

28

ISSN 2277 - 5730  
AN INTERNATIONAL MULTIDISCIPLINARY  
QUARTERLY RESEARCH JOURNAL

# AJANTA

Volume - VIII

Issue - I

January - March - 2019

English Part - XIV / XV

Peer Reviewed Refereed  
and UGC Listed Journal

Journal No. 40776



ज्ञान-विज्ञान विमुक्तये

IMPACT FACTOR / INDEXING

2019 - 6.399

[www.sjifactor.com](http://www.sjifactor.com)

❖ EDITOR ❖

Asst. Prof. Vinay Shankarrao Hatole

M.Sc (Maths), M.B.A. (Mktg.), M.B.A. (H.R.),  
M.Drama (Acting), M.Drama (Prod. & Dir.), M.Ed.

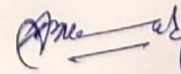
❖ PUBLISHED BY ❖



**Ajanta Prakashan**

Aurangabad. (M.S.)





Principal

S.S. Dhamdhare Arts & Commerce College


Talegaon Dhamdhare, Tal. Shirur.

Dist Pune-412 208

❧ CONTENTS OF ENGLISH PART - XV ❧

S. No.	Title & Author	Page No.
14	Starategies to Protect Child Rights Jamdade Rupali Milind	77-85
15	Working Women: Psychological Problems Shruti Ashok Waydande	86-89
16	Share Market Volatility - A Study of Indian Share Market Mr. Suresh Sudam Dunde	90-95
17	Indemnity of Deep learning: Techniques and Applications Swati Sharad Sapkale Yashwant Arjun Waykar	96-104
18	Self Esteem among Adolescent Mirabai Baliram Kharat Dr. U. P. Bhadange	105-108
19	Gender Discrimination and Man-Woman Relationship in Vijay Tendulkar's <i>Kamala</i> Mr. B. N. Hiramani	109-114
20	Intellectual Property Right: An Overview Mr. Gajbe Sumedh Shamrao	115-120



  
Principal  
S.S. Dhamdhare Arts & Commerce Co  
Talegaon Dhamdhare, Tal. Shirur,  
Dist Pune-412 208

## 20. Intellectual Property Right: An Overview

Mr. Gajbe Sumedh Shamrao

Sahebrao Shankarrao Dhamdhere Art's and Commerce College,  
Talegaon Dhamdhere, Tal-Shirur, Dist-Pune.

### Abstract

The copyright protection is not merely confined to books but extend to sound recording, computer programs, films, radio, broad cast etc. The Indian copyright act was passed in 1957 and amended in 1994, 1999 to include computer generation works.

Librarian plays an important role in protection the rights of copyright holders, patent holder's trademarks industrial design etc. The Librarians/ information officers should keep themselves aware with latest charges in the Intellectual property right and Information Technology Act and their implementation. Concludes with the suggestions that library and Information professionals have an obligatory role to play in making aware their users about IPR.

**Keyword:** Copyrights, Intellectual Property Right, Cyber Space, Cyber Crime, Internet,


### Introduction

Modern usage of the term intellectual property goes back at least as far as 1867 with the founding of the North German Confederation whose constitution granted legislative power over the protection of intellectual property (Schutz des geistigen Eigentums) to the confederation. When the administrative secretariats established by the Paris Convention (1883) and the Berne Convention (1886) merged in 1893, they located in Berne, and also adopted the term intellectual property in their new combined title, the United International Bureaus for the Protection of Intellectual Property. The organization subsequently relocated to Geneva in 1960, and was succeeded in 1967 with the establishment of the World Intellectual Property Organization (WIPO) by treaty as an agency of the United Nations.

### Intellectual Property Rights (IPR)

The brain of human is very inventive and is never taking rest. It continuously creates intellectual output in the form of new design, inventions, trademarks and other new-fangled things etc. when these entities appear intangible then it takes a form of property ( Intellectual Property ) IPR can be divided in two divisions :





Principal

S.S.Dhamdhere Arts & Commerce College  
Talegaon Dhamdhere, Tal. Shirur,  
Dist Pune-412 208

1. **Intellectual Property**
  - a) Inventions
  - b) Trademarks
  - c) Industrial design
  - d) Geographical indication
2. **Copy Right**
  - a) Writings
  - b) Paintings
  - c) Musical works
  - d) Dramatics works
  - e) Audiovisual works
  - f) Sound recording
  - g) Photographic works
  - h) Broadcast
  - i) Sculpture
  - j) Drawing
  - k) Architectural works etc.

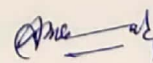
Copyright is a protection that covers published and unpublished literacy, scientific and artistic works, whatever the form of expression, provided such works are fixed in a tangible or material form.

### Definitions of Copyright

“The ownership of and legal right to control etc. possible ways of producing a copy of an original piece of works such as a book, play, film, photograph or piece of music.” “The exclusive legal right, given to the organizer or their assignee for a fixed member of years, to publish, perform, film or record literary, artistic or musical material, and to authorize others to do the same.” “IPR is the creation of human mind potential efforts of human being head to intellectual outcome which in turn have considerable value in economy right associated with intellectual property which gives protection is referred to as IPR.”

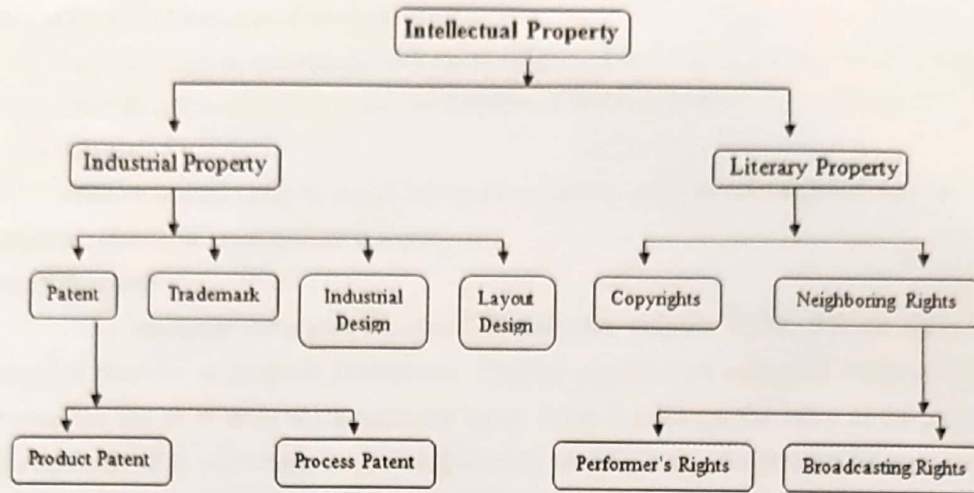
Such as IP is that property which is created by human intelligence or mental labor and it is mostly in intangible form even though it can be reproduced in tangible form. But in the recent past many new forms of IP have come into existence as shown below:





Principal

S.S.Dhamdhere Arts & Commerce College  
Talegaon Dhamdhere, Tal. Shirur,  
Dist Pune-412 208



**Fig No.1: Intellectual Property**

**Protection of IP**

It is essential to protect IP so that nobody else can enjoy the fruits of others efforts. The IP of a person can best be protected is he keeps it one of the eyes and knowledge of the world. There are several ways to protect the IP. As such no private person can enjoy an exclusive right of IP without the control and regulation by the Government. Therefore appropriate national legislations govern the IPR.

IPR usually protects ideas or information of commercial value, playing a crucial role in the information market. As per TRIPS the different types of IPRs are:

**Patents**

A Government granted and secured legal rights to prevent others from prenticing

**Copyright and Related Rights**

A set of property rights rested in the owner of a protected work.

**Geographical Indications**

Place name used be identify products with particular characteristics as they come from specific places

**Industrial Designs**

Features conceived in the author's intellect regarding pattern, ornament etc.

**Trademarks**

Identification symbol used in the converse of trade the enable the purchasing public to distinguish one trader's goods from the similar goods of other traders



*(Signature)*

**Principal**

S.S.Dhamdhere Arts & Commerce College  
 Talegaon Dhamdhere, Tal. Shirur,  
 Dist Pune-412 208

**Layout Design of Integrated Circuit**

Layout design in accordance with the provisions of the IPIC (the Treaty of IP in Respect of Integrated circuits) negotiated under the auspices of WIPO in 1989.

**Trade Secrets**

Protection must apply to secret information that has commercial value and that has been subject to reasonable steps to keep it secret.

**The Differences**

There are major difference between IPR and other property rights. IPR are rights over intangible property or property incorporeal. Physical property get exhausted when consumed whereas the use of IP does not exhaust the same; rather it enhances the value of the property. Consequently, IP is one which can be economically used by many. So IP must be expressed in some discernible way for enabling it to be protected. Unlike a physical object, an intellectual property like an idea for invention, a piece of music or a trademark cannot be protected against other person's use of them by simply possessing the object. Hence the necessity of enacting intellectual property laws distinct from conventional laws protecting personal property.

**Ipr in Digital Era**

IPR issues in the IT sector have assumed significance following rapid emergence of digital era. IPR cells are food to be set up in different countries of the world to launch awareness programmes in collaboration with public sector undertaking, industries, scientific societies, etc. as in India. Such cells extend support to file applications for patents and copyrights. Recent advances in technology have produced radical shifts in the ability to reproduce. Distribute, control and publish information. WWW has allowed everyone to be a publisher with worldwide reach. At this crucial scenario, in order to protect the right of author, developers and to provide privacy and liberty to user, it become essential to introduce laws, Electronic-fund transfer, Electronic cash digital intellectual property rights. Etc. have been enacted. In India specific studies are undertaken to enhance the understanding of IPR issues in the field of software, Multimedia, National Information infrastructure, global digital economy, cyber laws and feasibility of electronic right management system in the line with WIPO treaties on digital agenda. The initiatives taken by the Government of India, Private and NGOs to create awareness about IPR creating a climate to face the challenges of the new IPR regime.

**Copyright & Internet**

Display, downloading, copying or printing of copyright works in electronic form have to be performed under control license since copyright violation leads to revenue loss for publisher.



*(Signature)*

**Principal**

S.S.Dhamdhare Arts & Commerce College  
Talegaon Dhamdhare, Tal. Shriur,  
Dist Pune-412 208

ISI electronic library project is developing a security and rights management system, which will take care at the client, both at local and central server levels. The system will use password, secure printing through encryption and watermarks and guaranteed authenticity with the use of digital signature.

### Violation of Copyright

The real world of new technology in internet reflect well the pleasant side of life as well as evil side of the life. Today the physical shape of books, magazines, newspaper, pictures, images etc. have changed to CD, DVD etc. and are providing all the commercial information on Internet. The purpose of all such developments is to generate the income for author of the original work. Obtaining an unauthorized access to any system for modification or deletion or theft of original work of the author is cybercrime or violation of the copyright.

The following are the cyber and violation of the copyright act in the internet age.

1. Hacking
2. Virus attack
3. Spreading misinformation
4. Cutting of communication
5. Violation of privacy
6. Cracking
7. Data fiddling
8. E-mail security destruction
9. Pornography
10. Alteration of information

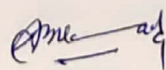
### Conclusion

Librarians play an important role in protection the rights of copyright holders, patent holders, trademarks, industrial design etc. The Librarians, information officer should keep themselves aware with latest changes in the Intellectual Property Right and aware about copyrights. Library science curriculum should include the IPR related issues. All these steps will be helpful to the society to perfect infringement and cybercrimes.

### References

1. Acemoglu, D., & Akcigit, U. (2012). Intellectual property rights policy, competition and innovation. *Journal of the European Economic Association*, 10(1), 1-42.
2. Awokuse, T. O., & Yin, H. (2010). Intellectual property rights protection and the surge in FDI in China. *Journal of Comparative Economics*, 38(2), 217-224.





Principal

S.S. Dhamdhare Arts & Commerce College  
Talegaon Dhamdhare, Tal. Shirur,  
Dist. Pune-412 208

3. Campi, M., & Dueñas, M. (2016). Intellectual property rights and international trade of agricultural products. *World Development*, 80, 1–18.
4. Cambridge International Dictionary of English, Cambridge, Cambridge University Press, 1996 P.305
5. Dutfield, G. (2017). *Intellectual property rights and the life science industries: A twentieth century history*. Routledge.
6. Hagedoom, J., & Zobel, A.-K. (2015). The role of contracts and intellectual property rights in open innovation. *Technology Analysis & Strategic Management*, 27(9), 1050–1067.
7. Jajpura, L., Singh, B., & Nayak, R. (2017). *An introduction to intellectual property rights and their importance in Indian Context*.
8. Kang, B., & Motohashi, K. (2015). Essential intellectual property rights and inventors' involvement in standardization. *Research Policy*, 44(2), 483–492.
9. Liu, M., & La Croix, S. (2015). A cross-country index of intellectual property rights in pharmaceutical inventions. *Research Policy*, 44(1), 206–216.
10. Maskus, K. (2014). The new globalisation of intellectual property rights: What's new this time? *Australian Economic History Review*, 54(3), 262–284.
11. Papageorgiadis, N., & Sharma, A. (2016). Intellectual property rights and innovation: A panel analysis. *Economics Letters*, 141, 70–72.
12. Peng, M. W., Ahlstrom, D., Carraher, S. M., & Shi, W. S. (2017). History and the debate over intellectual property. *Management and Organization Review*, 13(1), 15–38.
13. Plomer, A. (2013). The human rights paradox: Intellectual property rights and rights of access to science. *Human Rights Quarterly*, 143–175.
14. Rai, P., & National Law University, Delhi (Eds.). (2015). *Transforming dimension of IPR: Challenges for new age libraries*. National Law University, Delhi.
15. Ram, M., & Burman, J. S. (n.d.). Intellectual Property Rights in Changing Scenario. *Intellectual Property Rights*, 7.
16. Williams, H. L. (2013). Intellectual property rights and innovation: Evidence from the human genome. *Journal of Political Economy*, 121(1), 1–27.
17. [http://en.wikipedia.org/wiki/Intellectual\\_property](http://en.wikipedia.org/wiki/Intellectual_property)



*(Signature)*

Principal

S.S.Dhamdhere Arts & Commerce College  
Talegaon Dhamdhere, Tal. Shirur,  
Dist Pune-412 208