

4) Design:

Design protection guarantees one the exclusive right to use a design, including making and selling in the market, importing, exporting or using the product in which the protected design is incorporated.

Need of Intellectual Property Rights

1) **Enhances market value:** Intellectual property rights can help in increasing market share. This will ultimately helps in raising profits.

2) **Enhances export opportunities:** A business can also tap into the franchising agreements with overseas companies or export patented products.

3) **Market your products and services:** Getting intellectual property rights can help your business' image.

4) **Access or raise Capital:** Through sale, licensing, or by using IPRs as collateral for debt financing, an individual can monetize for debt financing.

Legislative framework for securing Intellectual Property Rights

1. Contract Act, 1872
2. The Trade Marks Act, & (Amendment)1999,2002
3. The Patents Act,1970 & (Amendment) 2005,2006
3. Copyright Act, 1957 & (Amendment) 1994, 1999, 2012
5. The Designs Act,2000,2008

Intellectual Property Rights Developments in India

1. 1947: Patents & Designs Act, 1911
2. 1995: India joins WTO
3. 1998: India joins Paris Convention/PCT
4. 1999: Patent amendment provided EMR retrospectively from 1/1/95
5. 2003: 2nd Amendment in Patents Act
6. Term of Patent- 20 years after 18 months publication
7. Patent Tribunal set up at Chennai
8. 2005- Patents (Amendment) Act 2005
9. 1999-2005: Plant Varieties and Farmers' Rights Act & Biodiversity Act, Designs, TM/Copyright Acts updated GI Registry set up at Chennai. IP Acts TRIPS Compliant.

Challenges of Intellectual Property Rights in a digital world:

As noted above, advancements in technology can facilitate piracy, counterfeiting and other IP infringements. At the same time, as digital consumers, we are faced with the phenomena of user-created content online, mashups and access to digital culture. So how can we be best prepared to respond to the challenges of digital transformation from an IP perspective. In present context there are so many challenges of privacy and the emergence of disruptive technologies. Infringements of IP rights occur when someone manufactures, sells or distributes protected items without the right holder's authorization. In the modern and digital age, the issue of privacy is particularly important. Unauthorized data sharing, integration, utilization and public disclosure are the biggest areas of concern. Technology and the global expansion of the Internet development have made it easier to obtain information about products, including high-tech goods, like pharmaceuticals, computer chips, software etc.

The internet's anonymity and lack of borders create an ideal environment for IP infringement. This is particularly true of the Darknet, a network that can be accessed through special software or communication protocols, which has become a hotbed for shady activity. Infringements are committed by cross-border criminal groups, which use the internet for organization, distribution, customer care and online payment, thus making it extraordinarily difficult for rights owners to enforce their rights by turning to courts of law and initiating civil proceedings against infringers. The digital environment also presents legislative challenges in terms of IP enforcement, which have not yet been tackled in any global agreements. Infringements carried out over the internet pose very specific obstacles to effective enforcement such as the identification of the infringer, liability of service providers, enforcement of IP rights, the treatment of

online rights protected abroad, and the question of court jurisdiction.

Conclusion:

In today's digital world, the dizzying number of opportunities to distribute goods provides new and ever increasing challenges. The international IP legal framework provides consistent and flexible protection for owners of both traditional products and digital content. However, neither legal frameworks nor regulatory intervention will ever keep pace with the speed of technological advancement or with the pirates who seek to circumvent that technology. When planning your digital transformation, it is important to bear in mind that IP protection is essential to encourage innovation and to preserve the diversity of creation, and to build such protective measures into your strategy. However, since the very concept of protecting intellectual property has come under attack in the sharing economy, policymakers and industry players alike should also think about new and innovative ways of remunerating creators in a way that discourages the infringement of rights.

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