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INTELLECTUAL PROPERTY RIGHTS

INTRODUCTION

The intellectual property (IP) term is very broad and can be applied to exclusive rights concerning diverse creations. Intangible assets cover inventions, any types of literary and artistic works, designs, phrases, symbols, and images that may be protected under the IP law. The latter is made attainable through the various types of Intellectual property rights which include, among others patents, trademarks, designs, and copyrights. Historically built on this notion of granting privilege to innovation, IP law has been built to accommodate things like communication and digital technology and even the complexities of a global economy. Yet as creators and innovators push the envelope of what is possible, legal frameworks must tread a fine line – promoting progress while ensuring that fair access to knowledge and cultural expressions is not compromised. Intellectual Property (IP) law acts as the indigenous legal base for the protection of the fundamentals of nourishing innovation while protecting their creative fruits. From the rapidly changing pace of technology to the globalization of information, this era has necessitated the need for protection in relation not only to the improvement in quality but also to other aspects of intellectual creation. This paper embarks to unravel the complexities clouding intellectual property law; a dynamic and ever-evolving field ranging from patents, copyrights, and trademarks, to trade secrets. In most E-commerce, goods or services are often transferred in exchange for licensed intellectual property.

CONCEPT IN IPR

Intellectual property means the intangible creation of the mind of man, which is usually expressed or translated into a tangible form that is assigned some rights of the property. Intellectual property rights (IPR) have been defined as the rights given to people over the creation of their minds. They usually give the creator an exclusive right, for a given period, on use of his/her creations. Intellectual property (IP) relates to creations of the mind: inventions, literary and artistic works, and symbols, names, images, and designs used in commerce. The

term intellectual property reflects the idea that this subject matter is the product of the mind or the intellect and therefore Intellectual Property rights may be protected at law in the same manner as any other form of property.

Origin

Origin in India: Its main Aim was the promotion of inventions; to get the innovators to expose the secrets of their inventions. The new piece afterward, a law concerning exclusive privilege in the form of an act had been issued. In 1872 The measure was renamed The Patterns and Designs Protection Act, though. Throughout its 30-year History, the only amendment made to the law was in 1883. The Indian Patents and Design Act repealed all past laws in India. The act initiated Provisions for the granting of secret patents, and additional patents, and extended its duration to 14-16 Years. After the independence, several committees were constituted to review the changes in the law.

Types of IPR

TRADEMARKS

The notion of a trademark involves a certain distinguishing sign which identifies certain services or goods as provided or made by a definite person or enterprise. This notion can be one or a combination of words, letters, and numerals. These signs can be in the form of drawings or symbols, three-dimensional signs, such as the shape or packaging of goods, or audible signs, such as music or vocal sounds, smells, or colors, provided they are capable of distinguishing the goods or services. It gives the owner of the mark protection in having the exclusive right of using the mark to identify goods or services or to authorize another to use it in consideration for payment

INDUSTRIAL DESIGNS.

Industrial designs mean creative activity resulting in the ornamental or formal appearance of a product and design right means a novel or original design that is accorded to the proprietor of a validly registered design. The industrial designs are an element of intellectual property. The TRIPS Agreement has provided for minimum standards of protection of industrial designs. India, as a developing country, has already amended its national legislation to provide for these minimal standards. The essential purpose of design law is to promote and protect the design element of industrial production.

PATENTS

A patent is a grant of exclusive right for an invention that is a product or a process that provides in general a new way of doing something or a new technical solution to the problem. It extends protection towards the owner of the patent against the invention. The protection is extended for a limited period, i.e. 20 years. Patent protection means that the said invention can't be commercially manufactured, used, distributed, or sold by others without consent from the patent owner. A patent owner has the right to say who may – or may not – use the invention for the period that is protected. The patent owner may give permission to, or license, other parties to use the invention on mutually agreed terms. The owner may also sell the right to the invention to someone else, who will then become the new owner of the patent. When a patent is no longer in force, the protection will expire, and the invention will be in the public domain in a way in which it can no longer be protected by a patent, so the owner of the invention will not be able to claim exclusive rights to it, and it will be made available to anybody else for its commercial exploitation.

COPYRIGHTS AND RELATED RIGHTS Copyright is an expression of a term of law that describes a form of protection provided by the law in regard to the rights of authors. The types of works that may be protected by copyright include literary works such as novels, poems, plays, reference works, newspapers, and computer programs; databases; films, musical compositions, and choreography; artistic works such as paintings, drawings, photographs and sculpture; architecture; and advertisements, maps and technical drawings. Copyright subsists in a work through way of creation and therefore it is not a necessary procedure to register a copyright.

TRADE SECRETS

These are all the information that may give an enterprise a competitive advantage and are generally considered to be confidential business information. Usually, these are manufacturing or industrial secrets and commercial secrets. This is called 'inside information' and includes means of sale, means of distribution, customer profile and advertising, lists of suppliers and clients, and manufacturing processes. The country's huge availability of traditional knowledge and protection under this will be very crucial in reaping benefits out of such type of knowledge. The geographical indications are also linked to the traditional knowledge of the secret of trade.

LAYOUT DESIGN FOR INTEGRATED CIRCUITS

Semiconductor Integrated Circuit shall mean a product having transistors and other circuitry elements that are formed on a semiconductor material or an insulating material or inside the

semiconductor material and designed to perform an electronic circuitry function inseparably. The intent of the Semiconductor Integrated Circuits Layout Design Act 2000 is to protect Intellectual Property Rights (IPR) in the area of Semiconductor Integrated Circuit Layout Designs and for matters connected therewith or incidental thereto.

CONCLUSION

IPR in e-commerce assists in defending companies that make use of online platforms. Intellectual property rights assist businesses in preserving and protecting their covert business operations as the internet retail market expands exponentially. IPR owners can realize their share of company revenue due to IP rights on e-commerce. For this reason, it has to be stipulated that IPR in e-commerce secures e-commerce activities. However, the very success rate of the same completely depends upon the practical application of IP Rights. The rise of E-business then plunged the level of retail activity to almost the lowest in the society that has become more dependent on. A search on the Internet showed that there is a great deal of commerce on the Internet, just as the E-commerce ravaged economy where it grew with E-commerce sparked rapidly increasing the variety and vitality of the online market.

