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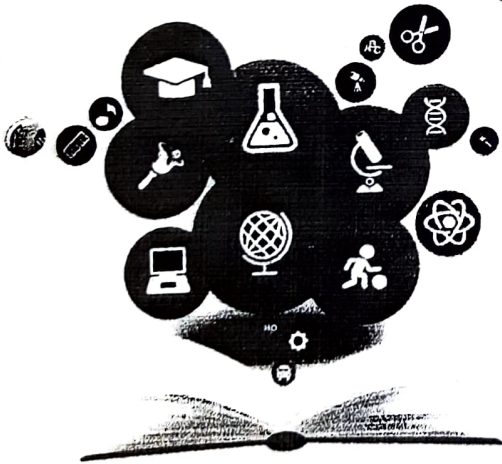
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**GOVERNMENT COLLEGE OF
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**National Conference
On**

Research in Interdisciplinary Studies



◆ Organized by ◆
GCE IQAC and Ph.D. Research Centre, Akola

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01

A study of understanding about Intellectual Property Rights (IPRs)

with reference to Copyright and Patent

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ABSTRACT

This papers aims to put lights on Intellectual Property and its types. It mainly focuses on the copyright and patent. It also tries to put forth what the researchers need to know about the Intellectual Property Rights (IPR) while conducting research.

Key word: Intellectual Property Patenting, Copyright

1. INTRODUCTION:

India is known for its contribution towards various fields. From ancient India until date, it is progressing towards new trends and horizons. As India is progressing towards new research, it is very important to understand more about the patenting and copyright.

Every day some or the other research is going on all over the country.

Due to the increasing demand and use of internet and ICT, resource is easily getting available to researchers for their studies.

The data bank of intellectual property is growing day by day. So it very important for a researcher to get complete, details and authentic knowledge about the Intellectual property.

Basic concept in IPR (Savale2, 22 April 2016,)

- Intellectual property is an intangible creation of the human mind, usually expressed or intellectual property is an intangible creation

of the human mind, usually expressed or translated into a tangible form that assigned certain rights of property.

Examples of intellectual property include an author's copyright on a book or article, a distinctive logo design representing a soft drink company and its products, unique design elements of a web site, or a patent on the process to manufacture chewing gum.

Intellectual property rights (IPR) can be defined as the rights given to people over the creation of their minds. They usually give the creator an exclusive right over the use of his/her creations for a certain period of time.

Intellectual property (IP) refers to creations of the mind: inventions, literary and artistic works, and symbols, names, images, and designs used in commerce.

2. OBJECTIVES:

- To know about Intellectual Property
- To understand the importance of copyright & patent in Research

3. INTELLECTUAL PROPERTY (IP)

Intellectual property means intangible property that is the result of creativity, e.g. patents or copyright. (Dictionary)

The term IP began to be used in 19th century, but it gain more popularity and become common in late 20th century in legal system around the world.

It also important to know about the term World Intellectual Property Organization (WIPO) which is a global forum for intellectual property (IP) services, policy, information and cooperation. It is a self-funding agency in UN with around 192 member states. WIPO mission is to lead the development of a balanced and effective international IP system that enables innovations and creativity for the benefit.

The details of policy, laws and use is given in the handbook of WIPO intellectual property published in 2004. It covers all the aspects of IP.

As WIPO works on global level, in India same way (CGPDTM) Control General of Patents, Designs and trademark, which comes under the

ministry of commerce & industry, government of India. Its official website is ipindia.nic.in and its head office is in Mumbai.

Duration of intellectual property rights (Savale 2, 22 April 2016,)

- Term of every patent will be 20 years from the date of filing of patent application, irrespective of whether it is filed with provisional or complete specification. Date of patent is the date on which the application for patent is filed.

- Term of every trademark registration is 10 years from the date of making of the application which is deemed to be the date of registration.

- Copyright generally lasts for a period of sixty years.

- The registration of a geographical indication is valid for a period of 10 years.

- The duration of registration of Chip Layout Design is for a period of 10 years counted from the date of filing an application for registration or from the date of first commercial exploitation anywhere in India or in any convention country or country specified by Government of India whichever is earlier.

- The duration of protection of registered varieties is different for different crops

4. TYPES OF INTELLECTUAL PROPERTY:

Following are the types of intellectual property

1. Patents
2. Copyrights
3. Trademarks
4. Trade secrets
5. Rights of publicity

Patents: A patent is a form of intellectual property that gives its owner the legal right to exclude others from making, using, selling and importing an invention for a limited period of years, in exchange for publishing an enabling public disclosure of the invention

Copyrights: Copyrights are the exclusive right given to the creator of a creative work to reproduce the work, usually for a limited time.

Trademark: Trademark is a type of intellectual property consisting of a recognizable sign

design, or expression, which identifies product, or services of a particular source from those of others, although trademarks used to identify services are usually called service marks

Trade Secrets: Trade secrets are a type of intellectual property that comprise formulas, practices, processes, designs, instruments, patterns or compilations of information that have inherent economic value because they are not generally known or readily ascertainable by others, and which the owners takes reasonable measures to keep secrets.

Right of Publicity: It referred to as personality rights, is the right of an individual to control the commercial use of one's identity, such as name, images, likeness, or other unequivocal identifiers.

5. COPYRIGHTS:

The right to publish work or copy is known as copyright. In research, it is important to cite the owner or the source if you are taking reference of the same.

Most subscription -based, on open access journals required authors to transfer the copyright of their article to the publisher.

There are different policies and embargoes for different versions of an articles

1. The preprint that can be publically shared without restrictions and embargo
2. The post -print can usually be publicly shared an embargo period
3. The publisher's version is the final articles, formatted and typist by the publisher, and cannot be publicly shared.

For open Access publications, the copyright generally remains with author. Creative Commons (CC) licenses are generally used for Open Access articles and datasets.



Important accepts of copyright:

1. Copyright promote the progress of science and the useful arts

2. The types of work that could be copyright are

- Literary works
- Musical Works
- Dramatic works
- Pantomimes and choreographic work
- Pictorial, graphic, and structural works
- Motion pictures
- Sound pictures
- Architectural works

3. Exclusive rights are granted by copyright

- To reproduce the copyrighted works
- To prepare derivative works
- To distribute copies of the work
- To perform the copyrighted work publicly
- To perform the copyrighted work publicly by means of a digital audio transmission

4. Unauthorized use leads to copyright infringement

Therefore, copyright is a form of protection provide to authors of original works of their intellectual works. Copyright protection is available both on published and unpublished works, including works transmitted online. A copyright is secured automatically when the work is crated. Using the copyright symbol © along with the year of publication and the authors name signify the copyright.

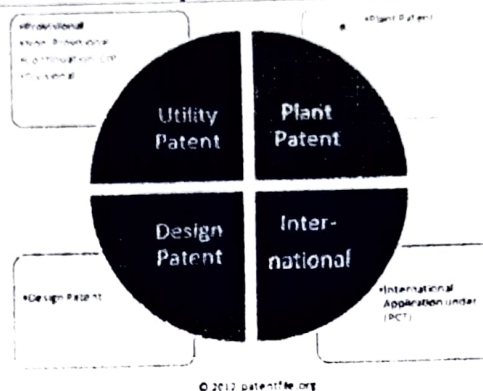
6. PATENTING

A patent is protection granted by a national government for an invention.

Following are the requirement for patentability

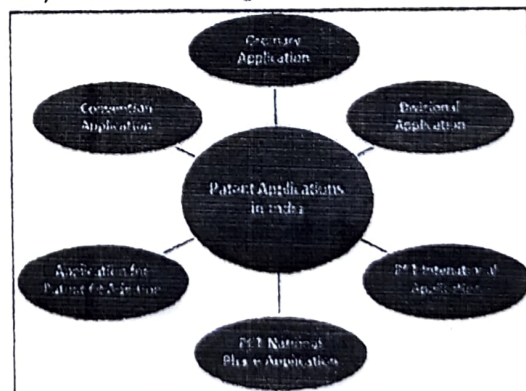
1. Usefulness/Utility-
 2. Novelty
 3. Non-obviousness /Ingenuity
- There are three types of patent

1. Utility patents
2. Design patents
3. Plant patent
4. International Application through PCT



There is increase in university patenting framework aimed at fostering a greater interaction between public research and industry in order to increase the social and private returns from public support for research and development.

Research exemption now days have been uses popularly either formally or informally. Universities have been exempted from paying fees for patented inventions they use in their own research so it helps in fulfilling the public mission. Still this research exemption-or rather its interpretation –has recently been subject of policy debate and litigation.



Patent Application in India

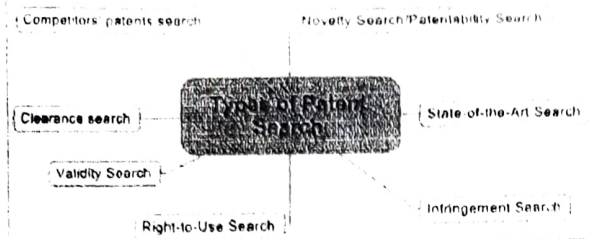
Following are the types of application through which one can apply for patent

- Ordinary Application
- Divisional Application
- PCT International Application
- PCT National Phase Application
- Application for Patent of Addition
- Convention Application

In India the grant of patents is governed

by the patent act 1970 and rules 1972 which is operative in the whole of India.

Types of Patent Search are as follow:



Thus, a patent is a grant of a right to the inventor by the government. The patent gives the inventor (or patent holder, if the patent has been assigned) the right to exclude others from making or using the invention for a select time—usually 20 years.

7. IMPORTANT ASPECTS WHICH THE RESEARCHER SHOULD KNOW

As it has been discussed previously that Intellectual property rights (IPRs) help protect creations of the mind that include inventions, literary or artistic work, images, symbols, etc. If you create a product, publish a book, or find new drugs, IPRs ensure that you benefit from your work.

These rights protect your creation or work from unfair use by others.

By copyrighting your work, you ensure that others cannot use it without your permission.

It is very important for researchers to know the IPR laws of one's country. As law may differ from country to country. In the US, a patent will not be granted for an idea that has already been published.

Researchers are advised to file a patent application before publishing a paper or their invention. Discussing an invention in public is what known as public disclosure.

In US, for instance, a researcher has one year from the time of public disclosure his or her invention publically loses the right to file a patent immediately.

IPR laws can affect international research collaboration.

Researchers should consider national differences when planning global collaboration.

For example if we take that if, U.S and Japan are collaborating with each other for research. So both must agree to restrict public disclosure or publication before filling a patent.

In US, it is common for publically funded universities to retain patent ownership.

8. CONCLUSION

Therefore, it is very important for a researcher to know about the importance of patenting and copyright in research and intellectual Property right (IPR)

When a researcher refers to a book chapter or a research paper, make sure to provide appropriate credit and avoid plagiarism by using effective paraphrasing, summarizing, or quoting the required content.

Copyrights and patents protect the originators of creative works and inventions against the unauthorized use of those works. However, both copyrights and patents protect intellectual property, their specific functions and purposes differ.

The goal of government in granting copyrights and patents is should be to promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries.

Always remember one thing that plagiarism is a serious misconduct in research. UGC has provided guidelines for the same. Researcher should understand and comprehend it before submitting the research work.

Software's is used by universities for check in plagiarism in research work.

As a researcher, one should try to be authentic in his work and should try that, his research work is being useful to the society in general.

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