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An Analytical study of National Intellectual Property Rights Policy: A Future Roadmap for protection of Intellectual Property Rights in India.

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Abstract

The intellectual property is emerged as new form of property in 21st century. It is original form of property which is not less important than other conventional properties. The intellectual property plays important role in development of owner of intellectual property as well as it vital for commercial and economic development of society, nation. Therefore protection of intellectual property necessary in national interest. The laws made for protection of conventional properties like Transfer of Property Act, Sales of Goods Act, Indian Penal Code etc. were insufficient to protect such new form of property due to is unique characteristics such as incorporeity, Therefore it required enactment of new laws . The Indian government enacted intellectual property legislations to provide better protection to intellectual properties. These Laws are Copy right Act, the trademark Act, The patent Act etc. Recently the Government of India approved National Intellectual Property Rights policy to provide advanced institutional mechanism for protection of intellectual properties in India. This research paper aim to analyze the important provisions of national intellectual property rights policy in India.

Keywords: Intellectual, Property, Rights, National Policy.

Introduction :

The intellectual property is new and original form of property. It is creations of human intellect. The intellectual property is recognised as property of creator. The creator is entitled for its exclusive economic exploitation. The intellectual property contributes in industrial development. The technological and scientific advancements plays vital role for solution of problems in various fields. The intellectual property driven industries provides new opportunities of employment. The efficient protection of intellectual property protection provides rewards for creators encouraging them to work harder. The National Intellectual Property Rights Policy is landmark initiative by Governmentbetter and efficient protection of intellectual properties especially the Patents,Trademarks semiconductor etc. at par with obligations under TRIPS obligations.

Significance of Research :

The problem of violation of intellectual property rights in India is increasing day by

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day. The protection of intellectual property right became a herculean task in the era of technological advancement. The government enacted many laws for protection of intellectual properties. The Copy Right Act 1957 is enacted for protection of works like literary, artistic, dramatic works etc. in the form of book, novel, movies. The Trademark Act 1999 is enacted for protection of Trade Marks and Service Marks rights. The Patent Act is enacted to protect patentable innovations and inventions. The Designs Act is enacted to protect unique industrial designs. These laws provide mechanism for protection of rights of creator as per international norms and conditions.

The national intellectual property rights policy approved by government is outcome of necessity of central mechanism for coordination of protection and monitoring of protection of intellectual properties in India. The policy will be helpful for encouraging creativity and innovation resulting in new inventions contributing for development of nation as well.

Objectives of Research :

1: to study the National Intellectual property rights Policy

2: To analyze the new mechanism introduced by policy for protections of Intellectual property in India.

: To make suggestions for protection intellectual property rights.

Hypothesis :

The researcher has framed following hypothesis for conduct of present research:

1) The National Intellectual property Rights Policy is mile stone for protection of intellectual property rights in India

Research Methodology :

The research methodology plays vital role in conduct of any research. The researcher adopted doctrinal research method for present research. The researcher referred The National Intellectual property rights policy. The researcher further referred The Copy Right Act, The Trade Mark Act, and The Patent Act. The researcher referred the secondary data mentioned in websites, newspapers and journals.

Literature Review :

The literature review helps researcher to identify and shape the research problems. The study conducted by earlier scholars provide a bench for further studies. The researcher reviewed National Intellectual Property rights Policy and relevant data on websites and news to understand scope and depth of research in present area.

The Concept of Intellectual Property :

Intellectual property is a category of property that includes intangible creations of the human intellect. There are many types of intellectual property, and some countries recognize more than others. The most well-known types are copyrights, patents, trademarks, and

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trade secrets[1].

Definition of Intellectual property :

According to World Intellectual Property Organisation, the intellectual property means Intellectual property (IP) refers to creations of the mind, such as inventions; literary and artistic works; designs; and symbols, names and images used in commerce[2].

Laws Enacted for Protection of Intellectual Properties in India.

Following are the major legislations enacted for protection of intellectual properties in India.

The IPR regime in India is regulated through the following acts and laws:
The Patents Act 1970, The Copyright Act 195, The Trade Marks Act 1999,The Designs Act 2001, The Geographical Indications of Goods (Registrations and Protection) Act, 1999, The Semiconductor Integrated circuit Layout-Design Act 2000The Protection of Plant Varieties and Farmers Rights Act 2001The Biological Diversity Act 2002.

Analytical study of National Intellectual Property Rights[3].

The government of India through it Ministry of Commerce and Department for Promotion of Industry and Internal trade framed National Intellectual Policy and The policy is approved on 12th May 2016.

This Policy is approved with tagline "Creative India, Innovative India" to ensure flow of creativity and innovations in India. The Department Industrial Policy and promotion is working as Nodal department to ensure proper protection of Intellectual properties in India.

Vision and Mission :

The vision and mission of National Intellectual property rights policy states necessity to create an appropriate Intellectual property system encourage to creativity and innovations. It also aims to promote industries resulting in socio economic and cultural development of India

Important Objectives and Features of Policy :

The National Intellectual Rights Policy provides seven objectives to be achieved through the efforts of concerned department. We are going to discuss these objectives.

1. Public Awareness about Intellectual property rights.

The first objective of mission is create awareness among peoples about economic, social and cultural benefits of Intellectual properties. It aims to educate the intellectual property creators to know their rights and contribute to nation through its sharing to industries and Health and relevant field of human endeavour. The policy aims to undertake various programmes for proper awareness Intellectual Property rights among persons capable of creating intellectual property such as engage media to sensitize issues relating to intellectual *properties, to celebrate world Intellectual Property Day.*

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2. ***To stimulate generation of Intellectual property Rights :***

The intellectual property creator are either ignorant about their rights or they do not want to face problems in generation and claiming intellectual properties. The: Policy aims to encourage inventors, scientist create new knowledge and generate intellectual properties. The policy aims to encourage industries to use intellectual properties as per legal norms. The policy aims to introduce Intellectual property rights as part of syllabus of universities, Law College etc. The Policy expresses need of incentives for promotion of research and development from taxation. It also aims to encourage filing for registration of Intellectual properties.

3. ***To Strengthen Legal and Legislative Framework.***

We have various intellectual property laws protecting various kinds of Intellectual properties. These laws are enacted in conformity of international obligation. These laws ensures continuous flows of inventions, innovative creativities. The policy expressed its concern over reach of such laws for protection of intellectual properties and therefore aims to review, amend, existing laws, rules, guidelines to meets with changing demands.

4. ***Modernization of Intellectual Property Administration :***

Intellectual property offices plays important role in protection of Intellectual property rights in India. It works as registration authority, controlling authority and prevent misappropriation of property by infringers. The Policy aims to modernize Intellectual property Administration to match with the requirements of ICT and technology driven administration. The offices and officers must be user-friendly. The Policy aims to bring all offices established under various laws like copy right Act, Semiconductor Design Act under the control of Department Industrial Policy and Promotion to coordinate their proper functioning.

5. ***To Commercialize the Intellectual Property rights :***

Commercialization of intellectual property is one of prime goal of National Intellectual Property Rights policy. The commercial benefits to creator of intellectual property is real reward for the efforts and labour of creator. The commercialization of intellectual property will give value to owners and creators.The Policy expressed is concern over inability of intellectual property creators to invest huge amount and commercialize their creation. There it provides for creation of platform for collective efforts of academic institutions, industries, investors and intellectual property owner to commercialize the intellectual property and encourage proper economic and commercial outcome of intellectual property. It also provides for facilitation of exchange of intellectual property. The policy is hopeful that such platform will help innovators and creators to connect with users, buyers and funding institutions interested in their innovations and creations. It will open the door for innovations and

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creativities in all sphere of human endeavour including neglected and uncovered areas.

6. Strengthening the enforcement and Adjudication Mechanism to prevent Infringement of Intellectual property Rights :

Infringement of Intellectual property means unauthorized use or exercise of owners' rights. The violation of such rights is massive problem now a days. The National intellectual property rights policy provides to strengthen enforcement and adjudication mechanism to prevent infringement of intellectual properties. The policy provides for creations of IPR Cells in State Police forces for Better enforcement of rights and combat the infringement. The policy further provides for establishment of Commercial Adjudication Courts and Alternative Dispute Resolution system for speedy and effective settlement of claims and disputes relating to intellectual properties. The policy signifies necessity of public awareness to respect and honor intellectual properties and allied rights of creator.

7. To develop human resources, institutions forteaching, training and skill building for intellectual property rights.

The availability of skilled and expertise human resources enable more effective commercial exploitation of intellectual properties. It may include individuals and agencies for drafting and licensing, filing, registration of intellectual properties. The National Intellectual Property Rights Policy provides to for training and education of officials and expertise for better generation of assets of intellectual properties.

Conclusion

The National Intellectual Property Rights Policy is vision document for better enforcement and protection of intellectual properties in India. It is an attempt to develop cluster platform for protection of intellectual properties recognised and protected under various legislations like the Copy Right Act, the Patent Act, The Trade Mark Act and other incidental Acts protecting intellectual properties.

The Policy is a future roadmap for promotion,protection, generation of intellectual properties through efficient and proper commercial exploitation of intellectual properties protecting social and economic necessities of individual, society and nation. The most welcome step under policy is initiatives to educate industries,intellectual property owners about intellectual property rights, and its commercialization and to provide assistance in registration and licensing of intellectual properties.

Suggestions

1. The National Intellectual property Rights Policy must be implemented in letter and spirit to encourage creativity and innovations.
2. There must be specialized agency to monitor and prevent piracy of intellectual properties.

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[2] https://www.wipo.int/about-ip/en/

[3] https://dipp.gov.in/sites/default/files/National_IPR_Policy_English.pdf

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