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INTELLECTUAL PROPERTY RIGHTS WITH CONNECTION TO E- COMMERCE AND PHARMACUTICAL

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ABSTRACT

Ideas, innovations, and creative expressions that the public is ready to grant the status of property are known as intellectual property rights (IPR). IPR gives the creators or inventors of that property specific, exclusive rights so they can profit commercially from their reputation or creative endeavours. Intellectual property can be protected in various ways, including patents, copyrights, trademarks, and more. An innovation that meets the requirements of worldwide novelty, non-obviousness, and industrial utility is granted a patent. In the pharmaceutical industry, IPRs typically have two main effects. First, there is the issue of pricing and access, where the relationships between IPRs (especially patent rights), competitor exclusion, and the cost and accessibility of new medications are discussed. Second, there is the problem of R&D incentives, the role of IPR in research, development, and trade of pharmaceuticals, and the impact on research and development, as well as diseases on organisations, institutions, and countries. Information about IPR is provided in this article. The property rights awarded to an author or inventor of a new idea or intangible object are known as intellectual property rights. The first federal patent law was enacted in 1790, marking the emergence of the concept of intellectual property in the 18th century. The legal protection granted to individuals who have invented something new or created something unique that can be physically replicated or transferred is known as intellectual property rights. According to section 20(1)(b) of the Copyright Act 1957, every form of speech covered by copyright law and patent law is generally protected as intellectual property, though the exact scope of these rights varies from country to country. E-commerce often involves the sale of products and services that depend on intellectual property and licensing more than traditional business models. Software, designs, training materials, systems, and more can be exchanged via e-commerce, with intellectual property being the main source of value. Because entire businesses face the risk of being destroyed by theft or piracy, valuable goods traded online must be protected by technological security measures and intellectual property legislation. This essay explores types, history, and the role of IPR in e-commerce. Since no one owns any creative work—such as music, language,

software code, graphic design, etc.—its protection cannot be taken away. Intellectual property is safeguarded by IP rights in various ways, including protection of designs, innovations, data, software, and literary works like books and movies. IP helps facilitate smoother e-commerce transactions. Keywords: exclusive rights, statutory protection, e-commerce, intellectual property rights, trademark, patent, license, R&D, and copyright.

INTRODUCTION

The phrase "Intellectual Property" (IP) refers to the exclusive rights associated with creative works. Innovations, literary and artistic creations, designs, phrases, symbols, and images are examples of intangible assets that can be protected under intellectual property law. Many IP rights, such as patents, trademarks, designs, and copyright, enable this protection. These rights enable their owners to make money out of their innovations or creations or to receive recognition for them. Electronic commerce, or simply E-commerce, is the activity of conducting business interactions online. These might include launching or operating a business, trading goods and services, or both, mostly online. Examples might be e-commerce sites like Amazon, Swiggy, Zomato, and others. Selling products or services based on licensed intellectual property is a common aspect of e-commerce. In the field of digital commodities, an e-commerce platform can facilitate the transmission of music, images, graphics, software, content, and a plethora of other types of intellectual property. In each of these circumstances, IPR is crucial because protecting the value of the goods is crucial. The protection is provided through tools like technology security measures and intellectual property legislation.¹

PURPOSE OF IPR

1. Intellectual property rights, or IPRs, are a broad phrase that includes patents, copyrights, trademarks, industrial designs, geographical indications, integrated circuit layout design, and the protection of confidential information (trade secrets).
2. Idea and material protection.
3. The owner can normally select whether or not to license its usage to someone else (OR) to sell it to someone else through the proper route.²

¹ Vankayala Phanindra, 'Intellectual Property Rights' (IJRPJK, July – August)
<<https://ijrpns.com/article/A%20REVIEW%20ARTICLE%20ON%20INTELLECTUAL%20PROPERTY%20RIGHTS%20-IPR>> accessed on 5 February, 2026

HISTORY OF INTELLECTUAL PROPERTY RIGHTS

1. Intellectual property rights were not formally negotiated in international trade before the General Agreement on Tariffs and Trade (GATT).
2. Instead, only international agreements like the Berne and Rome treaties on copyrights applied to intellectual property
3. During the GATT's URUGUAY round trade negotiations from 1986 to 1994, the TRIPS (Trade Related Intellectual Property Rights) agreement was negotiated with other international trade agreements.
4. All WTO members are required to adhere to the minimum criteria in the area of intellectual property protection established by the TRIPS agreement.
5. WTO members must amend their intellectual property laws to conform to the new WTO standards to accomplish this goal.
6. Before the TRIPS agreement, patent terms varied widely between nations (7, 10, 17, or 20 years), but the agreement stipulates that all patents must be valid for at least 20 years from the date of filing.
7. This 20-year patent term must be included in all WTO member nations' patents.

REVIEW OF LITERATURE

Dr Arun Gaikwad (2020). This study also discusses the purpose, history, and many types of intellectual property rights. Ideas, innovations, and creative expressions, based on which the public is ready to award the status of property, are referred to as intellectual property rights (IPR). IPR gives the creators or developers of that property certain exclusive rights so they can make money off of their innovations or reputation. *Kumari Punam (2018)*, Intellectual property rights (IPR) are concepts, inventions, and artistic expressions that the public wishes to be granted the status of property. In order for the creators or developers of that property to make money off of their reputation or innovative efforts, they have certain exclusive rights thanks to IPR. *Kumari Punam (2018)*, Intellectual Property Rights (IPR) are concepts, inventions, and artistic expressions that the public wishes to be granted the status of property. IPR gives the creators or developers of that property certain exclusive rights so they can make money off of their inventions or reputation. Intellectual property can be protected in a number of ways, such as through patents, copyrights, and trademarks *G. Sreeragi, 2021*. It must be filed for granting rights in compliance with local laws to secure the privilege over innovations. The current study looks into the different kinds of intellectual property and the duration of legal protection for

registered inventions. *Lalit Jajpura, Bhupinder Singh and Raj Kishore Nayak (2016)*. The current article addresses several IPR concepts, including patents, trademarks, industrial designs, geographic indications, copyright, etc., combined with their supporting rules, regulations, needs, and functions, notably in the context of India. There has also been a brief discussion of India's participation in IPR-related activities across the globe. *Yang Ming (2018)*. This essay examines many important issues pertaining to intellectual property protection in the e-commerce context and offers suggestions for developing an e-commerce intellectual property protection supervisory system in order to get ready for the big data era. *Andriamirado Rakoto (2018)*, these days, e-commerce is crucial to the world economy. In fact, whether they are new or established states, the majority of the world's nations have a platform for conducting electronic transactions on the internet. This essay aims to draw attention to a few crucial facets of protecting intellectual property rights in online commerce. *Beni Suhendra Winarso, Dian Retnaningdiah, Siti Resmi, and Indah Kurniawati (2020)*. This study aims to investigate how Small Business Enterprises (SMEs) employ e-commerce and intellectual property rights (IPR) in their supply chains to boost their competitiveness. This study adopts an experimental methodology by providing respondents with a choice. *Kiran Ravi (2016)*. The author of this piece explores how the pharmaceutical business has culturally adjusted to IPR practices and how this has impacted the company's growth both domestically and internationally. The research conducted for this article establishes the state of intellectual property rights (IPR) in specific businesses, and the results demonstrate a clear upward trend while simultaneously emphasising the need for more industry-wide awareness and IPR implementation. *Gamayuni, Rindu Rika (2015)*. In this study, the author discusses the path analysis of the relationship between intangible assets, financial policies, and financial performance to the firm value at going-public companies in Indonesia from 2007 to 2009. Intangible assets have little effect on financial policies, despite having a favourable and significant impact on business value and ROA. *Varsha Kishor Savale and Sagar Kishor Saval (2018)*. This application is essential for maintaining the inventor's high standards of performance and quality as well as for safeguarding the invention. The function and scope of IPR, classification of IPR (Patents, Trademarks, Copyrights, Geographical Indications, Industrial Designs, Trade Secrets, Integrated Circuits, Plant Varieties), duration of IPR, and concept-related patents (Types of Patents, Tangible and Intangible Property, Novelty, Non-Obviousness, Utility, Anticipation).³

³ Ms. Reema Dominic, 'A Study of Intellectual Property Rights and Its Significance' (IJCRT 4th April 2023) <<https://ijert.org/papers/IJCRT2304905.pdf>> accessed on 5 February 2026

TYPES OF INTELLECTUAL PROPERTY AND ITS DISCRETION

The phrase "intellectual property" currently has a considerably broader meaning than it had in the past, when only patents, trademarks, and industrial designs were protected as "industrial property."

The following are some ways that IPR advances technology:

1. It offers a way to deal with piracy, infringement, and unlawful usage.
2. Since all IP is published, except trade secrets, it gives the general public access to a wealth of information.
3. Patents are one of the many intellectual endeavours for which IP protection can be sought.
4. Features of any shape, configuration, surface pattern, or arrangement of lines and colours applied to an item, whether 2-D (like textiles) or 3-D (like toothbrushes), are referred to as industrial designs.
5. Any mark, name, or logo that is used to identify the maker or service provider and to conduct trade for any good or service is considered a trademark. It is possible to purchase, sell, and license trademarks.
6. Copyright relates to the representation of ideas in material form and encompasses literary, musical, theatrical, artistic, cinematic work, audio recordings, and computer software. A trademark is nothing without the goodwill of the goods or service it represents.
7. Geographical indications are indicators that designate a product as coming from a nation, a region, or a locality within that nation where a particular quality, reputation, or other attribute of the product is primarily attributed to its geographical origin. An innovation that meets the requirements of worldwide uniqueness, non-obviousness, and industrial or commercial use is granted a patent. Products and procedures are eligible for patents. According to the Indian Patent Act of 1970, a patent's duration was 14 years from the date of filing, except for procedures for making medications and food items, which had a period of 7 years from the filing date or 5 years from the patent date, whichever came first. Food and pharmaceutical products did not receive any product patents. A copyright generated in a member country of the Berne Convention is immediately protected in all the member countries, without any requirement for registration. India has an excellent copyright and is a signatory to the Berne Convention. Laws that are similar to those in any other nation. However, nations that are not

signatories to the Berne Convention will not always have access to copyright. As a result, copyright might not be regarded as a territorial right in the traditional sense. IPR can be given, sold, or transferred, just like any other type of property.

SIGNIFICANCE OF THE STUDY

Most companies throughout the world believe that their intellectual property is far more valuable than any physical assets they may possess. This is because intellectual property laws safeguard businesses against unfair competition as well as the revealing of their trade secrets. The basic purpose of intellectual property regulation is to promote the production of numerous different intellectual goods. The law does this by giving people and organisations ownership rights to the information and intellectual goods they create, usually for a limited period of time. Because it enables people to generate money from the information and intellectual products they develop, this offers an economic incentive for their creation.⁴ These financial incentives are expected to promote innovation and improve technology in nations, depending on the degree of protection offered to innovators. The significance of IPR in e-commerce is especially evident in the contemporary digital economy. The establishment of rules and processes governing the application of IP laws has encouraged new creations in addition to protecting the creator's labour. It is illegal for anyone to steal intellectual property (IP) and use it for personal financial advantage without paying the inventor for their labour and creativity.⁵ The significance of intellectual property rights in e-commerce is the main focus of this study.

OBJECTIVE OF THE STUDY

- To understand the background and general principles of intellectual property rights.
- To Learn the significance of intellectual property rights in e-commerce.
- To determine whether aspects of e-commerce are protected by intellectual property rights.
- To research the different kinds of intellectual property rights.

⁴ Ms. Reema Dominic, 'A Study of Intellectual Property Rights and Its Significance' (IJCRT 4th April 2023) < <https://ijert.org/papers/IJCRT2304905.pdf> > accessed on 5 February 2026

RESEARCH METHODOLOGY

In order to fulfil the following objectives, information was collected from the secondary sources readily available. In addition to several publications and articles, a variety of reports, research papers, and case studies about the function of intellectual property rights were cited. The in-depth examination of various literature has assisted the authors in framing the idea regarding intellectual property rights and its significance for e-commerce. This research article is descriptive and conceptual in character. It is conceptual since it looks at a literature review of earlier research in these areas and descriptive in that it attempts to pinpoint different aspects of study objectives.

THREE MAIN TYPES OF IPR

➤ Patents

Researchers and inventors in the field of e-commerce and online firms enjoy a lot of incentives from patents. In e-commerce, patents help in licensing, outsourcing contracts, and the formation of strategic partnerships. Patents not only assist in capturing and producing new ideas for an E-Commerce firm, but they also enhance the sales of your products by granting them special traits that set them apart from other online competitors.

One of the most significant kinds of IPR is the patent. This definition refers to a government license or authorisation that confers a right or title for a certain amount of time, especially the exclusive right to prohibit others from developing, using, or selling an invention. When people or organisations develop new goods or methods, they go to the patent office, give a thorough description of the innovation, and pay a fee to have their "property" protected.⁶

➤ Copyrights

Copyrights are vital in the contemporary digital era for preserving information and creative work on websites. Owners of copyrights desire copyright protection in order to prevent any illegal distribution or copying of their works that are displayed online due to the rapid digitisation. Additionally, a number of technological measures, including encryption and watermarking, can be implemented to protect the intellectual property rights of online firms. Copyright refers to the rights granted to performers,

⁶ WIPO, 'Intellectual Property Rights' < <https://www.wipo.int/en/web/about-ip> > accessed on 6 February 2026

artists, and broadcasters for the related rights, or to writers, painters, composers, and other creators for their "original" works of art. Copyright controls are monopolistic rights exactly like patent laws. Any literary, musical, dramatic, artistic, or architectural work created by the author is allowed the exclusive right to be sold, published, and reproduced.

➤ Trademark

In the realm of the internet and e-commerce, trademarks are crucial for building a brand's reputation through business expansion or sales. Additionally, filing lawsuits and starting legal proceedings against businesses that violate your company's intellectual property online is much easier with a registered trademark. A trademark is an identifiable symbol that helps customers identify the origin of particular products or services. It can take the shape of text, words, numbers, phrases, symbols, designs, smells, colours, shapes, sounds, packaging, textures, or any combination of these things. A distinctive trademark serves the function of allowing customers to associate a particular mark with a certain producer of goods or, in the case of services, a service provider. It helps reassure customers that the goods are of a specific kind and calibre.

INTELLECTUAL PROPERTY RIGHTS AND ITS ROLE IN E-COMMERCE

Thanks to continuous improvements in the technological infrastructure of the internet, it is more important than ever to comprehend the role of intellectual property in e-commerce. There are four ways that IPR can be applied in e-commerce:

❖ Protecting a company's business interests

The commercial interests of a firm and its entities are essentially shielded from unfair competition by intellectual property regulations. Lack of IP procedures and regulations can result in several IPR violations, especially in the current digital age. Because of this, everything might be stolen, copied, and distributed globally, including software, design, and music, and the original authors might not receive payment for their creations. However, companies can safeguard their rights through e-commerce IPR regulations.

❖ Safeguarding essential elements

In e-commerce, intellectual property law protects a company's essential digital and

technical assets. Networks, routers, plans, apps, CPUs, and other items might be among them. All of these components are unique forms of intellectual property that must be safeguarded for the internet to function correctly. In light of this, IPR in e-commerce also safeguards important components.

❖ Safeguarding commodities and securing patent permits

The standard basis for all online and e-commerce businesses is patent and product licensing. The majority of internet businesses decide to outsource the creation of a few components or share their technologies through license agreements because it requires multiple diverse technologies to generate a single product. In essence, the agreement is a set of rules and regulations for the protection of intellectual property.

❖ Maintaining trademark and patent holdings

Intellectual property is the most valuable asset for a business in the e-commerce sector. A portfolio of patents and trademarks that they generally possess contributes to their company's value. Similarly, these IPR rights, like trademarks, are secured by IPR rules in governing e-commerce. Intellectual property (IP) is likely the most underrated aspect of e-commerce, while having the largest value-bearing component. This is either because IP is poorly understood or its importance in relation to e-commerce is not immediately evident. More than any other platform, e-commerce typically involves the selling of items and services that are based on intellectual property and its licensing. Virtual firms should try to make their operations free from intellectual property hazards that will prevent them from danger of operations.

ELEMENTS PROTECTED UNDER IPR E- COMMERCE

IPR in retail and e-commerce refers to buying and selling products through physical stores and online stores, respectively. As a result, owners of online and retail firms need to protect a range of intellectual property. The following items are covered by IPR in e-commerce under different models and laws: -

- Search engines, e-commerce platforms, and other essential online technologies are covered by patents and utility models.
- Certain software, such as the text-based HTML code used by websites, may be protected under the Patent Law or the Copyright Act, depending on the country's IPR regulations.
- Copyright rules also protect the overall design of an e-commerce website.

- The Copyright Law protects all of the information on the website, including any written or visual materials, videos, photographs, or other visuals.
- Companies can employ copyright laws or country-specific database regulations to safeguard their databases under e-commerce under IPR.
- Companies can use the Trademark Law to protect their brand names, product names, logos, domain names, and other similar identifying indicators posted on their websites with reference to both IPR in retail and e-commerce.

LEGISLATIONS COVERING IPR IN INDIA

➤ Patents ⁷

The Patents Act, 1970 further amended in 1999 and 2004

Design

The Design Act, 1911. 2000

The Trade and Merchandise Marks Act, 1958, 1999.

➤ Copyright

The Copyright Act, 1957, 1983, 1984, 1992, 1994 and 1999 and the Copyright Rules, 1958.

CHARACTERIZING PHARMACEUTICAL IPRS

1. As previously mentioned, it should be a top priority to create a thorough and multifaceted estimate of the formal structure of IPRs in medicines for a wide range of nations.
2. The statistics or the record of stakeholders such as researchers, academicians, medical practitioner and pharmaceutical companies from research and development i.e. research and development, marketing, public affairs, and law, import/export businesses, wholesalers and retailers of pharmaceutical products, and top law firms, regarding their opinions of the strength and impact of intellectual property rights (IPRs) would provide important context for policy discussions and serve as a basis for measuring the de facto rather than de jure IPR environment.

⁷ Vankayala Phanindra, 'Intellectual Property Rights' (IJRPJK, July – August)

<<https://ijrpns.com/article/A%20REVIEW%20ARTICLE%20ON%20INTELLECTUAL%20PROPERTY%20RIGHTS%20-IPR>> accessed on 5 February, 2026

CONCLUSION

Intellectual property rules are unquestionably essential for the just and moral compliance of digital operations and practices, especially in a field as varied and dynamic as retail and e-commerce. IPR in e-commerce aids in defending enterprises that use online platforms. Intellectual property rights aid businesses in sustaining and defending their clandestine business operations as the internet retail industry increases exponentially. IP rights in e-commerce allow IPR owners to claim a share of the company's income. Therefore, it should be mentioned that IPR in e-commerce protects e-commerce operations. However, the practical implementation of IP Rights influences the success rate totally. In the present world, it is indisputable that the effective implementation of intellectual property rules is required to guarantee the equitable and moral compliance of online businesses and operations. In addition to the expansion of E-companies, which has resulted in a severe fall in retail activity, society is increasingly dependent on internet commerce. Similar to the pandemic-hit economy, where E-commerce drove a rapid rise in the online market, enhancing the variety and vibrancy of online platforms. Businesses may now more easily monitor and defend their trade activities, particularly those that involve retaining anonymity, thanks to the growth of online commerce. IPR owners are able to claim a percentage of the company's revenues thanks to IP rights in e-commerce. In order to properly enable e-commerce activity in the public domain, intellectual property rights will be implemented with an emphasis on features that are distinctive and inaccessible to others. The legal protection of intellectual property rights encourages robustness in the use of intellectual property, which helps with outsourcing, contracting, licensing, and the creation of new ideas and strategic partnerships, all of which enhance sales and e-commerce operations by bringing features that competitors cannot provide. This promotes healthy competition online and generates compensation for the appropriate intellectual property owners. As a result, when the required precautions are taken to preserve intellectual property rights, intellectual property safeguards e-commerce and advances economic fairness. It is well known that the pharmaceutical industry is exceptionally knowledge-intensive and that its economics are particularly sensitive to intellectual property rights. Documenting and comprehending the relationships between IPRs, related legal and policy requirements, the industry's global expansion, and the effects of these on medicine pricing and access, R&D, trade, and production have all advanced somewhat. varied types of intellectual property rights (IPR) require varied approaches, planning, and strategies, as well as the involvement of experts in other fields, including science, engineering, medicine, law, finance, marketing, and economics. Depending on its field of expertise, each industry should have its own IP policies,

management approach, tactics, etc. The IP strategy of the pharmaceutical sector is currently changing. Intellectual property rights are vital in international trade as they encourage innovation, foster social and economic growth, also it helps in fair competition. Intellectual property rights help to contribute in global economy, and effective ⁸IP protection will improve a country's reputation, also attract international trade partners, and encourage exports. The WIPO World Intellectual Property Organisation helps in resolving conflicts or disputes related to IP.



⁸WIPO, 'Intellectual Property Rights' < <https://www.wipo.int/en/web/about-ip>> accessed on 6 February 2026