

# INTELLECTUAL PROPERTY RIGHTS: INTRODUCTION AND IMPACT ON EDUCATION

## Abstract

Intellectual property rights (IPR) are intangible and grant the inventor or creator exclusive rights to his valuable invention or creation. In today's globalization scenario, intellectual property rights are at the heart of global business practices and livelihoods around the world. The innovative environment in which the creator or inventor is recognized and economic benefits, while the lack of awareness of intellectual property rights and their ineffective implementation can obstruct the economic, technical, and social development of the country. Various IPR terms such as patents, trademarks, registered designs, geographical indications, copyrights, etc. are highlighted in this document with their corresponding rules, regulations, their needs, and their role, especially in the Indian context. In addition, this document also mentions the impact of intellectual property rights on educational life. The motive of this paper is to know the broad meaning of the IPR and impact on the education. To reach the results the secondary data has been used from the different sources of Internet, websites, periodicals and journals.

**Keywords:** Intellectual property rights, patents, trademarks, industrial designs, geographic indications, copyright and related rights

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## I. INTRODUCTION

The term intellectual property is associated with the human mind implemented to creativity and invention. Various efforts are wished in phrases of manpower, time, energy, skills, money, etc. invent or create something new. The very last concept with which the discovery or introduction passed off is the intangible assets of the individual that made the discovery or introduction. Intellectual property rights (IPR) discuss with the rights granted to the inventor or writer to guard his invention for a sure period. IPR is a tool of legal rights that offers someone or commercial enterprise distinctive rights to that work. Creativity and innovation are vital to commercial enterprise fulfillment while new products are covered via way of means of strong intellectual property work. Intellectual property (IP) consist of patents, trademarks, copyrights, goodwill, know-how, commercial designs, alternate secrets, and geographical indications. Therefore, there may be a fixed of precious intangible property owned and legally covered via way of means of a production corporation from any out of doors use and encompass patents, copyrights, trademarks, alternate secrets, layout models application and commercial designs. Security rights are vital due to the fact they save you replication via way of means of capacity competitors.

This has study indicates how intellectual property rights protection affects innovation and manufacturing performance, especially interior education. Entrepreneurs and business enterprise owners need to apprehend the concept of intellectual property to super defending their new product from unfair competition. We located that many small businesses do now not pay a critical hobby to the protection of intellectual property rights and emblem identity. Today, intangible property is growing relative to tangible property everywhere and manufacturing companies need to conform to the one's tendencies because real intellectual property protection is the delivery of costs for them. The relaxation of the paper relies on as follows. First, we provide the theoretical framework and present the hypotheses in advance than describing the sample and the study's methodology. We then present the assessment and effects of the record. Finally, we end with the resource of the use of discussing implications, limitations, and commands for future studies.

## II. WIPO AN INTRODUCTION

The World Intellectual Property Organization (WIPO) changed into based in 1967 in Stockholm to defend intellectual property rights across the world, then have become one of the United Nations organizations in 1974. The shape of WIPO is functioning and regulates numerous rules associated with intellectual property rights across the world. Economic, social, and sustainable cultural improvement with the conservation of biodiversity, conventional know-how via a balanced and green global intellectual property device is the principal goal of WIPO. In addition, it's miles answerable for harmonizing the variations among extraordinary countries, especially among advanced and growing countries, with the aid of using editing global policies in order that each of them has some possibilities in the rising world.

## III. REVIEW OF LITERATURE

1. **Anderman, S. D. (1998)** Intellectual property experts argue that EC competition law seeks to give way to regulating IPR as part of the hobbies of innovation. Politicians want

the EC competition law to set fast and strict external limits and a regulatory framework for the exploitation and licensing of IPR.

2. **Capling, A. (1999)** The creator argues that the intellectual property rights deliberate is fashioned through competing for normative positions, few of which might be primarily based totally on monetary principle or empirical evidence, in order that TRIPS surely will increase the accumulated monetary advantages for intellectual property rights holders at the same time as enforcing new ones can and better monetary and social charges for plenty others.
3. **McManis, C. R. (1998)** Study at the hyperlinks among intellectual property rights and the fashion for consolidation in positive sectors consisting of prescription drugs which might be experiencing mergers and acquisitions related to a number of the most important companies. Among different things, the writer shows that marketers in growing nations and in growing nations themselves expand hyperlinks with small and medium-sized businesses in the advanced international. Indeed, the growing international and its allies amongst those small and medium enterprises may want to play an optimistic position in the worldwide economy, preventing the market-distorting outcomes of the oligopoly and the rising cartelization of the R and D in industrialized nations.

#### **IV. OBJECTIVE OF STUDY**

To study about intellectual property rights and impact of IPR on education and academician.

#### **V. NEED OF IPR**

1. The development and health of mankind are relaxed in their ability to create and invent new works in the regions of generations and culture.
2. It promotes innovation: The criminal safety of newer creations promotes the use of additional assets for additional innovations in the field of education.
3. Economic growth: Advertising and intellectual property security stimulate monetary growth, create new jobs in education and industry, and add to the joy and entertainment of life.
4. Safeguard the rights of creators: IPR is needed to shield creators and different manufacturers in their intellectual commodity, items, and offerings with the aid of using granting those positive time-confined rights to govern the use fabricated from the synthetic items.
5. It promotes innovation and creativity and guarantees ease of doing business. It helps the switch of generation in the shape of overseas direct investment, joint ventures, and licensing and offers security to the educator in the area of training for protecting them from thieves.

#### **VI. METHODOLOGY**

The study was carried out to review of literature and to find out the objective of the paper, the secondary data has been used from the journals, and different internet websites etc.

## 1. What are intellectual property rights?

Intellectual property (IP) is a term that refers to a design, invention, trademark, or extraordinary kind of creation over which a industrial organisation has reformatory rights. Almost all companies are private in some form of intellectual property, which can be an industrial company asset. Common types of intellectual property include

- **Copyright:** Records of written or published works including books, songs, films, internet content, and inventive works
- **Patents:** This saves commercial inventions, such as a new commercial product or process
- **Layouts:** Save layouts, including PC layouts
- **Trademarks:** Register characters, symbols, logos, phrases, or sounds that differentiate your services and products from those of your competitors. Intellectual property may or may not be registered. With an unregistered intellectual property, it will be automatically have the legal rights to its creation. Ownership includes copyrights, unregistered design rights, unusual site registration marks and database rights, private statistics, and alternative secrets. Once your intellectual property is registered, you can follow government agencies, including the UK intellectual property office, to get your rights recognized. Types of registered intellectual property include patents, registered emblems, and registered design rights. Copyrights can also be registered.

## 2. Types of Intellectual Property- Origin and Development- An Overview

- **Copyright act, 1957:** Copyright in India is governed by the Copyright Act of 1957. This regulation has been changed many times to accommodate cases of reorganization. According to this regulation, a copyright guarantees the existence of the author for more than 60 years after his death. Copyright and rights relating to products, cultural goods and offers derive from a collective nature or from creativity. All genuine intellectual creations that are expressed in reproducible form are linked as “works recorded by means protected by copyright”. It is the piracy of works, whether they are books, musical works, films, television programs or computer software or databases. 1984 and PC programming was protected under the definition of "literary work". Introduced in 1994, the new definition of "PC program" is a set of instructions expressed in various works, codes or forms, including any machine-readable medium that can be used by a computer to identify a particular activity or entity, result unique.
- **Patents act, 1970:** The Patents Act 1970 remained in effect for approximately 24 years until December 1994. As a milestone in India's business development, the main philosophy of the regulation is to grant patents for additional innovations and guarantee their processing without unnecessary delays on an industrial scale; and patents are certainly not granted in order to give the patent holder a monopoly on the importation of the patented item into the country. All technologies, revocation of many tests, compulsory licenses etc. This regulation came under force on May 20th (Amendment) of 2004 Introduced on January 1, 2005, with provisions for the granting of product patents in all technology regions, consisting of chemicals, foodstuffs,

pharmaceuticals, and agrochemicals, this ordinance was finally overtaken by the Patent Act 2005 of April 4, 2005, with effect from April 11, 2005.

- **Trade mark act, 1999:** A trademark is a word, phrase, symbol, or design, or aggregate of words, phrases, symbols, or designs utilized in ordinary commercial enterprise exercises that distinguish the origins of one company's items or offerings from the ones of others. The definition of "trademark" in Article 2 (1) (zb) has been multiplied to consist of a mark that may be represented graphically and this is able to distinguishing a person's items or offerings. From others and can consist of the shape, packaging, and sedation of the product scheme and consists of each products and offerings.
- **Trade secrets:** Any invention or expertise that isn't innovative (now no longer patentable) however beneficial for organizations and gives financial blessings may be saved as a change mystery. In addition to this novel or innovative records, it's also saved as a change mystery while registering for a patent, copyright, design, etc. The technological records or strategies including recipes, ideas, devices, software, plans, patterns, formulas, maps, architectural plans and manuals or industrial records or industrial techniques or secrets and techniques in the shape of records collections or The databases, advertising, and marketing plans, monetary records, are pending or in development non-public records, etc. they may be saved as a change mystery. This proper has top-notch ability to show mystery expertise into monetary gain. As a result, maximum organizations defend their technology with change secrets and techniques in place of patents. Secrets act as an incentive for incremental improvements in generations that don't agree to the non-obviousness of patent and copyright law. A change mystery calls for years of experience, research, and skill. The composition of Coca-Cola is a great instance of a change mystery to your recipe. Certain nations have precise change mystery rules, including the Unfair Competition Prevention Act in Japan and the Uniform Trade Secrets Law in the United States.
- **Geographical indications:** Geographical statistics is diagnosed in the equal manner as properly as in the territory of a rustic or an area or a region on this area, wherein quality, reputation, or different feature characteristic of the products are in particular because of its geographical origin.
- **F. Designs:** Legal recommendations for designs are the Design Act 2000 and the Design Rules 2001. Designs are legitimate for a limit of ten years and can be extended for a further five years. Industrial format procedures only the features of shape, configuration, pattern, ornament or composition of traces or sun sunglasses carried out to any article whether or not or now no longer in dimensional or three dimensional or every form, thru any business system or method whether or not or now no longer manual, mechanical or every form, separate or combined, which in the finished article attraction to and are judged absolutely thru the eye; but does now now no longer encompass any mode or principle of manufacturing and does now now no longer encompass any trademark.

**3. Impact of IPR on education and academician:** Intellectual property rights (IPR) awareness is critical to creating an environment that encourages creativity and innovation

in the country. One of the main focuses is children in schools and college students, as it is important to nurture creativity and innovation from an early age. Colleges and universities are intellectual property incubators. As noted above, it is worth taking a look at your institution's intellectual property guidelines. If you cannot easily access a policy on the school website, ask your faculty manager. Any work that you believe is based solely on the knowledge you teach through lectures is your intellectual property. If you are working with academic staff on research or publications, you may want to ask exactly who owns the intellectual property rights in the finished product owns. Colleges and universities require students to surrender their intellectual property rights to works that are largely created within the school premises; However, students can share in the benefits of successful marketing transfer ownership of all intellectual property rights to the sponsor. Sponsored research is generally subject to a contract between the sponsor and the university.

- 4. Challenges in IPR: from Indian perspective:** Today, IPR has an vital role in all sectors and have become an important aspect of research for the pharmaceutical and research-based industries. The government's continued efforts in policy development, securing information technology, infrastructure, intellectual property research portals, and workforce have made this industry a step forward. Considering all the results achieved, our sector still faces problematic challenges not only nationally but internationally challenges. In India, remote areas do not have intellectual property rights and these areas are considered hotbeds of inventions. Many people still ignore IPR and the benefits of obtaining IPR. In such cases, the government must promote awareness of intellectual property rights in such remote areas among the inventors. Second, a legal issue plays an important role in the IPR situation in the country and the issue of patent infringement is gaining ground in the legal history of the country. With such an increase in intellectual property rights, a qualified team of lawyers (judges, jurists) and intellectual property professionals is needed. In addition to the points mentioned above, the flexibility of TRIPS is another topic to be discussed here. Where India's patent system previously did not comply with the TRIPS Agreement, there was a risk of strong patent protection in India. But today the situation has completely changed. India is now a member of the TRIPS Agreement and our patent system is full TRIPS compliant. Although India's patent law contains all of the flexibilities of the TRIPS Agreement, the relevant provisions need to be fine-tuned, especially with regard to patent protection, compulsory licensing, and state use.

## VII. CONCLUSION

In the knowledge-based economy, intellectual property rights are very important for ongoing social development. Intellectual property rights are a fundamental necessity to be part of local and global competitive trade because without the dissemination of knowledge and the implementation of intellectual property rights. It is impossible to create an innovative environment through registration by encouraging innovators and creators. India has all the resources in terms of available raw materials, cheap labor, an innovative workforce, and

committed creative people. India and other developing countries will use their proportional share of world trade by studying intellectual property rights.

Most intellectual property laws, like patents, require that the protected work be original, which means that any information that is prematurely made available to the public can negatively affect the value of the intellectual property. Before the intellectual property is legally protected could prevent this knowledge from being patented. If there is interest in filing a patent application, anyone with information on the key features of an invention or idea may want to sign a collaboration agreement. Description of the respective intellectual property rights of the parties; otherwise the value of the information can be diluted (if not destroyed). Many colleges and universities make their cooperation agreements available to the public to create a transparent framework for the dissemination of IPR.

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