

INTELLECTUAL PROPERTY RIGHTS - AT A GLANCE

Dr.G.CHINNA DURAI, Assistant Professor of Corporate Secretaryship, Sourashtra College, Madurai, Tamilnadu

Dr.V.SURESH BABU, Assistant Professor, PG & Research Department of Commerce, Mannar Thirumalai Naicker College (Autonomous), Pasumalai, Madurai, Tamilnadu

Abstract

Intellectual property has increasingly assumed a vital role with the rapid pace of technology, scientific and medical innovation that we are witnessing today. Moreover, changes in the global economic environment have influenced the development of business models where intellectual property is a central element establishing value and potential growth. In India several new legislations for the protection of intellectual property rights have been passed to meet the international obligations under the WTO agreements on Trade Related Aspects of Intellectual Property Rights. But inventors faced much more problem for getting intellectual property rights for their invention. Hence the researchers undertaken to study, "Intellectual Property Rights - At a Glance".

Key words: Patent, trademark, copyrights, and geographical indication.

Introduction

In today's dynamic and knowledge based industrial environment, IPRs are key elements needed to maintain the competitive edge of any industry. IPRs impart success to the business enterprise by creating and preserving exclusive markets. The cost of Research & Development in developing new products and new process is rising sharply and hence, there is a need to increase and accelerate the extent of protection of IPRs to get reasonable return on investment and reduce the element of risk and uncertainty. IPR protection provides an incentive to investors for further research and investment R & D, which leads to creation of new and better products and in turn, brings about economic growth and social benefits. Intellectual properties are emerging as a new wealth and power of nations and are described as a new global currency.

Objectives

The following are the research objectives of this study

1. To study the basic components of Intellectual Property Rights in India.
2. To analyse the Intellectual Properties issued in India.

Methodology

The study purely based on secondary data sources such as journals, websites, and Intellectual Property India Annual Report and text books. The study does not consider primary sources.

Types of Intellectual Properties

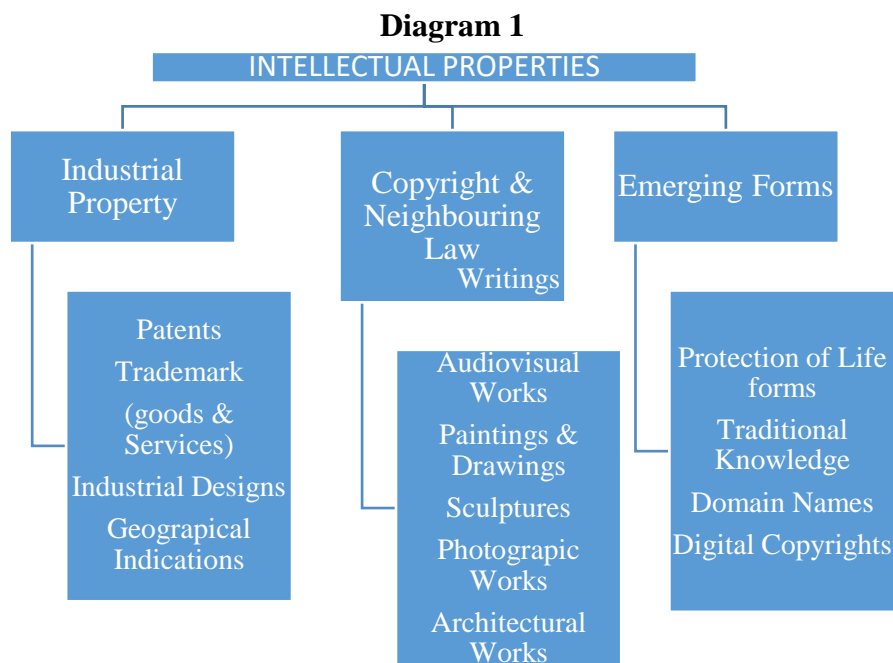
The following diagram 1 clearly understands the various types of intellectual Properties.

Patent

Patent is an exclusive right for a limited period of time by the government to the patentee (owner of the patent), in exchange of full disclosure of his invention, for making, using, selling the patented product or process or authorizing others to do so. The purpose of this system is to encourage inventions by promoting their protection and utilization so as to contribute to the development of industries, which in turn provides better facilities to the society.

Trademarks (Goods and Services)

A trademark as such is a property, which is also termed as industrial property. A manufacturer wants his goods to be distinctively identified to assume and assure quality, utility, price and for that identification he desires that the goods should be branded by a brand name by a word mark in the form of a label or sum.



Industrial Designs

An industrial design is an outcome of inventive activity, initially, mentally conceived and then put on a drawing board, followed by the mechanics of giving a concrete shape of the basic new idea in the design and then finally contriving a method for mass manufacturing the same, to put forth a product in the market for the benefit of the customer.

Geographical Indications

Qualities and characteristics of certain goods attributable to some geographical locations and reputable to as “as produce of certain region” come under Geographical Indications. Only associations can apply for geographical indications.

Copyright and Neighbouring Rights

Copyright as defined in the Oxford English Dictionary, is an exclusive right granted by law for a certain term of years to an author, composer, etc., (or his assignee) to print, publish and sell copies of his original work.

Neighbouring rights, also known as rights neighbouring to copyright, were created for three categories of people who are not technically author: performing artists, producers of phonograms and those involved in radio and television broadcasting.

Traditional Knowledge

Traditional knowledge, indigenous knowledge, and local knowledge generally refer to the matured longstanding traditions and practices of certain regional, indigenous or local communities. Traditional knowledge also encompasses the wisdom, knowledge, and teachings of these communities. In many cases, traditional knowledge has been orally passed for generations from person to person. Some forms of traditional knowledge are expressed through stories, legends, folklore, rituals, songs and even laws.

Digital Copyright

Over the century’s copyright law - originally tailored to the technology of print – has been adapted several times, in order to respond to technological changes. Now it is yet again challenged by the

advance of digital technologies. These represent something completely new in respect of the fact that they allow the entire information (text, sound and visuals) to be generated, altered and used by and on one and the same device irrespective of whether it is provided in online or offline.

Domain Name

The domain name in the online world, just like the trade name in the offline world, serves to identify the goods/services provided by the company. To access a website, one requires a web address. This web address comprises of domain names. As the number of Internet users increased, the importance of domain name also increased. People started identifying the domain name with its owner. With the Internet being used in a big way businessman for not only advertising and promoting their products, but also for selling them, the principles of trademark, infringement of trademark and passing off are being applied even in the online environment.

The following are the total number of application received for Patents, Designs, Trademarks and Geographical Indication in India from the year 2015-16 to 2019-20.

Table 1: Application Received

S. No.	Intellectual Properties	2015-16	2016-17	2017-18	2018-19	2019-20
1.	Patents	46904	45444	47854	50659	56267
2.	Designs	11108	10213	11837	12585	14290
3.	Trademarks	283060	278170	272974	323798	334805
4.	Geographical Indications	14	32	38	32	42
Total		341086	333859	332703	387074	405404

Source: Annual report of Intellectual Property India from 2015-16 to 2019-2020

Chart 1: Intellectual Property Application received in India

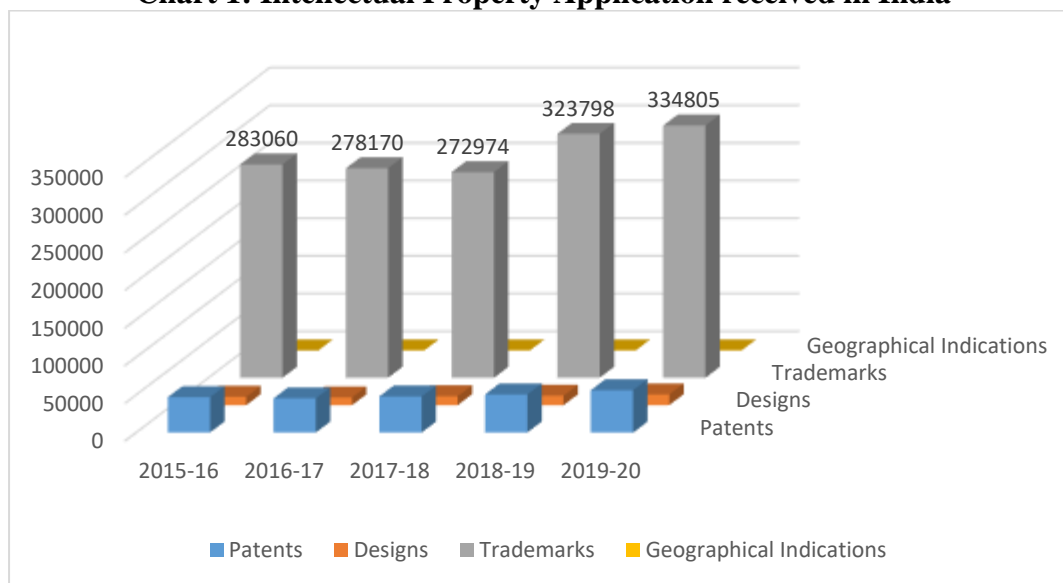


Table 1 clearly understand the total no of application received for patents, design, trademark and Geographical Indication. The entire study period of intellectual property application are gradually increased except the financial year 2016-2017 patents application are increased from 46904 to 56269. Design applications are increased from 11108 to 14290. Trademarks applications are increased from 283060 to 334805 and Geographical Indication also increased gradually our study period from 14 to 42.

The following are the total numbers of granted Patents, Designs, Trademarks and Geographical Indications in India from the year 2015-16 to 2019-20.

Table 2: Intellectual Property Granted

S. No.	Intellectual Properties	2015-16	2016-17	2017-18	2018-19	2019-20
1.	Patents	6326	9847	13045	15283	24936
2.	Designs	7904	8276	10020	9483	12256
3.	Trademarks	65045	250070	300913	316798	294172
4.	Geographical Indications	26	34	25	23	22
Total		79 301	268227	324003	341587	331386

Source: Annual report of Intellectual Property India from 2015-16 to 2019-2020

Chart 2: Intellectual Property Granted

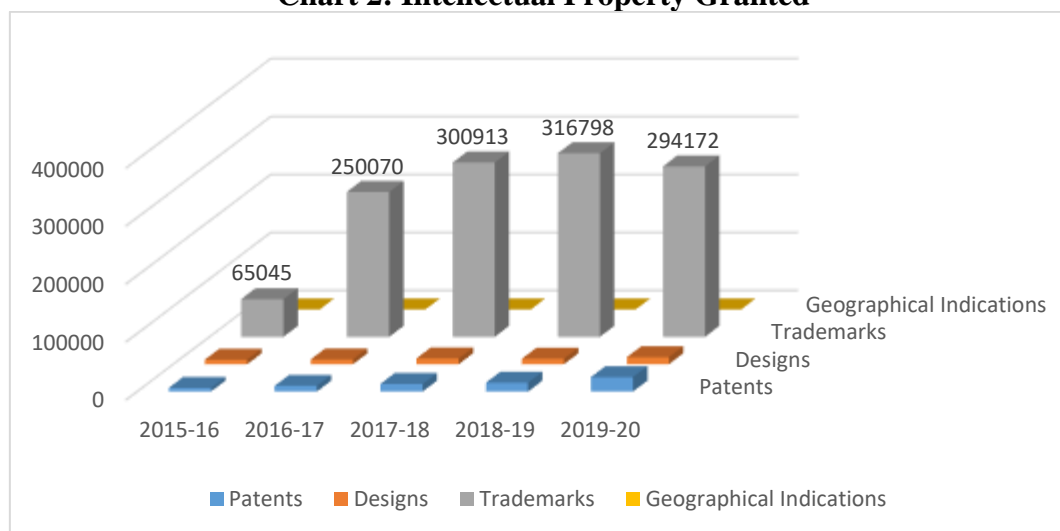


Table 2 clearly understand the total no of granted Intellectual Properties. Patents granted are increased gradually throughout the study period from 6326 to 24936. Design granted are increased gradually throughout the study period from 2015-16 to 2019-20 except the financial 2018-19. Trademarks granted are increased gradually from 2015-16 to 2019 a slight slope don in the year 2019-20 from 31698 to 294172. And Geographical Indication granted also increased from 26 to 34 for the first two years and the next three years of our study period of the study Geographical Indication granted level are going downward trend from 25 to 22.

Conclusion

Intellectual property are important assets the can impact a company’s viability, market share and competitive edge for years to come. Moreover, changes in the global economic environment have influenced the development if business models where intellectual property is a central element establishing value and potential growth. In India several ne legislations for the protection of intellectual property rights have been passed to meet the international obligations under the WTO agreements on Trade Related Aspects of Intellectual Property Rights. But simply obtaining trademarks and copyrights without an IP strategy represents increased risks and missed opportunities. All the inventors must get the intellectual property rights for their inventions.

Reference

[1] Radhakrishnan.R and Balasubramanian.S (2009), “Intellectual Property Rights text and cases” Anurag Jain Publisher, New Delhi, 2009, pp1-15.
 [2] Annual report of Intellectual Property India 2015-16

- [3] Annual report of Intellectual Property India 2016-17
- [4] Annual report of Intellectual Property India 2017-18
- [5] Annual report of Intellectual Property India 2018-19
- [6] Annual report of Intellectual Property India 2019-20
- [7] <http://lawbhooms.com>
- [8] <http://intellectual property righrs.com>