

Importance of Intellectual Property Rights in the Modern Times

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ABSTRACT

Intellectual property rights refer to any original invention of the human intellect (artistic, literary, technical, or scientific creation). It's a legal right given to the inventor or creator by which they can protect their invention or creation for a certain period of time. Some of the most well-known types are copyrights, patents, trademarks, and trade secrets. IPR is very much important for innovators and creators. It gives protection to the new work. It also provides economic as well as social development to any organization domestically and globally. In new education policy it must be included in the curriculum as a subject, so that new generation takes benefit of this IPR. India is rich in renewable resources, raw materials, labor, which are the basic need of any innovation. IPR, no doubt is a perfect tool for India and other developing countries to provide a benchmark for innovators and creators.

Keywords: *Intellectual Property Rights.*

Introduction

The property that includes intangible creations of the human intellect **is called Intellectual Property (IP)**. There are different kinds of intellectual property in the world, and some countries recognize more than others. Some of the most well-known types are copyrights, patents,

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trademarks, and trade secrets. The first modern concept of intellectual property was developed in 17th and 18th centuries in England.

Intellectual property rights (IPR) refers to any original invention of the human intellect (artistic, literary, technical, or scientific creation). It's a legal right given to the inventor or creator by which they can protect their invention or creation for a certain period of time.

To invent or create something new various efforts are required e.g. manpower, time, energy, skill, money, etc. of the inventor or creator. The Intellectual property rights (IPR) comes under provincial rights by which owner can sell, buy or license his Intellectual Property (IP) just like physical property.

India is affluent with innovators and talented people in almost all the areas viz., inventions literary/creative works, symbols, names, pictures and styles etc. which drive India to enter in the field of Intellectual Property Rights (IPR). IPR is monitored by World Intellectual Property Organization (WIPO). According to WIPO, IPR includes following rights related to (as per Art. 2(viii) as on 14th July 1967).

- Abstract, masterful and logical works
- Developments in the fields of human behavior
- Exhibitions of performing craftsmen, phonograms and broadcasts
- Logical discoveries
- Modern designs
- Trademarks, administration imprints, and business names and designations

Types of IPR

Intellectual property is basically divided into 2 categories:

- **Industrial property:** it incorporates inventions related to patents, trademarks, industrial designs, and geographical indications.
- **Copyright:** it incorporates literacy and creative works eg., novels, poems, plays, films, musical works, and creative works (viz., drawings, paintings, images, sculptures and study styles).

The IPRs are broadly classified as follows:

- A. Patents-** a patent is a form of right granted by the government to an inventor, giving the owner the right to exclude others from making, using, selling, offering to sell, and importing an invention for a limited period of time, in exchange for the public disclosure of the invention.

What Can Be Patented

As per section 3 of the Patent Act, 1970 any product, process, machine, manufacture, and composition of matter can be patented, while some of the accompanying is not patentable:

- Impractical creation
- Invention which are against the regular laws
- Inventions which are not reasonable for the strength of human, creature, vegetation, condition too as in spite of open request or profound quality
- Discovery of any living thing; a revelation of any nonliving substances happening in nature (e.g., Plan of any dynamic hypothesis, the disclosure of any logical rule)
- Substance or compound developed by simple admixture bringing about the total of the properties
- Invention identifying with nuclear vitality and related to security of the country.

The data available in a patent report can be seen by anyone. In India, the patent enrolment process is seen by the office of Controller General of Patents Designs and Trademarks. This office comes under the Department of Industrial Policy and Advancement, Ministry of Commerce and Industry. The patent document includes the following steps which are as follows:

Stage 1: Filling of Patent Application

The candidate needs to fill the application form in a complete manner with all the necessary details with the claim of originality. There are four offices for patents i.e., Chennai, Mumbai, New Delhi and Kolkata (Head office).

Stage 2: Publication of Application

After the expiry of 18 months the patent application is broadcasted in the workplace. By paying the extra endorsed expense the candidate can additionally set up demand for early production.

Stage 3: Opposition of Patent

Stage 4: Request for Examination

The patent application with affirmed expenses needs to apply independently for patent examination within four years of recording.

Stage 5: Examination and Clarification of Raised Complaints

This examination part comes under the patent analyst who checks all

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part of patentability. In any case if complaints found in the examination report than candidate needs to clarify the problem within one year.

Stage 6: Grant of Patent

This is the final step where patent is allowed to the candidate by controller when there is no protest brought up in the examination process.

B. Trademark

It incorporates signs, symbols, logos, words or sounds that distinguish your products and services from those of your competitors.

C. Geographical Indication

It incorporates the goods the merchandise or products originating from a selected location of the country.

D. Industrial Designs

It incorporates the industrial designs which can be defined as pattern, configuration, shape, ornament designs or color compositions or lines applied to an article into two or three dimensions or both.

E. Copyrights

It incorporates the special rights approved by law to the creators and producers of types of inventive expressions. It also includes artistic and scientific works, melodic work, photographic work, films, computer programmes etc. ^[13]

Need for IPR

As we all know that every human being is unique. They are rich in creation, innovation etc. but to put the right things in a correct manner some people are lacking in this. IPR basically offers the following:

- original work/owner must be rewarded.
- The society can succeed only when there is innovation in the ideas.
- It plays a vital role for accelerating the growth of the economy of the nation.
- It provides protection of inventors who invest both their money and energy in developing a new product, process, literary work or other artistic creation.
- IP has an important role by linking cooperative competitiveness and socio-economic development.

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- It prevents duplication of work, thus saving time and money.
- A good Intellectual property system is engine of creation.

Conclusion

IPR is very much important for innovators and creators. It gives protection to the new work. It also provides economic as well as social development to any organization domestically and globally. In new education policy it must be included in the curriculum as a subject, so that new generation takes benefit of this IPR. India is rich in renewable resources, raw materials, labor, which are the basic need of any innovation. IPR, no doubt is a perfect tool for India and other developing countries to provide a benchmark for innovators and creators.

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