



## Awareness of Intellectual Property Rights and their Importance

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### Abstract

Property rights (IPR) are intangible in nature and provide the author or developer with exclusive rights to his or her precious innovation or development. IPR is the subject of multinational trading activities and livelihoods around the world under the new scenario of globalisation. These rights improve the creative climate by granting the founder or designer acknowledgement and economic benefits, whereas the lack of knowledge of IPR and its inadequate application can impede the nation's economic, technological and societal developments.

**Keywords:** IPR; Property Rights; IPR Process

### Introduction

Intellectual property rights (IPR) are characterised as innovations, creations, and artistic works that are funded by a public desire to grant property protection. IPR grants inventors or owners of the property some proprietary privileges in order to allow them to enjoy the market rewards of their artistic works or reputation [1-5]. There are various kinds of property protection, such as licences, copyrights, logos, etc. Recognition of an innovation that reaches the requirements of worldwide novelty, non-obviousness and commercial use is a patent [6-10]. In general, IPRs are known to have two major areas of pharmaceutical effects. Second, there is the difficulty of price and access, where the emphasis of debate is on the relations between IPRs (in specific patent rights), the absence of rivals, and hence the supply and pricing of the new drugs. Second, R&D incentives are difficult—that is to say, the role of IPRs in offering incentives to procure, produce and sell new drugs—and hence the impact of IPRs on R&D investment and its delivery

through illnesses, countries and organisations. In this post, we include details on IPR [11-15].

### Intellectual property rights

This paper highlights different IPR concepts, such as patents, trademarks, industrial designs, geographical markings, copyright, etc., with their corresponding laws, legislation, needs and functions, particularly with regard to the Indian context. In addition, the status of India's presence in IPR-related events around the globe was briefly addressed. The word property is claimed to be used for imagination and ingenuity in the human brain. Various attempts are needed to develop or create something fresh in terms of inputs of personnel, time, resources, ability, capital, etc. An intangible possession of the person who took suffering for the innovation or development is the last term definition under which invention or creation occurred. Legal privileges or monopoly rights are then provided, as necessary by statute, to the inventor or innovator to enjoy the economic benefits of their innovation or production.

Property rights (IPR) are territorial rights by which the person is almost free to rent, purchase or licence his property (IP) as property. But in any presentable or observable way, to say their advantages, one has to register IPR with legal authority. Each form of IPR gives its founder and/or developer exclusive privileges to maintain and reap economic benefits that further motivate the production of skills and community.

### IPR process

Patent is the right to property given to the creator for his novel scientific innovation by the office concerned. The word innovation implies solution to some issue in terms of production of a product or a method. Patents are known to be the most desirable and accurate among the different kinds of IPR. The patentability of any innovation needs the following conditions to be met:

1. **Usefulness:** The innovation must be industrially functional or technically applicable.
2. **Novelty:** The innovation must be a modern concept which, before the date of filing of the patent, has not been reported or is accessible in the country's prior art or anywhere in the world.
3. **Non-obviousness:** The discovery that any average eligible individual can carry out is evident and cannot be patentable. For patentability, however, the innovation must not be apparent.

In the one side, exclusive privileges are given to inventors in the patenting process, who often accept financial advantages, but on the other hand, according to the Patent and Trademark Office Database at the point of submitting the application, the author needs to reveal all the related details in clear form. Everyone also sees the information available in the patent paper and there is no doubt it offers other researchers guidance to further innovate in the related area. In India, the patent registration mechanism is regulated by the office of the Controller General of Patent Designs and Trademarks. This office falls under the Ministry of Commerce and Business, Department of Economic Policy and Promotion.

The foregoing are the patent filing steps:

- **Phase 1: Patent application filing:** Chennai, Mumbai, New Delhi and Kolkata have four patent offices (Head office). The applicant may file a patent application in an acceptable manner containing all pertinent material pertaining to the inven-

tion, such as definition, statements, sketches, abstracts, etc. Where the revealed invention is still in the conceptual stage, the applicant may file a provisional specification in order to assess the priority of the invention. Thereafter, the claimant shall submit a full specification in the specified format within 12 months.

- **Phase 2: Program publication:** In the expiry of 18 months, the patent proposal is published in the office report. The applicant can therefore, by paying the additional required charge, qualify for early publication.
- **Phase 3: Challenge to patent opposition:** An challenge to a pre-grant patent, if any, must be lodged within three months of the publication of the patent. This form of representation of resistance is entertained by the patent office controller whenever the patent applicant has requested an application for a patent test. There are also guidelines for resistance to the Post Grant Patent.
- **Phase 4: Review order:** Within 48 months of the submission of the patent application and the prescribed costs, the applicant shall submit separately for a patent test.
- **Phase 5: Explanation and review:** Both aspects of patentability are reviewed by the patent examiner, i.e. Novelty, inventiveness, non-obviousness and industrial applicability and the dilemma of First Report of the Investigator (FER) to the claimant. If there are concerns in the assessment study, then the claimant must justify the objections within one year.
- **Phase 6: Patent grant:** The patent is awarded by the Controller to the claimant after the concerns posed in the examination process have been resolved. The claimant needs to pay a renewal charge from time to time in order to hold the patent in effect, as per the Patent Amendment Act 2002. You should link to the DIP&P page for full information relevant to the Indian patent. The patent has also been valid to be filed since 2007. The owner may explore these rights by industrial development after acquiring the rights, or may offer, distribute or licence the rights as per his will. Patent privileges are given for a period of 20 years. When a patent dies, the technology reaches the public domain and the information may be accessed by all.

### Property rights

Geographical or local origin applications for spotting products for trading purposes are not a substitution phenomena. Any agri-

cultural goods have unique characteristics which are impacted by the geographical environment or by the soil. WIPO has used the word Geographical Indicator (GI) to include all current ways of preserving certain names and symbols, irrespective of whether or not they imply that the product's features are due to its geographical origin (such as appellations of origin) or simply indicate the place of origin of the product (such as indication of source). Champagne, Havana, Darjeeling tea, Arabian goats, Alphonso Mango, Nagpur orange, Basmati, etc. are several known instances of names synonymous with a particular premium commodity and recorded as GI in the world. Similarly, unique product characteristics are linked to human factors and their talents in the area of crafts, textiles, etc.

The prestige of goods is produced and preserved in the best fitted environment by masters or producers of that expertise belonging to a particular area or locality. The talent is typically transferred from one generation to the next by a single tribe or area with considerable care and compromise. Reported examples of geographical indications for state-of-the-art craftsmanship are the Dhaka muslin, Venetian glass, China silk, Mysore silk, Chand-eri sari, Kanchipuram silk saree, Kullu shawls, Solapur chaddar, Solapur Turkish towel, Kashmiri designs, etc. Literary and science works: novels, reference works for poems, articles, scripts, books, pamphlets, magazines, newspapers, etc. Musical works: compositions, musical instruments, choirs, solos, musicians, orchestras, etc. Creative works: illustration, sketches, sculpture, furniture, ads, etc. Photographic work: portraits, scenery, photos of fashion or incidents, etc. Motion pictures: involves animation works such as film, movie, documentary, newsreels, dramatic show, tv programming, comics, videotape, DVDs, etc. Computer programmes: computer applications, charts and scientific sketches, software and related databases. The Indian Copyright Act of 1957 was modified in 1994 with regards to electronic applications, which came into force on 10 May 1995. As per this act, creating copies and dissemination of software is a criminal offence without consent or authorization. However, this act allows registered users the ability to create a minimum of backup copies of software or other computer programmes. Copyright registration is conducted under the Indian Copyright Act, 1957. The statute, recognised as The Copyright (amendment) Act, 2012, was newly revised in 2012. As a rule, the artist earns copy rights with no formality just after making his work, but work is also registered in the Copyright Registry kept within the Copyright office. In India, copyrights have existed for literature, dramatic, musi-

cal and creative creations for 60 years after the creator's death. In the case of photography, video only, the copyright period for audio recording is 60 years from the beginning of the next civil year after the year within which it is written or issued.

Besides these, with its creations, the author often obtains moral privileges. If someone else's written job is taken without permission and reported as one's own work, it is considered plagiarism. While, details which are alluded to as public information aren't protected under the copyright legislation and therefore are always employed by anyone. As per copyright, reasonable justifiable usage of another work is permitted by paraphrasing the text or by using quote with providing sufficient reference or attribution in credit of the first author. In a knowledge-based economy, property rights are very relevant for the progressive growth of society. The IPR is a crucial requirement to be a neighbourhood of local as well as global competitive exchange as it is practically difficult to build a creative atmosphere without diffusion of IPR information and application. Incorporating IPR in the basic education framework and supporting IPR registration by empowering innovators and developers is important for policy makers. In terms of obtainable basic, affordable labour, imaginative and artistic devoted labour, India has all the tools. No doubt that India and other developing countries would definitely take advantage of their proportionate share of global trade by property rights discovery. All WTO member states need to integrate this 20-year patent concept into their patent.

### Conclusion

There has been some improvement in monitoring and recognising the relationships between IPRs, complementary regulatory and policy provisions, the international growth of the sector and, subsequently, the effect of these on medication prices and availability, R&D, exchange and development. Different forms of IPR need different care, handling, preparation and procedures for people with different domain expertise such as technology, engineering, medical, law, banking, marketing, and economics to be interested. Each business, depending on its field of expertise, can create its own IP policies, management style, policies, etc. The pharmaceutical sector has an emerging IP policy at the moment.

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