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Intellectual Property Rights (IPR)

What is Intellectual Property?

Intellectual property is an idea, a design, an invention, a manuscript etc. which can ultimately give rise to a useful product and application. It deals with any fundamental construction of human intelligence such as artistic, literary, technical, or scientific constructions.

What is Intellectual Property Right (IPR)?

Intellectual Property Rights (IPR) are the rights given to persons over the creations of their minds such as Inventions, Literary, and Artistic works and Symbols etc. They usually give the creator an exclusive right over the use of his/her creation for a certain period of time. The Intellectual Property Rights (IPR) have an important role in the development of each country. In this field, the scientists from research and development institutions contribute more. These rights are outlined in Article 27 of Universal Declaration of Human Rights.

Objectives of granting IPR

1. It helps in protecting the ownership and originality of the individual's creation.
2. It provides recognition to the concerned person or authority.
3. It allows owners of intellectual property to have financial benefits from the property they have created.
4. They are provided financial incentive for the creation of and also to incur the cost of investment in intellectual property.

5. Such rights motivate an individual's creativity and thus also contribute to economic growth.
6. It improves the financial status of the individual as well as of the economy of the country.

Types of Intellectual Property Rights (IPR)

PATENTS: Patents are the rights related to new discoveries. Patents are used to protect new products, processes and apparatus. A patent is the right granted by a government to an inventor to exclude others from imitating, manufacturing, using or selling the invention in question for commercial use during the period.

Patents are granted for-

- a) An invention (including a product).
- b) Innovation or improvement in an invention.
- c) Process or product of an invention.
- d) A concept.

The requirements for the grant of a patent are as follows-

- a) **Novelty-** The innovation must be new and should not be already known to the public.
- b) **Inventiveness-** The innovation should not be obvious to a person skilled in the art and should represent an innovation.
- c) **Patentability-** The subject matter of a patent must be patentable under the existing law and its current interpretation.
- d) **Disclosure-** The inventor is required to describe his invention in sufficient detail so that a person of normal skill is able to reproduce it.

The property which cannot be patented -

- A scientific principle or an abstract theory.
- A discovery of new property or new use for known substance.
- A method of agriculture or horticulture.
- Invention relating to atomic energy are not patentable.

1) **COPYRIGHT:** Copyright is a legal term describing rights given to creators for their literary and artistic work. It is an artistic right to control the publication, distribution and adaptation of creative works. It, however, does not prevent another person from using either the idea or the information contained in a copyright material.

- Biotechnology copyright protection is available for DNA sequences.
- Creator often sell the rights or their works to individual or companies best able to mark the works in return for payment.

What can be protected by Copyright?

- i. Literary or dramatic work, musical and artistic works: Life of the author plus 60 years after death
- ii. A cinematograph film: 60 years from publication
- iii. A sound recording: 60 years from publication
- iv. Government work: 60 years from publication
- v. Works of public undertakings: 60 years from publication
- vi. Works of International organisations: 60 years from publication of the work

2) **TRADEMARKS:** A trademark is a distinctive sign that identifies certain goods or service as those produced or provided by a specific person or enterprise. It provides protection to the owner of the mark by ensuring the exclusive right to use it to identify goods or services or to

authorize another to use it in return for payment. It may be one or a combination of words, letters and numerals. For example- One can identify the product of Reebok/ LG/ Whirlpool/ Godrej etc. through their logo which is embossed on their products. Another example can be the logo of NGOs like WHO, UNICEF, and so on which differentiate these institutions with each other. Furthermore, trademarks can be mainly categorized into three types-

- a) **Service marks:** These are the symbols or pictures that specify the service offered from a particular institution. For example- The State Bank of India, LIC, etc.
- b) **Collective marks:** This type of trademarks is set by certain associations; they represent a specific group having certain qualities and offer specialized services to the public; for example- doctors, engineers, lawyers etc.
- c) **Certification marks:** Certification marks are given as a means of estimating standards in quality. Any individual who applies for the certification should execute the minimum standards or guidelines set down by the issuing authority. Example: ISO 9000.

TRADE SECRETS: When an individual organization owning an intellectual property does not disclose the property to anyone and keep it as a closely guarded secret, it is called a ‘Trade Secret’. Trade Secret may relate to formulae, processes or materials. An example- the best guarded secret of modern time concerns the formulation of “Coca Cola” (Merchandise 7X, the Secret Ingredient or Secret formula in Coca Cola). The ingredient has remained a secret since its invention in 1886 by “John Pemberton”.

GEOGRAPHICAL INDICATON (GI): Geographical Indication are signs as goods that have a specific geographical origin and possess qualities or a reputation that are due to that place of origin. A GI points to a specific place or region of production that determines the characteristics qualities of the product that originates. GI covers Agricultural goods, Natural products, Manufactured product, Goods of Handicraft and even food products, but they do not apply to intellectual properties. For example- The traditional Scarf, “Gamosa”, the symbol of the culture and identity

of Assam has received GI tag from the Geographical Indications (GIs) Registry of Central Government of India. Darjeeling Tea (Agricultural Type) from West Bengal, Tirur Betel leaf from Kerala, Mizo Puanchei from Mizoram etc. are a few more examples.

Application of IPR:

- 1) IPR is a govt. right granted by the Govt. of India for maintaining the quality and standard of drug or drug related product.
- 2) It is important for determination of product stability and safety.
- 3) It is applicable for industrial, pharmaceutical, analytical, chemical and manufacturing industries, business and marketing.
- 4) IPR is applicable for companies, industries and business and marketing.
- 5) IPR is an exclusive right granted by the Govt. of India for protection of invention of inventors.
- 6) IPR is applicable for determination of patent filling and patent granting processes.

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