

# An Overview of Intellectual Property Rights (IPR) In the Digital Environment in India

**Srimanta Patra**

M. Phil Scholar, Jadavpur university

## Abstract

In the current environment, IPR awareness is essential for technical breakthroughs, and in the developing knowledge-based economy, its significance is anticipated to increase. Because it is become harder to demonstrate rights violations whenever they happen in the digital realm, it is crucial that information makers are aware of and knowledgeable about IPR. The current study addresses the subject of intellectual property rights (IPR) in the digital environment. We are concentrating on an overview of IPR in the digital environment of India.

**Keyword:** Information and communication technology (ICT), the digital environment, and intellectual property rights (IPR).

## Introduction

Patents, copyright, trademarks, industrial designs, geographical indications, integrated circuit layout design protection, and trade secret protection all fall under the category of intellectual property rights (IPR). IPRs pertain to the legal ownership of an invention or discovery by a person or organisation that is tied to a particular good or process and that protects the owner against illegal duplication or imitation. (WTO, 1995) Guide to the Uruguay Round for Business. The phrase "Intellectual Property" is being used more frequently than ever due to the rapidly evolving nature of technology and the thinning of international borders. All businesses, from tech giants like Samsung, Apple, and Google to biotechnology companies like Monsanto, are vigilant about protecting their intellectual property. As a result, it is critical to comprehend what intellectual property is and the rights that people get through their intellectual property.

## Literature Review:

**A. Lakshmana Moorthy and C.R. Karisiddappa** they believe that electronic information, copyright noted that the primary goals of legal copyright are to encourage authors to pursue knowledge, protect works from infringement, and promote access to and use of information. They covered the Indian Copyright Act of 1957 and its revisions, cited significant international initiatives to preserve copy rights of electronic material, and came to the conclusion that library professionals should negotiate minimal electro-copying privileges for legitimate non-commercial usage of electronic information similar to the kind of fair use as in the case of printed materials.

**Murthy, T.A.V. and Jain, S.P** They found that the current copyright law, which was created after the invention of the printing press, was largely being imposed on the current electronic environment and that it was necessary to modify the intellectual property rights (IPR), which grant the author the sole right to

commercially exploit any work they have produced for monetary gains as compensation for their labour, skill, and financial investment in creating knowledge.

### **Intellectual Property**

The phrase "intellectual property" refers to the product of someone's imagination and creativity as well as that person's rights to impose limitations on how their works are utilised. Intellectual property owners have the choice to purchase, sell, exchange, and grant licences to other people or organisations for their creations. Intellectual property is hollow and unrelated to any actual musical, theatrical, or creative production that might have resulted from it. Taking a book as an example, it is possible to transfer ownership of a book without endangering the author's intellectual property, or copyright. Legal protections for intellectual property prevent its infringement. The six basic categories of intellectual property law are copyright, patents, designs, trademarks, circuit designs, and new plant varieties; however, confidential information, the duty of fidelity, trade secrets, secrecy, and moral rights are also covered.

### **In support of intellectual property rights:**

Due to some extremely important factors, intellectual property rights were generally established and recognised around the world. Among the justifications for recognising these rights are:

1. To encourage the individual to produce fresh work.
2. Giving innovators and inventors recognition.
3. Providing financial compensation for intellectual property.
4. Ensuring that authentic and unique products are accessible.

### **Need of IPR:**

1. The most significant—and frequently the only—drive driving man's tireless labour, innovation, and ingenuity is financial gain.
2. With the development of technology, one problem is how to legally classify a new innovation.
3. It was established to safeguard people's rights to appreciate their own inventions and works of art.
4. Designed to guarantee protection against unethical business practises.
5. To ensure that there is a continuous flow of insightful, practical, and beneficial works.
6. To support owners of IPR in remaining innovative and creative.

### **Digital Libraries**

Digital Libraries (DLs) are now establishing themselves as an essential component of the global information infrastructure thanks to the utilisation of the most contemporary information and communication technologies. The foundation of today's Internet and tomorrow's universally accessible digital libraries of all human knowledge are networked collections of digital texts, documents, photos, sounds, data, software, and much more.

"Digital libraries are organisations that provide the resources, including the specialised staff, to choose, organise, provide intellectual access to, interpret, distribute, preserve the integrity of, and ensure the persistence over time of collections of digital works," according to the definition given by the Digital Library Federation (DLF, USA - <http://www.dlf.org>).

Currently, several information systems in India are using the term "Digital Library" loosely or even incorrectly. Therefore, it is crucial that the idea is thoroughly grasped so that there are no

misunderstandings while we work to create or develop a digital library that is fully justified in the technical meaning of the word. It is crucial to understand that starting a digital library project will require a significant investment of time, manpower, resources, and, of course, cash - whether for system development or for meaningfully developing and maintaining the collection. There is widespread agreement that there is a very big quantum of digital information.

### **IPR in the Digital World of India:**

While discussing the Chinese copyright protection regime, Deming Zhou brought up unique IPR concerns in the context of digital media. In the context of India, these are also pertinent. The development of digital technology has significantly sped up the delivery of information with previously unheard-of speed and accuracy. A very broad group of Internet users and consumers of electronic media can now be reached much more easily by the dissemination of literary, artistic, and scientific work. provides several dilemmas and challenges at the same time for thought. The main problems are

- Is digitization comparable to replication, such as that done using a Xerox machine?
- Is digitization a deductive process like translating between languages?
- Can the release of digitised documents through the Internet be seen as a form of broadcasting or commercial distribution?
- Does the digital era still adhere to the exhaustion of the distribution right principle?
- Could a database be categorised as a special collected work that requires specific legislation for its protection or as a special work that needs copyright protection?
- What activities on the Internet qualify as "Faire use"?
- What worries the community of libraries?

### **Conclusion:**

This article claims that before the advent of information and communication technologies (ICT), IPR and copyright laws were thought of as a dry and essentially unimportant area of law pertaining to the distribution of information. IPR has become one of the most dynamic and rapidly evolving areas of law, nevertheless, as a result of the use of ICT. Technical breakthroughs now depend on IPR understanding, and its importance is only expected to increase as the knowledge-based economy expands. In the digital age, it is increasingly important for information producers to understand and be aware of IPR because it is becoming harder to demonstrate copyright violations whenever they occur. Because digital content is dispersed to a larger audience, it is difficult to determine, fair use, access, and regulate infringement of copyright law. It is nearly impossible for a copyright holder to determine who exploited his or her work. It is also impossible for the owner of the copyright to provide authorization to use and receive remuneration. In this case, the copyright law must be changed. Even if it is in electronic form, librarians in the digital age still have a duty to acquire knowledge and make it available to readers.

### **References:**

1. MURTHY, T.A.V. and JAIN, S.P. Network access to electronic documents and its copyright implications to developing countries. pp iv 40-44.
2. LAKSHMANA, A. and KARISIDDAPPA, C.R. Copyright and electronic information, pp 403-416.
3. HOMBAL, S.G. and PRASAD K.N., DESIDOC Journal of Library & Information Technology, Vol. 32, No. 3, May 2012, pp. 233-239)

4. N. M. Malwad and M. Anjanappa, IPR in digital environment: issues of concern to library community
5. JADHAV, V. G. Intellectual Property Rights with special reference to Copyright Laws in India, International Journal of Science and Research (IJSR) ISSN (Online): 2319-7064
6. <http://www.Businessdictionary.com>
7. World Intellectual Property Organization (WIPO) <http://www.wipo.info>.
8. Wikipedia. <http://www.wikipedia.org>
9. <http://www.123helpme.com/view.asp?id=95396>
10. <https://blog.ipleaders.in/introduction-intellectual-property/>
11. <http://agropedia.iitk.ac.in/>
12. National seminar on information policies and cyber laws. 4-6 December 2000. Bangalore. Sarada Ranganathan Endowment for Library Science. Bangalore, 2000
13. Narender Kumar, University Libraries and Copyright Laws.