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ABOUT US

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AN INTRODUCTION TO **INTELLECTUAL PROPERTY RIGHTS**

AUTHORED BY - CHHAVI BHARDWAJ

The intellectual property rights (IPR) are intangible in nature and gives distinctive rights to inventor or writer for their valuable invention or introduction. In present state of affairs of globalisation, IPR is the point of interest in international alternate practices and livelihood the world over. These rights raise the innovative environment via giving reputation and monetary advantages to writer or inventor while the shortage of IPR consciousness and its useless implementation may hamper the economic, technical and societal developments of kingdom. Hence dissemination of IPR know-how and its appropriate implementation is utmost requirement for any kingdom. The gift paper highlights numerous terms of IPR which include patents, trademarks, commercial designs, geographic indications, copyright, and so on with their corresponding regulations, rules, their need and function specially relating Indian context. Further, popularity of India's participation in IPR associated sports the world over has been discussed in quick.

Keywords: Intellectual property rights, WIPO, patents, logos, commercial designs, format design of semiconductor incorporated circuit, geographic indicators, copyright and related rights.

In the wake of globalisation, it's of the utmost importance to be ahead in improvements and imagination to compete with the stiff competition in technology and alternate. India is properly acknowledged for its highbrow abilities in the fields of software programme engineering, missile generation, moon or Jupiter tasking, and different technological areas. However, India lags behind in the generation of IPR belongings in terms of registered patents, business layouts, trademarks, and so on. In the latest file by the American Chamber of Commerce, India stood at 29th position among 30 nations in the IP index around the world. It is a very concerning situation for policymakers as well as the kingdom as a whole.

1. The advancement of any society is directly related to the work of IPR and its policy framework.
2. Lack of IPR awareness resulted in the death of innovations, increased risk of infringement, economic loss, and the decline of high-tech in the United States. Thus, there's a dire need for the

dissemination of IPR facts as a way to promote indigenous innovations and trends in the discipline of research and generation.^{3,4}: In the preceding section of this paper, an attempt is made to focus on various intellectual property rights in the context of India, with their corresponding guidelines and regulations, as well as their need and position in society.

Classification of Intellectual Property Rights

Intellectual assets are related with the human brain and are used for creativity and creation. To innovate or produce something new, various efforts in terms of labour, time, electricity, ability, finance, and many more are required. The final concept that leads to an innovation or creation is an intangible property of the person who worked hard to produce the discovery or creation. As a result, in accordance with the law, legal or monopolistic rights are granted to the author or inventor in order for them to reap the financial benefits of their invention or discovery.^{5,6} Intellectual property rights (IPR) are territorial rights that allow a proprietor to market, purchase, or licence his intellectual property (IP) similar to physical possessions⁷. Despite the fact that one must register IPR with a felony authority in some presentable or tangible form in order to collect their benefits. Each type of IPR grants its inventor or creator special rights to sustain and harvest financial rewards, which further promotes talent and social progress.⁸⁻¹¹ Intellectual property rights are classified as follows on the basis of some form of invention and the appearance of human concepts and their packages:

i.patents, ii.logos, iii.commercial designs, iv.semiconductor integrated circuit format layout, v.supply indicators, vi.copyright and related rights (literary and artistic works, inventive works, photographic paintings, motion pictures, computer programs, acting arts, and broadcasting work).¹²⁻¹⁵

WIPO

The World Intellectual Property Organization (WIPO) was founded in Stockholm in 1967 to defend intellectual property rights (IPR) worldwide. It became one of the United Nations' employers in 1974, eighty-sixteen years later. The WIPO body works and regulates various IPR policies all around the world. An important purpose of WIPO is to achieve financial, social, and long-term cultural improvement while preserving biodiversity and traditional knowledge through a balanced and effective international IP mechanism. Furthermore, it is responsible for bridging gaps between different worldwide locations, notably between developed and developing countries, by revising international law so that each of them has equal opportunity in the developing globe.⁸⁻¹⁵

Patent

A patent is a highbrow asset that is legitimately issued to an inventor by an involved government office for his innovative technical creation.¹⁶ The term "innovation" refers to a solution to a problem in the form of an improved product or process. Patents are widely regarded as the most valuable type of intellectual property, and with reason. Any invention's patentability is contingent on meeting the following criteria:

1. Usefulness: an invention should have industrial applicability or be used for a practical purpose.
2. Novelty: the invention must be of a new generation and must not have been previously published or made available in prior artwork in the United States of America or anywhere else in the globe prior to the date of patent submission.
3. An invention that can be performed by any ordinary skilled person is obvious and cannot be patented. As a result, for patentability, an invention should not be obvious.

Section 3 of the Patent Act of 1970 states that the following are not patentable:

- Idyllic invention
- Inventions that violate natural legal principles
- Inventions that are harmful to the health of humans, animals, plants, and the environment, as well as those that are against public order or morality.
- The discovery of any living creature; the discovery of any non-living substance found in nature; components of any summary principle; and the discovery of any clinical principle
- A material or chemical generated through simple mixing results in property aggregation; simple arrangement or re-arrangement of recognised gadgets results in property aggregation.
- in terms of atomic power and India's security.

On the one hand, via the patenting system, innovators are granted exclusive rights that provide them with reputation as well as financial benefits. Inventors, on the other hand, must provide all necessary statistics to the patent workplace in a descriptive manner when filing patent applications. The records contained in the patent document are accessible to anyone, and without a doubt, it provides direction to future researchers to innovate in addition to the relevant area.¹⁷ The patent registration system in India is governed by the office of the Controller General of Patents, Designs, and Trademarks. This office is part of the Ministry of Commerce and Industry's Department of Industrial Policy and Promotion.¹⁸ The following are the steps for filing a patent:¹⁹

Filing of a Priority Application or a Patent Application

The four patent offices are located in Chennai, Mumbai, New Delhi, and Kolkata (head office). The applicant must record patent software in acceptable form, including all necessary records pertaining to the invention, such as description, claims, drawings, summary, and many others. The applicant may record a provisional specification to establish precedence of the discovery while the disclosed invention is just in a conceptual stage. Following that, the applicant must disclose the entire specification in the prescribed layout within 12 months.

Step 2: The application is made public.

After 18 months, the patent utility is printed inside the office magazine. The applicant can also make a request for an early guide by paying an additional stipulated fee.

Step 3: Filing an Opposition to the Patent

If there is a pre-supply patent objection, it must be lodged within three months of the patent booklet. If the patent filing applicant has filed a request for patent examination, the controller of the patent office will consider this sort of competition argument. There are further provisions for patent objection and publication.

Step 4: Submit a Request for Examination

Within forty-eight months of filing the patent, the applicant must use one at a time for patent examination utility with set prices.

Step 5: Examine and Clarify Any Raised Issues or Objections

The patent examiner considers all patentability characteristics, including novelty, inventiveness, non-obviousness, commercial application, and difficulty. If there are objections in the examination file, the applicant has 365 days to clarify the issues.

Step 6: The Patent Is Granted

The controller grants the applicant the patent after overcoming the objections submitted throughout the examination process. The Patent Amendment Act of 2002 requires the applicant to pay a renewal fee on a regular basis in order to keep the patent in force. The DIP & P website contains

comprehensive information about Indian patents.¹⁹ The patent could alternatively be filed on the basis that 2007. Following the acquisition of the rights, the proprietor can explore these rights through company production or sell, distribute, or licence the rights as he sees fit. Patent rights are awarded for a period of two decades. When a patent expires, the invention becomes public, and anybody can utilise that knowledge.

Licensing Standards

The Patent Act grants inventors a monopoly to reap economic advantages from their ideas, but the contrary is true in the event of a national emergency. **Section 92 of the Patent Act** of 1970 allows authorities to give obligatory licences to 0.33 parties for the public's non-commercial usage. Furthermore, when an accepted patent proprietor is unwilling or unable to provide the patentable service or product, such as in the case of medication, meals, scientific devices, vaccinations, life-saving devices, and so on, the authorities are fully authorised to allow anyone else to produce a patentable product by issuing a compulsory licence. In this circumstance, the government is more likely to pay reasonable and justifiable monetary benefits to the patent owner.

The Patent Cooperation Treaty (PCT)

Patents are territorial rights; as a result, the applicant must apply patent software to exclusive countries' patent workplaces individually. This practise necessitates a significant investment of money, time, and attention. In a similar situation, the Patent Cooperation Treaty (PCT) was signed in 1970, and it allows for the recording of a single worldwide patent software rather than the submission of numerous distinct country-wide or local patent packages. The granting of a patent remains the responsibility of numerous PCT member countries' national or local patent authorities; however, applicants receive the priority date of first filing relevant in all member countries, which is greater than a hundred forty-five in quantity with this single patent application.¹⁶

Industrial Design

Industrial design protects the innovative pastime of achieving a beautiful or aesthetic appearance on mass-produced items or articles. The design can be conveyed using either two-dimensional or three-dimensional forms. The role of shape, configuration, pattern, or ornament is referred to in the United

Kingdom's Design Act 1949. Form, floor, pattern, lines, colour, and a variety of other appearance-related features of industrial merchandise, such as watches, motors, mobile phones, laptop computers, one-of-a-kind domestic household equipment, buildings, textile designs, or handicraft products, are all covered by industrial design. Except for technical competence and other variables, the aesthetic cost, or how a thing appeals, is the primary focus in promoting it.²⁰ A company must follow most national legal rules in order to be protected. As a result, commercial design is most concerned with the aesthetic functions of the product as well as any technical functions or parts of the product to which it is applied.

Although, if the technical features are innovative, they may be included in the patent.⁸ Aside from those, literary or creative layout in man or woman, as well as fascinating animated films, labels, pamphlets, maps, dressmaking samples, and so on, is protected under copyrights rather than industrial layout. From the United States of America to the United States of America, the duration of business design rights spans from 10 to 25 years. According to the Design Act of 2000, the period of protection of a company design in India is ten years. This length can be extended for another five years in the same way. Business design supports creativity and skill development among men and women, as well as the industrial sector, by generating more aesthetically appealing products for society. The layout and form of the product not only generate an attractive appearance, but it is also indirectly related to ergonomics and plays a main role in customer comfort in the case of devices, furniture, automobiles, and many others. Patent offices in Chennai, Mumbai, New Delhi, and Kolkata also deal with commercial design. The patent office in Kolkata maintains a design registry as a statutory obligation for all concerned records of filed commercial designs.

Trademark

Trademarks were already in use in the ancient world. Indian artists used to engrave their signature on their jewellery or creative debuts around 3000 years ago. The trademark has grown in importance in today's world of global change as a result of industrialization. A change mark is a one-of-a-kind sign or insignia that indicates that a specific item is manufactured or supplied by a specific person, company, or company. A provider mark, like a trademark, distinguishes service providers from their competitors. An organisation may also have a variety of symbols for their various products, but in order to distinguish themselves from other firms or enterprises, they use a distinct name.⁸

A trademark or a name change assists a company to gain popularity and confidence among its clients. Clients typically rely on trademarks when it is difficult to research a product or service quickly enough to assess its pleasantness. A specific sector of customers is particularly involved in the emblem and spends dearly for the manufacturer's status, even for a similar type of exceptional to differentiate themselves from the crowd.

A trademark/carrier mark is made up of phrases (such as call, surname, geographical call, slogan, and so on), letters and numerals, drawings, logos, photos, texts, photographs, graphics, or a combination of these elements to differentiate one firm or carrier from another. Aside from these, the following "non-traditional" insignia are available⁹:

Smell or olfactory markings were recognised in the UK, including the smell of freshly cut grass for tennis balls, the odour of beer for dart flights, and roses for tyres.²³ Similarly, in the United States, a fresh flowery aroma reminiscent of Plumeria flowers became a registered trademark for sewing thread and embroidery yarn.^{24.25}

Audible Signs or Sound Marks: Outstanding sound marks in the shape of musical words may be registered as sound marks. The NBC effectively registered musical notes as a trademark for their radio broadcasting services in 1950. MGM has a registered trademark for the lion's roar as well.

Colored marks: These are words and gadgets that have their own colour combination or tint. Similarly, in a few specific situations, a few flavours and forms (three-dimensional signs along with the three-pointed Mercedes celebrity) as non-traditional logos may be registered.

Important Trademark Registration Criteria

According to the UK Trademarks Act of 1994, the three main prerequisites for registering a trademark are as follows:²⁶

- A. The trademark should be a signal or anything that may transmit information.
- B) The signal must be capable of differentiating the products or services of one endeavour from those of another.

This is unquestionably a need for trademark distinctiveness.

- C) The trademark might be represented graphically within the trademark registry to ensure accurate identification.

Trademark Registration Guidelines That Are Generally Followed

- The term "apple" or an apple device cannot be registered for Apple because it is not identifiable in this example. However, in the case of computer systems, it is far from unique.

The Camel trademark is also registered for cigarettes. The phrase "furniture" cannot be registered as a trademark for a chair, table, or other comparable item. 11

- In the event of the usage of letters or numerals, registration is only permitted in positive nations if at least a few letters and/or numerals are mixed, or in the case of letters, the combination of words is pronounceable.

Similarly, some international locales do not record popular surnames because they may be exclusive in nature.

- In addition to those, misleading signals or trademarks that are deceptive or violate public order or morals are not usually certified for registration.

- Symptoms reserved for a country, public entity, business, or international framework cannot be registered as a trademark.

The Indian Trademarks Act

According to the Indian Emblems Act, a logo is any distinctive symbol capable of identifying one venture's goods and services from those of another and capable of being depicted graphically. ²⁷ There is no need to limit the validity of trademarks because they do not have distinctive features that could be abused. However, without a time restriction, trademark validity could result in a large number of registered logos with no relevance. ¹¹ In India, the first term of trademark registration is ten years, and it must be renewed on a regular basis after that. The applicant can file a trademark registration application at the Trade Mark Registry Office in Mumbai (the headquarters), Delhi, Kolkata, Ahmadabad, and Chennai.

Trademark infringement

Infringement occurs when someone else uses a trademark that is identical to or similar to a registered trademark for identical or comparable goods or services. In the event of infringement, a counterfeit product is offered to a buyer under the guise of the genuine goods. As a result, the term "passing off"

is also applied to such actions. The "passing off" product is particularly destructive to change because it steals market share away from legitimate producers as well as customers who are also tricked by receiving a sub-par product. Receiving a sub-par goods without being aware of the fact of "passing off," a consumer may choose another exchange mark in the future under the false idea that the manufacturer is producing a subpar product. The product in question is also referred to as a counterfeited product.

Certificate and Collective Marks

Collective markings and certificate marks are used in positive countries to indicate that a corporation's product meets specific regulations. In the case of textile chemical processing (dyeing and printing), for example, a group of enterprises who only employ herbal or eco-friendly chemical compounds can consider a few collective marks in addition to their personal logos. The ISO, hallmark, wool mark, and so forth are all examples of collective/certificate marks. As a result, certified markings defend the client's interests by assisting them in selecting a high-quality product among the deceptive products.

Semiconductor Integrated Circuit (SIC)

Existence in contemporary technology cannot be imagined without digital gadgets, such as mobile or smart telephones, laptops, laptops, watches, cameras, safety or health care gadgets, home appliances, and so on. Because of the integrated circuits, all household equipment is now very compact in the afternoon. Aside from that, the majority of the units have microprocessor-based management systems or working machinery composed of integrated circuits or format designs. These circuit designs are the result of the human mind's massive investments and efforts, as well as the efforts of noticeably certified professionals. While copying these designs by a few different birthday parties is a fatal setback for electronic research organisations and industries, 'Layout-design means 3-dimensional disposition of the elements in which at least one element is active, and or some of them have interconnections as an incorporated circuit, or one of these three-dimensional dispositions is organised for an included circuit planned for business production.'²⁸⁻³⁰ In 1989, the pact on Intellectual Property of Integrated Circuits (IPIC) was signed in Washington, DC. All WIPO members are welcome to participate. According to the treaty, layout design is protected for up to ten years from the date of application, although member nations may extend protection for up to fifteen years from

the date of development of format design.¹¹ The Semiconductor Integrated Circuits Layout Design (SICLD) Act, 2000 was passed in India to protect the needs of the digital sector in accordance with the TRIPS agreement.¹² The statute was implemented by the Department of Information Technology, which is part of the Ministry of Information Technology. Any original and essentially separate layout layout can be registered for a period of ten years under the Indian SICLD Act, 2000.

Principles of Trade

Any idea or know-how that is no longer innovative (not patentable), but is useful to company and provides cost-effective benefits, may be saved as a modification.

Furthermore, when registration of patents, copyright, commercial design, and so on is pending or in the system, novel or creative statistics are saved as alternate riddles.³¹ A change secret may be kept for any technological data or process, as well as any recipe, concept, device, software, blueprints, patterns, formulations, maps, architectural plans, and manuals, or any commercial information or enterprise method or secret in the form of any data compilation or record base, advertising plans, financial information, non-public records, and so on.³² This proper has a high potential for converting hidden information into economic profits. As a result, the majority of corporations protect their technologies through trade secrets rather than patents. Trade secrets incentivize incremental technological innovation rather than the non-obviousness of patent regulation and copy rights. It takes years of delight, study, and talent to create a trade mystery. Coca-composition Cola's is an excellent example of a different mystery for its recipe. There are specific policies for the trading of secrets in positive countries, such as Japan's Unfair Competition Prevention Act and the United States of America's Uniform Trade Secrets Act. The TRIPS Agreement recognises trade secrets and techniques as "undisclosed records," but it is mute on procedures and modders of common law, contract law, and so on.

Indications of Origin

The use of geographical or locality starting points to identify products for trading reasons is not a new phenomena. Certain agricultural crops have unique characteristics that are influenced by the geographical climate or soil. "The time period for Geographical Indication (GI) has been selected by WIPO and includes all current means of protection of such names and symbols, whether or not they indicate that features of a given product are due to its geographical foundation (such as appellations

of beginning), or whether they simply imply the area of foundation of a product" (together with an indication of source).¹¹ Champagne, Havana, Darjeeling tea, Arabian horses, Alphanso Mango, Nagpur orange, Basmati, and many others are some well-known instances of names that are associated with his or her product being precise and registered as GI at some time in the world. Similarly, in the case of handicrafts, textiles, and so on, the distinctive characteristics of the commodities are related with human aspects and their competencies.³⁶ The reputation of a product is established and maintained by employing masters or producers of that talent who are native to a specific location or locale in extreme weather conditions. The ability is typically passed down from one generation to the next with much care and sacrifice through a certain tribe or location. Dhaka muslin, Venetian glass, China silk, Mysore silk, Chanderi sari, Kanchipuram silk saree, Kullu shawls, Solapur chaddar, Solapur Terry Towel, Kashmiri handicrafts, and so on. are well-known regional indicators for the state of art craftsmanship.^{7 - 37} Such items can be registered in India under the Geographical Indication of Products (Registration and Protection) Act 1999 and the Geographical Indication of Goods (Registration and Protection) Rules 2001. The GI legislation is administered by the Controller General of Patents, Designs, and Trade Marks, who also serves as the registrar of GI. The crucial government has established a "Geographical Indication registry" in Chennai, where rightful holders from all Indian jurisdictions can register their GI. Under these provisions, protection under GI is provided for ten years, with the option of renewing for another ten years at any time.

Copyrights and Other Related Rights

Copyright protects the expression of ideas by creators, artists, and other creators who work in mass communication. It safeguards the most efficient form of an idea's expression rather than the concept itself. The development of any country or society is dependent on the inventiveness of its people.^{14 - 38} As a result, copyright motivates such activities. Copyright protects the following literary and artistic works:^{39 - 40}

Literary and scientific works include novels, poems, reference works, newspapers, plays, books, pamphlets, magazines, journals, and many others.

Musical work: songs, device musicals, choruses, solos, bands, orchestras, etc.

Paintings, drawings, sculpture, architecture, classified ads, and so on are examples of artistic works.

Photographic paintings: photographs, panoramas, style or event pictures, etc.

Motion Snap Shots: it includes cinematography works consisting of movies, dramas, documentaries, newsreels, theatrical exhibitions, television broadcasting, cartoons, video tapes, DVDs, and many others.

Laptop programs, software and databases, maps, and technical drawings are examples of computer programs.

Reproduction Rights and Related Rights

An intently related subject is "associated rights," or proper connected with replica proper, which includes rights similar to those of copyright. The performer's rights (consisting of actors and or musicians) of their overall performance are covered by related rights; manufacturers of phonograms (for example, compact discs of films or sounds or compositions) of their recording and broadcasting in radio and TV packages are covered by related rights.

The WIPO Performance and Phonograms Treaty (WPPT), which was adopted in December 1996 and entered into force on May 20, 2002, states that a "performance" for the purposes of the treaty is defined as a performer of a folkloric expression. Copyright is regularly obtained following the completion of all labour with the assistance of a distinguishing feature of creation. As a result, signing up for copyright is not required. The registration of copyright, on the other hand, proves that copyright exists in paintings and that the author is the true owner. ⁴¹⁻⁴²

Copyright for Computer Software

In the case of laptop software, the Indian Copyright Act, 1957, was revised in 1994 and took effect on May 10, 1995. Making copies and distributing software programmes without permission or authorization is a criminal offence under this laws. This act, on the other hand, gives authorised consumers the right to make backup copies of software or other computer applications. ⁴³ The Indian Copyright Act of 1957 governs copyright registration. The laws was recently revised in 2012, and is now known as the Copyright (Modification) Act, 2012. . According to the rule, the creator obtains replica rights after developing its work without any formality However, paintings may be registered at the Register of Copyrights maintained in the Copyright Office of the Department of Education as prima-facie evidence.

Tenure of Copyright

In India, copyrights for literary, theatrical, musical, and artistic works last for 60 years after the author's death. The copyright duration for images, movies, and sound recordings is 60 years from the start of the calendar year following the year in which they are published or issued. Aside from these, the creator is granted moral rights over its creations.

Infringement on intellectual property

The copyright infringement method involves the creation, sale, or exploitation of copyrighted artwork without the authorization of the copyright holder. It is a criminal offence, and the minimum punishment for infringement, according to the statute, is 6 months in prison and a fine of Rs 50,000/- .

Plagiarism

Plagiarism occurs when artworks of someone else's writing are stolen without permission and claimed as one's own. Although the material, known as common knowledge, isn't covered by the copyright regulation and, as a result, can be utilised by anybody. According to copyright, honest and acceptable use of various works is permitted by paraphrasing the content or by using citation marks with appropriate reference or quotation in the credit score of the unique creator.

In the Context of Biodiversity, Intellectual Property Rights and Traditional Knowledge

"Traditional know-how (TK) approaches innovation and practises of indigenous and neighbouring people embodying traditional living patterns; wisdom developed over many generations of holistic traditional medicinal use of lands, natural resources, and environment. The usage of turmeric, neem, tulsi, and other herbs in daily life as part of ritual may be a widely recognised example of traditional knowledge currently in use in India." ⁷ The University of Mississippi was granted a US patent for the use of turmeric in wound healing; W. R. Grace and Company was granted a European patent for its discovery of fungicidal effects of neem oil; and Syngenta, the agro-biotech giant, attempted to take rights to heaps of rice varieties that already existed in India. These are a few examples of biopiracy in which rights were later terminated in favour of the rightful owner of traditional knowledge. The rights

associated with TK, which include cultivation practises, medicinal uses of flora or herbs, and plant varieties, as well as their genetic resources, are covered beneath the Sui generic, which means specific structures of land of regulation or location, as they are no longer covered or healthy beneath preferred IPR systems.⁷

The World Intellectual Property Organization (WIPO) Convention on Biological Diversity (CBD) was established in 1992 with the primary purpose of conserving biodiversity, sustainable use of its components, and equitable sharing of the advantages resulting from the use of conventional genetic assets. As a signatory to this treaty, India passed the following legislation in parliament to safeguard traditional knowledge and farmers' rights⁴⁴.

The Plant Variety Protection and Farmers' Rights Act of 2001 (PPVFR Act)

This legislation recognises the man or woman, as well as the network functions, that farmers play in the development and protection of varieties. This one-of-a-kind law combines IPR awareness with public interest rules, thereby balancing the stability between farmers and huge seed production or genetically advanced research labs, as well as advertising organisations.⁴⁵

The Biological Diversity Act of 2002

Biodiversity encompasses hundreds of thousands of races and neighbouring variations of species and sub-species, particularly genetic species and the environment. According to estimations, the world's biodiversity contains 1.75 million identified species.⁴⁶ According to the Convention on Biological Diversity (CBD), a member should enable access to its genetic resources through various activities on agreed-upon terms. However, the access requires prior factual consent (PIC) before providing the assets. It also includes a provision for distributing an equal portion of any profits from the commercialization of traditional information to neighbouring humans, subject to local laws. "India ranks second in the world in agriculture output, and around 60 percent of India's population is dependent on this sector for rural development."⁴⁷ Thus, the Organic Variety Act of 2002 safeguards the rights of India's enormous population, notably farmers, their assets and raw materials, as well as seeds, fertilisers, insecticides, and so on. It has an impact on agriculture manufacturing, farmers'

livelihoods, and the sustainable usage and equitable sharing of benefits in a beneficial way.⁴⁸ In addition, the centre authorities established the National Biodiversity Authority (NBA) in 2003 to ensure the proper execution of the Biological Diversity Act 2002.

The Patent Amendment Act of 2005 is a piece of legislation that was passed in 2005.

The Act (Section 3) stipulates that "a simply novel use for a known substance" and "an invention" that is essentially customary information or that is an accumulation or duplicate or considered residences of historically recognised objects or additives will no longer be considered inventions. These Acts' restrictions prevent the theft of TK and its applications in India's public areas.

India's Intellectual Property Rights

In several cases, the Indian government has been hesitant to enforce IPR in order to protect the interests of Indian citizens. In an emergency, for example, the authorities can force the patent owner or someone else to mass-produce a critical drug under the availability of obligatory licencing. Another problematic issue is **Section 3(d) of the Indian Patent Act**, which prohibits large pharmaceutical companies from "evergreening," or continuing to use the patent in perpetuity, by making modest changes to advance patents.

In India, IPR protection in agriculture is a touchy subject. Subsidies such as minimal guide costs for agricultural commodities and fertiliser, for example, must be phased away under the TRIPs agreement. Because food security and lives are at stake here, political parties are unlikely to allow this to happen every time. Farmers have also expressed some opposition to the patenting of seeds with the assistance of multinational organisations. Traditional skills and items developed over generations using local expertise were exempted from patenting. In the Traditional Knowledge Digital Library, the government has built a database of such goods and processes.

In the near future, the government will embark on a number of projects.

The impact of IPR in India has prompted authorities in the United States of America to take steps to enhance the IPR framework. It enacted the National Intellectual Property Rights (IPR) Policy in 2016, which allows you to plan out the future of intellectual property in India. It aims, among other things, to draw attention, accelerate the development of IPRs, enact strong and robust IPR laws, and modernise IPR management. The Cell for IPR Promotion and Management (CIPAM) was established under this coverage with the goal of simplifying and streamlining IP practises rather than taking actions to further IPR recognition, commercialization, and enforcement.

Protecting intellectual property rights (IPRs) may be a difficult task in India, since recognition is low and enforcement is weak. However, patents, logos, and copyrights are necessary for innovation and improvement. Nonetheless, despite rapid advances in the industrial, healthcare, and monetary sectors, we remain behind countries such as China. Good IPR protection will create a culture of invention and innovation, which may help us close the gap quickly.

Conclusion

Highbrow property rights are critical for current societal advancement in an information-based financial system. IPR is a basic requirement for participating in both local and global competitive exchange, as increasing the revolutionary environment is not possible without the diffusion of IPR expertise and execution. It is critical for policymakers to include intellectual property rights (IPR) into easy instructional tools and to promote IPR registration by encouraging inventors and producers. India possesses all of the assets in terms of raw fabric, inexpensive labour, and revolutionary and innovative focused manpower. There is no question that India and other emerging countries would undoubtedly harness their proportionate share of global exchange through intellectual property rights exploration.

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