

Understanding Intellectual Property Rights: Need of the Hour for Academicians and Researchers

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ABSTRACT

This is an age of transformation in the Indian higher educational institutions to be a part of the competitive world. There is a need of overhauling of our education system to meet the growing national needs and standards to be at par with international institutes. Intellectual Property Rights need to be followed by the researchers and teachers. They need to be made aware of all the unethical research practices rampant in the educational institutions. Researchers /student sare to take care of plagiarism and should be aware of copyright while getting their works published so that they can be saved from embarrassment that they might face due to their lack of awareness about Intellectual property rights. The practice of copying is not only illegal but also morally objectionable.

An objective analysis and a close look at the Indian Higher Education will lead us to observe that it is facing an unprecedented transformation in the near future. To cope with this transformational context, developing countries have been pressurized to ensure and assure quality of Higher Education at a nationally comparable and internationally acceptable standards. Consequently, developing countries like India and China require to overhaul their educational systems to meet the growing national needs and international standards.

The faculty under the present Higher Education system suffers from complete lack of responsibility and accountability. In absence of a system of Rewards and Punishments, the hope of quality enhancement in higher education is only illusory. It is a hard fact that most of the

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faculty members do not have a passion/taste for teaching and as a result do not aspire to improve their capability especially when they are bound to get promotions in respect of higher grades and emoluments not by virtue of their additional attainments and achievements but on account of years put in service. Until and unless, their contribution towards research work or performance are made the determining criteria for their career advancement, higher education would continue to suffer. Most of the faculty lack in quality in teaching, research and training. But the problem lies in lack of awareness regarding Intellectual property rights which a researcher must know before heading towards it.

Intellectual Property Rights give legal rights to the inventor or creator to protect his invention or creation for a certain period of time. These are automatically given to the creator of an original work which also applies to research data and re using of the data, and sharing it. Intellectual property rights are governed by WIPO, the World Intellectual Property Organization. WIPO protects IPR across borders.

A researcher has to rely on the published work to create a new hypothesis or to support the findings. He needs to ensure that the copyright of the owner is not to be infringed upon in any form whether it is an image, extract, data or figure. When a chapter of a book or a research paper is referred to, due credit is to be given and plagiarism needs to be avoided by effectively paraphrasing, summarizing, or appropriate references are to be quoted. Plagiarism is ethically wrong and considered a misconduct. It is mandatory to cite origin of the quote in the manuscript. Copyright also covers images, figures, data, graphs etc. Authors must get appropriate written permission to use copyright images before using them in the manuscripts or thesis.

Copyright remains the most important intellectual property right when it comes to the publishing of a book. The researcher needs to know these technicalities before getting the work published. The creator/writer is the first owner of copyright in any created work whether it is a story, a biography, a letter, a novel, a picture, a photograph, a poem. But the employer can have the copyright in an employee's work created in the course of his employment. The publisher of the work will have to enter into all the legalities involved in the publishing of somebody else's work in order to publish the work and issue copies of it in sufficient numbers to satisfy the needs of the public. The publisher does this by virtue of a contract in which the author either assigns copyright to the publisher or grants to the publisher, a license.

There is no law that can protect an idea which has not yet been expressed. Copyright cannot protect ideas as there is no law that will give protection to ideas that are not yet expressed in any form. No doubt, the intellectual property law protects the creations of the mind,

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but an unexpressed idea cannot claim legal protection. Therefore, the poem has to be written, the painting must be painted or a photo needs to be photographed; the story must be written down to claim any kind of rights over it.

One copyright is not sufficient for publishing a book. It needs more than one in the text and also if it contains pictures, drawings, or photographs or graphs. Each one of these copyright works, is the subject of a contractual agreement permitting its reproduction and publication, and, where the publisher does not acquire the rights himself through a contract, he acquires a license to use them. The publisher, therefore, needs a good understanding of the different types of contracts that cover all these rights. The publisher must be aware of the basic laws of intellectual property rights. The publisher, needs to get the exclusive rights of reproduction and distribution from the writer. Many publishers have feel insecure when it comes to intellectual property laws as it is the most complex part of their business. Whereas the book publisher should consider the intellectual property as a significant and important business tool to skillfully and strategically run his business to get the best results and profits. The publishers should appreciate intellectual property as it can help in bring about a transformation in the entire structure of the knowledge and information in the field of higher education.

Plagiarism is not ethical activity that can be carried out at various different levels – from a student to the writer, to the scientist or to a researcher. A student can copy from different sources, without acknowledgement, to submit his assignment to the teacher to get few marks in most of the institutes of higher education and this is a general but hard fact to be digested. Or a scientist, who is ready to take credit of the readings of an experiment that his friend/ colleague has worked upon, by getting it published in his name. Even a writer claims to be the original creator of a novel based on a story already exiting though, perhaps forgotten.

The Government needs to organize more and more awareness seminars/ sessions about not only intellectual property rights but also about plagiarism, especially, in the centers of higher education to make Indian education system more competitive, globally. The publishers can give threat of legal action in case of plagiarism but that will not only demotivate the researchers but also be a setback to the publisher's business. Moreover, a threat by the publishers cannot help in curbing the culture of copying. The awareness programs can teach researchers that unauthorized use of intellectual property is unethical as well as illegal. This practice is morally objectionable and projects a negative national character. To conclude, it can be considered as counter-productive to the nation's economic, social and cultural development goals.

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