

## **Review on Intellectual Property Issues in Cyberspace**

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### **ABSTRACT**

*The Information Technology Act 2000 is an outcome of the decision dated 30th January 1997 of the General Assembly of the United Nations (UNCITRAL), which followed the Model Law on Electronic Commerce on International Trade Law. Cyber Crimes are one of the fastest developing crimes within the global. While the Act has been a hit in setting down the body paintings of guidelines in Cyber Space and addresses some pressing worries of misuse of era, it suffers from some extreme lacunae which have no longer been mentioned, i.e. Intellectual Property issues. Intellectual belongings manner expertise or facts in any form which has a business price and Intellectual belongings rights can be described as a mixture of thoughts, innovations and creations i.e. Copyright, Patent, Trademark, Design are a number of the sorts of Intellectual Properties. These things are creations of the human thoughts and consequently referred to as Intellectual Property. Information Technology Act 2000 does now not mention a single word approximately Intellectual Property protection at the same time as Infringement of IPR is one of the most challenging place in our on-line world. As properly as Copyright and Domain names violations do arise at the internet but Copy Right Act 1957 & Trade Mark Act 1999 are silent on that which in particular deals with the problem. Therefore we haven't any enforcement equipment to make certain the safety of domain names on internet. Time has come where we*

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*need to enact special regulation for the safety of Intellectual belongings in cyberspace.*

**Key Words:** *Cyber law, Copyright infringement, Domain names, Cyber squatting, IPR issues & challenges concerned.*

### **1. Introduction**

The development in e-commerce and e-business has brought about an crucial difficulty to the companies and businesses to guard their intellectual belongings rights online. Nowadays, cyber crimes do now not only confine itself to fraud, cyber bullying, identity thefts but additionally infringement of copyrights and emblems of numerous enterprise and other establishments. Intellectual Property Rights (IPR) and Cyber Laws can't be separated, and on line content material must be protected. Cyberspace is the non-bodily area over which the conversation among computers takes place via laptop networks. With the growth of technology every person has a right of having access to our on-line world and sharing information. In cyberspace, every now and then personal data is shared by someone who is not the owner. Hence, privacy is violated. One makes profit from some other individual's creation. Those rights are covered below IPR. Patent, Copyright, Trademarks, Trade Secrets, Industrial and Layout Designs, Geographical Indications and many others. Are high brow belongings rights. When those rights are violated in cyberspace there are various treatments in law.

### **2. Copyright Infringement**

Copyright safety is given to the proprietor of any posted artistic, literary, dramatic, or scientific work over his paintings to exclude everybody else from the usage of that work on his own call and thereby benefit profit from it. When those copyrights are used by all of us without the permission of the owner, it amounts to infringement of such copyright. When copies are manufactured from software which are allotted at the internet and offered by any character apart from proprietor, it amounts to copyright infringement. Copying from website or content material from the blog also quantities to a copyright violation.

### **3. Issues in Cyberspace**

#### **● Copyright Issues in Cyber Space**

#### **Linking**

It lets in the user of the internet site to visit every other internet site on the Internet without leaving that internet site that he is uses. It is done by way of clicking on a word or photograph in one net page. Linking

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damages the rights or hobbies of the owner of the webpage. Linked sites can lose their income as revenues are regularly identical to the number of people who visit their web page

It might also create the influence that the 2 connected sites propose the equal and are linked to each other. In *Shetland Times, Ltd. V. Jonathan Wills and Another*, the Shetland News's deep link to embedded pages of the Shetland Times's web website online, through the use of Times' internet web page's information headlines, was held to be an act of copyright infringement under British law and an injunction was issued for the identical.

### **Software Piracy**

It is likewise blanketed underneath Indian Copyright Act. This is knowingly making use on a computer of an infringing reproduction of a laptop programme.

Piracy can be of 3 types:

Soft lifting ,

Software Counterfeiting

Uploading-Downloading.

Cybersquatting And Trademark Infringement:

Trademark manner a mark able to being represented graphically and that may distinguish the goods or services of one man or woman from the ones of others and can include form of goods, their packaging and mixture of colours.

Cybersquatting is accomplished when domain names are registered, sold or trafficked-in in an effort to make profit from the goodwill of a person else. It is a punishable.

### **● Trademark Issues in Cyber Space**

A domain call dispute arises when more than one individual consider that they have got the right to sign up a selected domain call. It arises while a registered trademark is registered with the aid of every other individual or organization who isn't always the owner of trademark this is registered. All area name registrars have to follow the ICANN's coverage . Cybersquatting is a form of domain name dispute. The petitioner turned into the owner of the trademark Yahoo! And had registered its domain name with distinctive nations like yahoo.In for India. Hence, the area name yahooindia.Com might be wrong as an extension of Yahoo!. The Court handled the problem as passing off and granted an injunction restraining the defendant from the usage of the area call yahooindia.Com.

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Meta tagging is a method in which a word is inserted within the keywords subject of the website online to boom the probabilities of a search engine returning the website online, despite the fact that the website online may additionally don't have anything to do with the phrase which changed into inserted. Infringement of trademark happens whilst corporations encompass their own web sites meta tags containing the names or descriptions of different companies.

The situations are: The domain name registered with the aid of the domain call registrant is equal or confusingly like an indicator or carrier mark wherein the complainant (the character or entity bringing the criticism) has rights; and the domain call registrant has no rights or legitimate interests in admire of the area name in query; and the registered domain call is being used in awful faith.

### **Conclusion**

Cyber space is turning into a middle area for intellectual assets rights infringement. Various practices by the cyber website online operators resulted in violation of intellectual assets rights and numerous different rights of different web sites operators. It has emerge as crucial that humans are aware of the unlawful utilization in their web sites and webpages. With the boom of Cyber area and era improvements, copyright and logos are not limited to the traditional intellectual belongings by myself but has prolonged to intellectual property rights over the internet. There are various guidelines and recommendations furnished by way of international conventions and treaties to guard infringement of IPRs online that are assisting e-commerce and e-agencies to extend. The Information technology Act does no longer provide provisions in admire of jurisdiction troubles, cybercrimes related to IPR, cyber stalking, cyber defamation and many others. The Indian Trademark Act, 1999 and Copyright Act, 1957 are also silent on troubles on online Trademark and Copyright infringement. Though laptop programmes are protected underneath the Copyright Act, 1957, it does no longer offer treatments for cyber piracy.

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