

# Intellectual Property Rights and The Digital World

*Yug Bhatia<sup>1</sup>*

## I. ABSTRACT

Intellectual Property (IP) refers to the creations of the human mind like inventions , literary and artistic works and symbols, names , images and designs used in commerce. Intellectual Property is divided into two categories : Industrial Property, which includes inventions (patents ) , trademarks , industrial designs , and geographic indications of source ; and copyrights , which includes literary and artistic works such as novels , poems and plays , films , musical works , artistic works such as drawings, painting, photographs and sculptures , and architectural designs. Rights related to copyright include those of performing artists in their performances , producers of phonograms in their recordings , and those of broadcasters in their radio and television programs. Intellectual property rights protect the interests of creators by giving them property rights over their creations.

**Keywords:** Intellectual Property(IP), Inventions, Rights, Creators, Property

## II. INTRODUCTION

In today's world , the abundant supply of goods and services on the markets has made life very challenging for any business , big or small. In its on – going quest to remain ahead of competitors in this environment , every business strives to create new and improved products(goods and services ) that will deliver greater value to users and customers than the products offered by competitors. To differentiate their products-a prerequisite for success in todays markets- businesses rely on innovations that reduce production costs and improve product quality. A key subset of intangible assets is protected by what are labelled collectively as intellectual property rights(IPRs).These include trade secrets protection, copyright, design, and trademark rights, and patents as well as other types of rights. IPRs create tradable assets out of products of human intellect ,and provide a large array of IPR tools on which businesses can rely to help drive their success through innovative business model

## III. INTELLECTUAL PROPERTY REGIME IN INDIA

India remains one of the world's most growing economics in past 20 years and the ballgame of entrepreneurship and industries is a key element for contribution outstanding growth of Indian economy. Historically the first system of protection of intellectual property came in the form of (Venetian Ordinance) in

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<sup>1</sup> IP Universty, India.

1485. This was followed by Statute of Monopolies in England in 1623, which extended patent laws between 1880 to 1889. In India Patent Act was introduced in the year 1856 which remained in force for over 50 years which was subsequently modified and amended and was called “The Indian Patents and Designs Act ,1911”. After Independence a comprehensive bill on patent rights was enacted in the year 1970 and was called “The Patents Act ,1970”

Over fifteen years , Intellectual property rights have grown to a stature from where it plays a major role in development of economy. At the multilateral level, the successful conclusion of the Agreement on trade related aspects of Intellectual Property Rights(TRIPS) in the world Trade Organization elevates the protection and enforcement of IPRs to the level of solemn international commitment. In 2016,India released its comprehensive National IP policy, with its primary focus being on awareness and building administrative capacity. The portfolio of copyright and semi- conductors shifted to the Department of Industrial Policy and Promotion , Ministry of Commence. The Cell of IP Promotion and Management(CIPAM) was set up and tasked with implementing the IP policy and interagency coordination. The copyright Board was merged with the IP Appellate board. The Indian Patent Office hired 458 examiners to address the issue of patent and trademark backlog.

#### IV. CATEGORIES OF INTELLECTUAL PROPERTY RIGHTS:

According to the *World Intellectual Property Organization* , there are seven categories of intellectual property rights :

- i) Copyrights and Related Rights
- ii) Trademarks, Trade Names and Service Marks
- iii) Geographical Indications
- iv) Industrial Rights
- v) Patents
- vi) Layout Designs and Integrated circuits
- vii) Undisclosed Information

**1. Copyrights:** Copyrights protect original works of authorship , such as literary works, music, dramatic works, pantomimes and choreographic works, sculptural , pictorial , and graphic works, sound recordings , artistic works, architectural works and computer software.

#### Works covered under copy rights:

- ✓ **Artistic work:** It means a painting , a sculpture , a drawing 2) an engraving or a photograph 3) a work

of architecture and any other work of artistic craftsmanship

- ✓ **Literary work:** It includes computer programmes, tables and compilations including computer databases.
- ✓ **Musical works:** It means a work consisting of music and any graphical notation of such work.
- ✓ **Dramatic work:** It includes any piece of recitation , chorographical work or entertainment in dumb show.
- ✓ **Cinematography Film :** It means any work of visual recording

## 2. Patents:

A patent is an exclusive right granted for an invention – a product or process that provides a new way of doing something or that offers a technical solution to a problem. Patent is granted for a limited period , generally 20 years.

3. **Trademarks:** Trademarks are signs or symbols i.e. logo and names registered by a manufacturer or merchant to identify goods and services. Protection is usually granted for 10 years and renewal as long trademark continued to use. A trademark may be brand name , trade dress , service mark, certificate mark. For example, A brand name would be coca cola, a trade dress would be shape of coca cola bottle.

## V. IPR DIGITALLY

In this Era of Digital world where the whole world is in our hand IPR plays an important role. Data sharing, Data Integration, unethical data utilization and unauthorized public disclosure are major areas of concern. Some of the major issues which are concerned as follow:

- 1) Is digitization to be considered as similar to reproduction , for example using photocopy machine?
- 2) Is digitalization creative activity such as translation from one language to another?
- 3) Can transmission of digitalized documents through internet be considered as commercial distribution or public communication similar to broadcasting?
- 4) What is considered as 'faire use' in the internet environment?
- 5) Issue relating to digital library?

There are few major concern like issue related to library. Libraries have allowed their users to read the documents , browse documents, etc . this all leads to increase in transparency and give rise to security issue of the particular IPR right. The copyright protects only creative works. Simply transformation in to the digital form of an original documents cannot be considered as creative work. The transmission of information can be considered similar to broadcasting ; hence copyright law cannot be applied.

## VI. WAYS TO PROTECTION OF DIGITAL / INTELLECTUAL PROPERTY

Digital Rights Management (DRM) technologies ensure copyright through identifying and protecting the content , controlling access of the work , protecting the integrity of the work and ensuing payment for the access. DRM technologies prevent illegal users in accessing the content. Access is protected through user ID and password, licensing agreements. Another way to protect digital content is through Technical Protection Measures (TPM). These technologies allow publishing companies in securing and protecting content such as music, text, and video from unauthorized use. If another wishes to collect fee for use of his or her work, then DRM technology can be used.

1) **Cryptography:** cryptography is the oldest mechanism employed to ensure security and privacy of information over networks. This involves scrambling (or encryption ) of the information to render it unreadable or not understandable language, which only the legitimate user can unscramble(or decrypt).

2) **Digital Watermark Technology:** A digital watermark is a digital signal or pattern inserted into digital documents. A unique identifier is used to identify the work. The message might contain information regarding ownership, sender , recipient, etc. This technology also have watermark generator.

3) **Digital Signature Technology:**digital signature includes identity of the sender or receiver date, time , and any unique code , etc. This information is added to digital products. Digitally signed fingerprints guarantee document authenticity and prevent illegal copying

4) **Electronic marketing:** In this technique, the system automatically generated a unique mark that is tagged to each of the documents copies.

This technique used to protect copyright as well as in electronic publishing where documents are printed, copied or faxed.

## VII. CONCLUSION

A number of issues are associated with the usage of digital information i.e. issues of single articles versus full

issues of e journals, user- friendliness , incompliance hardware and software , formatting , graphics , scholarly recognition and obsolescence. While it is important to protect the copyright of the publishers . In digital environment it is difficult to draw a boundary line between what is permissible , to what extent and what is infringement .

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