



SCENARIO OF INTELLECTUAL PROPERTY RIGHTS IN PRESENT TIMES WITH FOCUS ON INDIAN CONTEXT

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ABSTRACT

The purpose of this investigation was to analyze how patent laws and systems have changed through time and across nations, with a special focus on India. Keeping up with the ever-changing patent system has proven to be an enormous challenge for scientists. The patenting process itself is evolving in the current day. Due to India's commitments under several international IPR agreements, not all aspects of the patent system were able to be examined here. The research also excludes the patenting of agricultural processes. .

Keywords: - Law, Property, Labor, Legal, Policy.

I. INTRODUCTION

Intellectual property law encompasses a wide range of ideas, including those of originality and inventive step as they pertain to patent law. Concepts of dissimilarity between marks and between commodities are important to trademark law. The legislation protecting the right to copy and distribute an author's work in its original form.

Salmon claims that everything produced by the human intellect, regardless of medium, has use in his life.

One's intellect is one's property in the same way that one's person or one's bodily labor or one's work of one's hands, i.e. one's skill, are. This is because, in the modern world, one's intellect is an essential part of one's personality and plays a significant role in deciding what sort of labor his body be engaged into and what work his hands take up.

Following this line of thinking, a person's brain, together with his intellectual labor and intellectual competence, are wholly his own. Further, if one has or possesses the qualities of intelligence, intellectual labor, and intellectual talent, then whatever that results from the application of any or all of these is also one's property.



The 'products' of one's mind are works of art, and as such, the creator should be entitled to full and complete ownership of them.

II. INTELLECTUAL PROPERTY RIGHTS IN INDIA

The notion of intellectual property rights is highly vital to every human being who is engaged in any creative activities, and this is especially true in India as a growing nation and as a result of globalization, urbanization, modernization, and the rise of commerce. The stakes in business are high right now, therefore it's the government's responsibility to ensure that all Indian citizens have access to robust legal protections for their intellectual property. Since Indians were prominent participants in the development of science and technology as well as the industrial and manufacturing sectors in the nineteenth century, it is imperative that they be afforded the protections afforded by patent, trademark, copyright, and similar laws.

The Indian Parliament has passed a number of legislation protecting intellectual property that were modelled after treaties and conferences held elsewhere in the world. There has to be legislation and effective recourse for the people of India, just as there is for movable and immovable property.

III. CLASSIFICATION OF INTELLECTUAL PROPERTY

Experts in the law say that intellectual property may be broken down into two distinct categories: patent law and copyright law. The French-derived phrase "industrial property" (properties industrial) covers things like patents (technical details), trademarks (brand names), and trade secrets.

"Trademarks" (information with a symbolic meaning) and "industrial designs" Works of art, music, and literature are protected by copyright law and adjacent rights (expressive information). With the founding of WIPO, a designated agency of the United Nations, the concept of "intellectual property" has been formally recognized on a global scale.

IV. THE CONCEPT OF INTELLECTUAL PROPERTY

The core idea behind intellectual property is that the creator or owner of this property may utilize it in a legal dispute against the whole global community. Like a property right. If someone is found guilty of stealing someone else's ideas, he must pay damages to the creator. However, there are constraints on how intellectual property may be used. This implies that the use of intellectual property is at the discretion of the individual but is subject to regulation by the government if the owner of a particular parcel of land wants to develop on that land. The government may impose limits on it to ensure the safety of its citizens or to safeguard their morals.



V. THREE KINDS OF PROPERTY

Movable Property:

An automobile, a wristwatch, and other such items are examples of movable property since they are not permanently affixed to the ground. A camera or a car are examples of mobile property, since only the owner has the right to use them. The owner has the "exclusive right to use" it, to put it in legal terms. This constitutes permission to act against the whole globe.

Immovable Property:-

Immovable property includes things like land and structures that are not easily moved. The owner of immovable property is subject to several regulations. For instance, a landowner who wants to develop on his plot of land must first comply with several regulations and formalities imposed by the law.

Intellectual Property:-

Since it originates in the human mind rather than the physical world, intellectual property cannot be physically seen or touched. Since the advantages of intellectual property cannot be passed on to legal successors after the creator's death or after a certain number of years, as is the case with tangible property, its protection is time-bound.

VI. CONCLUSION

The concept of "Intellectual Property Rights" has been around for generations, contrary to popular belief. Several nations now recognize Indian intellectual property rights, which were first formed in India. India has streamlined its intellectual property rights (IPR) policy and decreased the time it takes to grant patents as a result. Our nation is seeing a rise in levels of development and creativity. Therefore, individuals might be encouraged to engage in R&D with the aid of intellectual property rights protection. The people of India benefit from the worldwide advancements in technology and commerce thanks to the country's well-established patent, copyright, and trademark regulations.



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