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2582-6433 welcomes contributions from all legal branches, as long as the work is original, unpublished and is in consonance with the submission guidelines.

Intellectual Property Rights: An Overview

Authored By- Shivani Sharma

Abstract

Physical property is protected by several laws of land, but the property which is creation of mind or human intellect has never or seldom been considered to be covered by any such law.

Here, I present an analytical and factual representation of intellectual property right interpreted by different law of land which provide for protection of intellectual property.

Intellectual Property Rights: An Overview

Since time immemorial the product of human brain has created splendid marvels which has brought the society up to modern ages.

Such changes due to process of human intellect in current scenario need to be regulated so as invention of particular brain or in that case particular person, gets accolade along with legal propriety. Such inventions of particular human in shape of artistic creation, new idea, etc comes under purview of Intellectual property.

So, we can say that Intellectual property is work of art and creation either tangible or intangible created from intellect of people.

To protect/ safeguard the intellectual property of a person different acts are enacted to provide monopoly over such intellectual property of particular individual and to debar unauthorized use, or theft of such inventions by others.

Generally, it encompasses four separate and distinct types of intangible properties namely – Patent, Trademark, Copyrights and Trade secrets.

Intellectual property rights, has recently broadened and it cover to several other prospects. It included Geographical indication, Undisclosed information and many others, which are defined under Intellectual property law.

•History

Intellectual property system was developed across the globe in 17th–18th century.

Late 19th century being the era of industrial revolution marked various advancements, hence, Intellectual property right was established.

In 1970, World Intellectual Property Organization (WIPO) was established to promote worldwide protection of industrial property and copyrighted material.

In 1974 it became one of the most specialized agency of United Nation System and in current times it is amongst 15 top specialized systems of United Nations.

India entered WIPO in 1975.

Some of the articles of WIPO were amended and the said amendments were unanimously adapted.

Back tracking to 1883 – 1886, Paris convention for protection of industrial property and Bern convention for protection of literary and artistic work provided establishment of an International bureau. The two of them merged together in 1893 and were later replaced by WIPO.

WIPO made an agreement along with WTO and it was termed as TRIPS.

TRIPS agreement establishes minimum standards for the regulation by National Government of different form of Intellectual Property.

TRIPS Agreement was analyzed on say of developed countries and was detailed in Doha declaration.

Basically, it was about the compulsory licensing and each member of WTO has right to determine grounds to grant licenses.

It also included that effect of TRIPS are relevant to exhaustion of Intellectual property Right without challenges in case of emergence and member are free to establish such regime.

Conclusion

Hence, we can conclude here by saying that in current scenario as the people refrain from doing work of intellect which are profitable to society in fear of their ideas being stolen, intellectual property rights preserves the works of contributors, from getting copied or pirated by others and providing them acknowledgement for their contribution gives encouragement to continue their works of intellect and inspire others as well to follow. In this way we can say that intellectual property right is a need of modern day for the advancement of society in true ways.