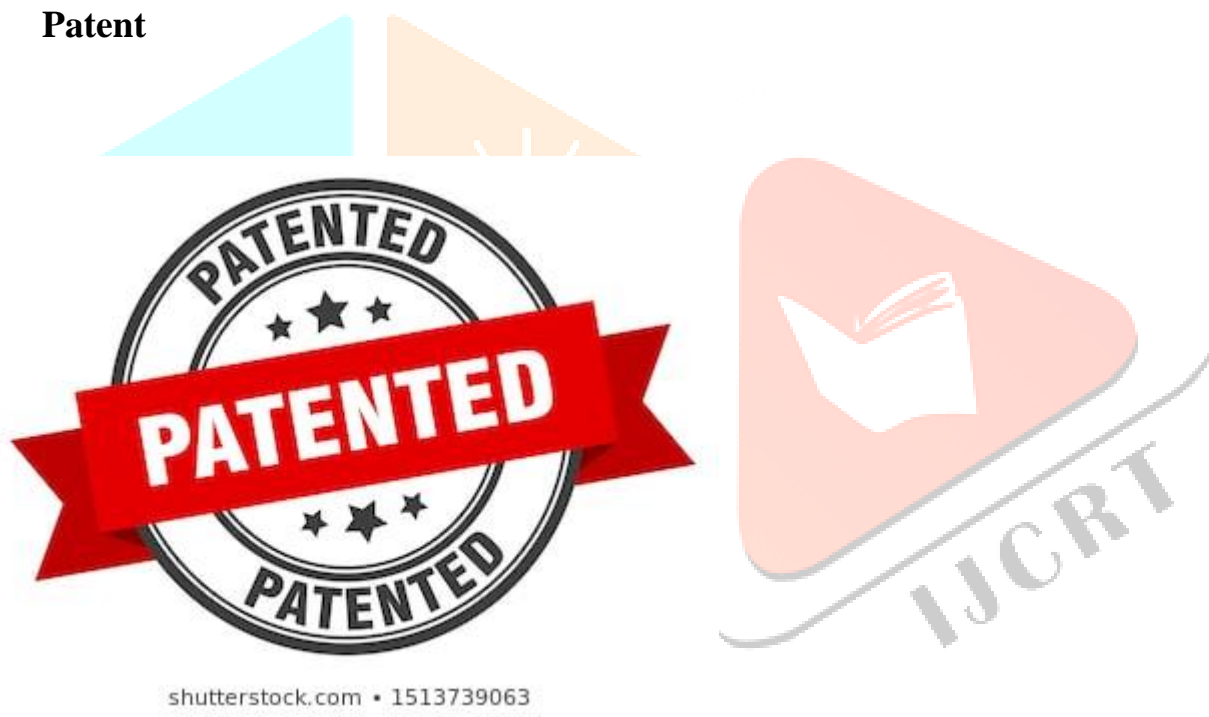
Trademark



Copyright



Patent



Objectives:

The startup and IP law section of Indian constitution has always been disappointingly shallow. This seems to be an effort to fill the void plaguing the IP regime in India. The law makers made it a point to amend the existing Intellectual Property laws in consultation with the stakeholders. All this was done under the ‘Digital India’ and ‘Make in India’ campaigns.

The aim is to clarify and simplify these laws and make the procedures more transparent and time bound. The New IPR Policy 2016 is rather well thought and lays down following objectives-

1. To create public awareness about the benefits of Intellectual property among all sections of society.
2. To stimulate the creation and growth of intellectual property by undertaking relevant measures.

3. To have strong and effective laws with regard to IP rights, consistent with international obligations.
4. To modernize and strengthen IP administration.
5. To catalyze commercialization of IP rights.
6. To strengthen the enforcement and adjudicatory mechanisms for combating IP violations and to promote awareness and respect for IP rights.
7. Capacity development by strengthening and expanding human resources, institutions for training, research and skill building in IP.

Research Methodology:

The intangible creations of human intellect are protected in Intellectual Property Rights. These are directly related to economic development of the country. IP Laws need to be sound to have better foreign investments, where the intellectual Capital can be one of the key wealth Driver. Safeguarding IP is essential to foster creativity and innovation. With the protection of intellectual property, the enterprises and individuals will benefit from their inventions and research and development will flourish. IPR Domain plays a key role in protecting right sand Avoid disputes. IPR has gained a good momentum in India with a National IP policy and Innovation policy that are formed to Intellectual property (IP) allows people to own their creativity and innovation in the same way that they can own physical property. The owner of IP can control and be rewarded for its use, and this often encourages further innovation and creativity which can have wider benefits the IP related matters.

The four main types of IP are:

- Patents for inventions - new and improved products and processes that are capable of industrial application
- Trade marks for brand identity - of goods and services allowing distinctions to be made between different traders
- Designs for product appearance - of the whole or a part of a product resulting from the features of, the lines, contours, colors, shape, texture and/or materials of the product itself and/or its ornamentation
- Copyright for material - literary and artistic material, music, films, sound recordings and broadcasts, including software and multimedia

Discussions:

As technological developments multiply around the globe--even as the patenting of human genes comes under serious discussion--nations, companies, and researchers find themselves in conflict over intellectual property rights (IPRs). Now, an international group of experts presents the first multidisciplinary look at IPRs in an age of explosive growth in science and technology.

This thought-provoking volume offers an update on current international IPR negotiations and includes case studies on software, computer chips, optoelectronics, and biotechnology--areas characterized by high development cost and easy reproducibility. The volume covers these and other issues:

- Modern economic theory as a basis for approaching international IPRs.
- U.S. intellectual property practices versus those in Japan, India, the European Community, and the developing and newly industrializing countries.
- Trends in science and technology and how they affect IPRs.
- Pros and cons of a uniform international IPRs regime versus a system reflecting national differences.

Results:

We encourage the exploitation of the results of the research we fund in many ways. Applicants need to be aware of the importance of making arrangements for managing the intellectual assets generated by research projects.

The ESRC makes no claim to intellectual assets (IA) arising from the research and training that we support. Responsibility for managing IA arising from ESRC funding is delegated to the funded organization. We recognize the need for a flexible approach and do not lay down any prescriptive rules about how IA should be identified or managed. As such, agreements between partners will need to reflect the circumstances of each case, and should be put in place before projects begin.

Conclusions:

It is obvious that management of IP and IPR is a multidimensional task and calls for many different actions and strategies which need to be aligned with national laws and international treaties and practices. It is no longer driven purely by a national perspective. IP and its associated rights are seriously influenced by the market needs, market response, cost involved in translating IP into commercial venture and so on. In other words, trade and commerce considerations are important in the management of IPR. Different forms of IPR demand different treatment, handling, planning, and strategies and engagement of persons with different domain knowledge such as science, engineering, medicines, law, finance, marketing, and economics. Each

industry should evolve its own IP policies, management style, strategies, etc. depending on its area of specialty. Pharmaceutical industry currently has an evolving IP strategy. Since there Exists the increased possibility that some IPR are invalid, antitrust law, therefore, needs to step in to ensure that invalid rights are not being unlawfully asserted to establish and maintain illegitimate, albeit limited, monopolies within the pharmaceutical industry. Still many things remain to be resolved in this context.

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