



---

## INTELLECTUAL PROPERTY RIGHTS IN THE DIGITAL ERA: AN OVERVIEW

Dr. R. Uma Devi, M. Com., M.Phil., MBA, Ph. D.  
Dr. S. R. K. Govt. Arts College  
Yanam – 533464

Assistant Professor of Commerce  
Pondicherry University  
Puducherry (UT), India

### **ABSTRACT:**

*Intellectual property has the shelf life of a banana.*

- Bill Gate

*With the advent of the information revolution, skills and knowledge have become the only source of sustainable long-term competitive advantage. Intellectual property lies at the center of the modern company's economic success or failure. Intellectual property rights are the rights given to persons over the creations of their minds for a certain period of time. The main purpose of intellectual property law is to encourage the creation of a wide variety of intellectual goods for consumers. These exclusive rights allow owners of intellectual property to benefit from the property they have created, providing a financial incentive for the creation of an investment in intellectual property. The WIPO treaty and several related international agreements underline that the protection of intellectual property rights is essential to maintaining economic growth. On this juncture an attempt is made to overview the concept of Intellectual Property Rights in the global era.*

**Keywords:** *Intellectual Property Rights, Copyrights, Trademarks, Patents and Infringement*

## 1. CONCEPTUAL FALLACY:

*Intellectual property is a key aspect for economic development.*

– Craig Venter

Intellectual property is so broad and stands for groupings of rights which individually constitute distinct rights. The change in information technology, market reality (globalization) and generality have affected the contents of intellectual property. It is diverse, challenging and has application in own day today life. Intellectual property means the legal property which results from intellectual activity in the industrial, scientific and artistic fields. Intellectual Property is a section of law which protects creations of the mind, and deals with intellectual creations. It is a right that is had by a person or by a company to have exclusive rights to use its own plans, ideas, or other intangible assets without the worry of competition, at least for a specific period of time. These rights can include copyrights, patents, trademarks, and trade secrets. These rights may be enforced by a court via a lawsuit. The reasoning for intellectual property is to encourage innovation without the fear that a competitor will steal the idea and / or take the credit for it.

Intellectual property, as a concept, “was originally designed to cover ownership of literary and artistic works, inventions (patents) and trademarks”. However, the concept of intellectual property now covers patents, trademarks, literary and artistic works, designs and models, trade names, neighboring rights, plant production rights, topographies of semi conductor products, databases, when protected by a *sui generis* right, unfair competition, geographical indications, trade secrets, etc. Those types of intellectual property have been characterized as “pieces of information which can be incorporated in tangible objects at the same time in an unlimited number of copies at different time and at different locations anywhere in the world”. In other words, Intellectual Property Rights (IPRs) are intangible in nature, different from the objects they are embodied in. The property right is not in those copies but in the information which creates in them. IPRs are legal and institutional devices to protect creations of the mind such as inventions, works of art and literature, and designs. They also include marks on products to indicate their difference from similar ones sold by competitors. In today’s world, the international dimension of intellectual property is of ever increasing importance for three compelling reasons.

- First, the composition of world trade is changing. Currently, commerce in intellectual property has become an even greater component of trade between nations. The value of

information products has been enhanced greatly by the new technologies of the semi-conductor chip, computer software and biotechnology.

- Second, the world commerce has become even more interdependent, establishing a need for international cooperation. Accordingly, countries have recognized this interdependence and have called for a broadening of international agreements/arrangements involving intellectual property.
- Third, new reprographic and information storage technologies permit unauthorized copying to take place faster and more efficiently than ever, undermining the creator's work.

Intellectual Property law aims at safeguarding creators and other producers of intellectual goods and services by granting them certain time- limited rights to control the use made of those productions. Countries have laws to protect intellectual property for two main reasons;

- One is to give statutory expression to the moral and economic rights of creators in their creations and such rights of the public in access to those creations.
- The second is to promote, as a deliberate act of government policy, creativity and the dissemination and application of its results and to encourage fair trading which would contribute to economic and social development.

There is a general feeling in the developed countries that much of this sort of copying takes place in the third world due to the relaxation of legal standards. All these factors have prompted the international community as a whole to accord due recognition to intellectual property and intellectual property regime.

## **2. REVIEW OF LITERATURE:**

The aim of literature review is to generate a knowledge overview about the specific study interest regarding social media and Intellectual Property Rights.

Intellectual property rights have never been as much in the news as they are today. Granstrand (1999) notices that IP had already at the end of the 1990s had a long, but tiny research tradition and it was at the time fragmented in terms of different types of IPRs (Patents, Trademarks and Copyrights etc.) and disciplines (Economics, Law, Management etc.). Hanel (2006) focuses on management of IP and identifies the growing importance of IP management. This led to a now well established growth in patenting, in turn leading to an increasingly complex landscape of IP and IPRs, and an increasing number of litigations. Holgersson (2013) makes a review of three different but related research streams in patent

management (i.e., a subfield of IP management), viz., Patent Propensity, Appropriation Strategies and Motives to Patent.

Bader (2006) summarizes IP strategy and states that an “intellectual property strategy generally aims to improve the economic outcomes of investments made through innovations. The strategy should therefore address various key decisions such as: make or buy decisions, organizational association or isolation, innovation or adaptation of new technology, protection or exploitation of knowledge, public or private research funding, safeguarding or sharing of intellectual property, and pioneering advantages or disadvantages”. Candelin-Palmqvist, et al. (2012) concludes that IPRs are increasingly covered in the literature on innovation management. They finally argue that more research is needed where IPRs are in focus, rather than as indicators of other things (such as innovation).

Intellectual Property (IP) is one of the strategic tools for any organization. Organizations need to have a general understanding of the IP issues facing their business and their industry, but also need to have adequate expertise in dealing with those issues internally as well as effectively says Bird et al (2009). According to Satarkar (2003), IPR holds importance in almost all walks of life, whether it is in agriculture, biotechnology, library and information science, with the new inventions in science and technology, there is a swift growth in the production of the equipment useful for duplicating or copying. This has resulted in malpractice, which affect the copyright cover not only printed matter, but the patents, trademarks, trade secrets and industrial designs. According to Koul (1992), today’s science and technology is the key to the progress of mankind and the intellectual capital formed by scientific resources and the aptitude for the technological innovations expressed in proprietary knowledge constitutes the major assets of any country.

Lanjouw (1997) and McCalman (2001) have argued that the shift toward stronger IPR in developing countries may cause harm to national economic interests, transferring rents to multinational corporate patent holders in the world’s most highly developed countries, especially the United States. IPR supports counter that strengthening IPR will encourage more innovation to the global economy, thus promoting rapid economic intensification. Moreover, they also uphold that even if the supplementary novelty is mostly intense in advanced countries, reinforcement of IPR will speed up the transfer of technology between countries, thus ensuring that all countries benefit.

According to Bist (2012), knowledge economy places a tag of urgency on understanding and managing knowledge based assets such as innovations and IP know-how. Intellectual Property Rights have become important in the face of changing trade environment which is characterized by the following features, namely global competition, high innovation risks, short product cycle, the need for rapid changes in technology, high investments in research and development, production, marketing and the need for highly skilled human resources. An ongoing evaluation of the company's work entities to identify copyright protection is very critical. While copyrighting, it is important to make sure that such a protection will be valid in the country of offshore activity/development. Saha (2006) defines the intellectual property rights as a collective term which includes patents, copyrights, trademarks, design registrations, protection of integrated circuit layout design, geographical indications and protection of undisclosed information. The article concludes with a brief on Indian science and technology policy-2003 and the experience of Indian universities; they start by rising to the occasion and putting in place some useful systems and policies in the country. Normally organizations spend millions of dollars to establish a brand name in the market, intellectual property like patents and trademarks. If another organization steals the intellectual property, the original organization could lose heavily. The property owner, not only are potential markets losing, but often the organization's reputation is at stake. Intellectual property law was traditionally an obscure and highly technical discipline usually dealt with/by lawyer opines Yu (2012). The protection and enforcement of intellectual property rights concerns not only law and policy, but also a country's political, social, economic and cultural systems. In the past decade, the interrelationship between intellectual property and culture has featured with increasing frequency and prominence in the global policy debate. According to Arewa (2012), intellectual property laws today reflect an increasing emphasis on depicting knowledge and culture within a property rights paradigm. The author discussed about conceptions of culture and cultural progresses are important for understanding critical aspects of intellectual property theory and its implementation in varied contexts. Cultural resources may be simultaneously both valuable assets and essential elements in living cultures. Reconciling these two potentially conflicting conceptions of culture remains a key element to restoring what many consider to be needed balance to intellectual property frameworks.

### **3. OBJECTIVES & METHODOLOGY:**

Intellectual property has increasingly assumed a vital role with the rapid pace of technological, scientific and medical innovation that are witnessing today. Moreover, changes in the global economic environment have influenced the development of business models where intellectual property is a central element establishing value and potential growth. On this backdrop, the present study *“INTELLECTUAL PROPERTY RIGHTS IN THE DIGITAL ERA: AN OVERVIEW”* has been undertaken with objectives mentioned below:

1. To study the evolution and meaning of Intellectual Property Rights
2. To overview the scope and nature of Intellectual Property Rights
3. To analyze the necessity of Intellectual Property Law
4. To understand the pros and cons and challenges of Intellectual Property Rights.
5. To overview the measures to be taken to protect IPR
6. To overview the significance of IPR in the overall growth of the economy

In order to accomplish the objectives of the study, secondary data from various sources such as reports, publications & bulletins, journals and magazines etc. has been used. Interpretation of data is based on rigorous exercises aiming at the achievement of the study objectives and findings of the existing studies. Interpretation of the data is more on qualitative terms than on quantitative terms.

### **4. ANALYSIS:**

Intellectual property has been characterized as “pieces of information which can be incorporated in tangible objects at the same time in an unlimited number of copies at different time and at different locations anywhere in the world”. In other words, intellectual property rights are intangible in nature, different from the objects they are embodied in. The property right is not in those copies but in the information which creates in them. In India several new legislations for the protection of Intellectual Property Rights (IPRs) have been passed to meet the international obligations under the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS). Intellectual property has therefore grown into one of the world’s biggest and fastest-growing fields of law thereby necessitating the demand for IP professionals well versed in this area to deal with (IPRs) across the national and international borders.

#### **4.1. Evolution of IPR**

The term “intellectual property” acquired force after the setting up of the World Intellectual Property Organization (WIPO) in year 1967; however it became more popular after the introduction of the Bayh-Dole Act 1980. Intellectual property was introduced so as to protect the labours of the mind, production and all a man’s own. The French law of 1791 contributed towards making Intellectual property a privilege for those who had discovered new creations and thus allowing a temporary enjoyment for a certain period of time. The WIPO is one the agencies which encourage creations all over the world.

In the late 19th century, with the introduction of high technological progress and process of globalization, Intellectual property transactions have started together with the creation and development. However, it has been noted a high contradiction between the global demand for IPR and regional restrictions. With the view to solve this contradiction, a number of countries have bound themselves with the International Convention for the protection of their Intellectual properties. The TRIPS agreement has been able to connect the global trade with that of people’s IPR. And as a result, this has contributed towards boosting up the international trade and speed up the economic growth.

New confronts cropped up in the 21<sup>st</sup> century of the IPR system. Gradually the loopholes on the IP system has started to manifest themselves and this took place in developing countries. Technological transfer from foreign firms in developed countries can be a very significant resource for firms in developing nations. The impact that the stronger IPR protection has always depends on a country’s present circumstance. On one side, a strong IPR regime could limit the spread of technology by the patenting procedure which will prevent others from misusing the knowledge. However, IPR has its positive light as it encourages the transfer of technology by increasing trade of goods and services. The prime benefits of the TRIPS agreement is that it has allowed the diffusion of technology from one country to another and it was beneficial for developing nations as they do not innovate much. It has been found that stronger protection of IPR encourages the transfer of technology through several channels; however its given impact depends hugely on the imitative and development capability of a country.

#### **4.2. Nature & Scope of Intellectual Property Rights**

Intellectual properties have their own peculiar features. These features of intellectual properties may serve to identify intellectual properties from other types of properties, which are as follows:

1. *Territorial*: Any intellectual property issued should be resolved by national laws. Because intellectual property rights have one characteristic which other national rights do not have. In ownership of intellectual property of immovable properties, issues of cross borders are not probable. But in intellectual properties, it is common.

2. *Giving an exclusive right to the owner*: It means others, who are not owners, are prohibited from using the right. Most intellectual property rights cannot be implemented in practice as soon as the owner got exclusive rights. Most of them need to be tested by some public laws. The creator or author of an intellectual property enjoys rights inherent in his work to the exclusion of anybody else.

3. *Assignable*: Since they are rights, they can obviously be assigned (licensed). It is possible to put a dichotomy between intellectual property rights and the material object in which the work is embodied. Intellectual property can be bought, sold, or licensed or hired or attached.

4. *Independence*: Different intellectual property rights subsist in the same kind of object. Most intellectual property rights are likely to be embodied in objects.

5. *Subject to Public Policy*: They are vulnerable to the deep embodiment of public policy. Intellectual property attempts to preserve and find adequate reconciliation between two competing interests. On the one hand, the intellectual property rights holders require adequate remuneration and on the other hand, consumers try to consume works without much inconvenience. Is limitation unique for intellectual property?

6. *Divisible (Fragmentation)*: Several persons may have legally protected interests evolved from a single original work without affecting the interest of other right holders on that same item. Because of the nature of indivisibility, intellectual property is an inexhaustible resource. This nature of intellectual property derives from intellectual property's territorial nature.

There is a general feeling in the developed countries that much of copying takes place in the third world due to the relaxation of legal standards. All these factors have prompted the international community as a whole to accord due recognition to intellectual property and intellectual property regime. Intellectual Property law aims at safeguarding creators and other producers of intellectual goods and services by granting them certain time - limited rights to control the use made of those productions. These rights do not apply to the physical object in which the creation may be embodied but instead to the intellectual creation as such. IP is traditionally divided into two branches: "*Industrial Property and Copyright*". The convention



establishing the World Intellectual Property Organization (WIPO) concluded in Stockholm on July 14, 1967 (Art. 2(viii) provides that intellectual property shall include rights relating to:

- 1) Literary, artistic and scientific works
- 2) Performances of performing artists, phonograms and broadcasts
- 3) Inventions in all fields of human behavior
- 4) Scientific discoveries
- 5) Industrial designs
- 6) Trademarks, service marks, and commercial names and designations
- 7) Protection against unfair competition and all other rights resulting from intellectual activity in industrial scientific, literary or artistic fields.

Intellectual Property Rights include copyright, patent, trademark, geographic indication of origin, industrial design, trade secrets, database protection laws, publicity rights laws, laws for the protection of plant varieties, laws for the protection of semi-conductor chips (which store information for later retrieval), etc. Of these, patents, copyright and trademarks are arguably the most significant in terms of their economic importance.

- ❖ *Patents* provide inventors with legal rights to prevent others from using, selling or importing their inventions for a fixed period.
- ❖ *Copyright* gives authors legal protection for various kinds of literary and artistic work. Copyright law protects authors by granting them exclusive rights to sell copies of their work in whatever tangible form is being used to convey their creative expressions to the public.
- ❖ *Trademarks* are marketing tools used to support a company's claim that its products or services are authentic or distinctive compared with similar products or services of competitors. They usually consist of a distinctive design, word, or series of words placed on a product label.

### **4.3. Intellectual Property Law**

For a sustainable growth and economic development of a country, innovation and creativity is a very important dimension. Industries and the global markets of the 21<sup>st</sup> century rest on the intellectual property protection as it is one of the central public policy. By the mid-1990s, a minimum global standard for IPR had been preserved in the WTO Charter through the incorporation of the Agreement on Trade-Related Aspects of Intellectual Property Rights.

The transfer in international economic policy and the lowering of tariff and nontariff trade barriers to the embrace of strong IPR is genuinely an issue of controversy. Intellectual property rights (IPR) are legal claims settled by governments within their relevant sovereignties that grant trademark, patents and owners of copyright the exclusive right to exploit their intellectual property for a certain period. The fundamental right for IPR protection is to provide an incentive for innovation by granting IP owners an opportunity to recuperate their research and development costs. With the rapid change in technology and social drivers, the introduction of the Intellectual Property Rights has become increasingly important as it provides a legal and policy toolkit to encourage innovation, stimulating investments required to develop, market new innovations and spreading technology. However, certain policymakers, nongovernmental organizations, scholars and others have queried on the roles of IPRs in the 21st century and also whether its full implementation might be very costly to developing nations.

“Intellectual Property” laws generally refer to those laws governing patents, copyrights, trademarks, and trade secrets. In the realm of social media, the laws governing trade secrets, copyrights, and trademarks are particularly important. However, it should be noted that inventors with a novel process, machine, etc. who have not yet filed a patent should be careful sharing information about their invention via social media (or any other medium). IP law is a general term for both tangible and intangible property rights.

**Tangible Property Rights include:**

- **Trademarks/Trade Design:** A name, symbol, and/or design identifying and distinguishing the source of goods or services of one party from those of others
- **Copyrights:** Exclusive rights to produce copies and control an original literary, musical, or artistic work
- **Patents:** Exclusive rights to manufacture, use, or sell an invention

**Intangible Property Rights include:**

- **Trade Secrets:** Economically valuable information, formulas, or processes, not generally known or ascertainable to others by which a competitor would obtain an economic advantage if known
- **Right of Publicity:** The right to control one’s own name or likeness
- **Right of Privacy:** The right to prevent the disclosure of private information in the absence of clear and ambiguous consent

Federal registration and protection is available for tangible property rights. Business owners should understand the categories, registration systems, and processes to obtain protection for their names, designs, works, and inventions whenever possible or else a competitor may be able to lawfully “steal” their creations.

#### **4.4. Benefits of IPR**

One of the benefits of reinforcing IPR is that such protections may persuade foreign companies to produce and sell technologically advanced products in the developing country. Some of these elements may have been pending from the firm’s patents so as to avoid other parties from being able to copy its technology merely by reading its patents.

1. IPRs have become an important factor in both the creation and use of ideas that are interpreted into knowledge and inventions so as to promote innovation and economic growth.
2. The protection of intellectual property has become an assurance for both innovators and creators in order to encourage them bringing their works to market and also to build on the innovations and creations of others for the benefit of the society.
3. Invention and creation has become a key factor to overcome market failure through the transfer of technology and creative activities. So it can be said that IPRs inspire innovation and create economic growth through increased productivity, trade and investment and also increase consumer welfare.
4. IPRs being an efficient market oriented tool, it enables firms to more fully appropriate the return from risky and uncertain investments.
5. IPRs drive consecutive creative efforts which facilitate a vital cross fertilization of ideas. The protection of IPR provides the incentive for firms and individuals to invest in the creation of new technology, product and also where investments involve significant costs or risks and also where these invention or creation can be easily copied.

The global economy is much dependent on the international appreciation and spread of IPRs related to branded products. The protection of trademark is crucial to maintain high quality goods and services that contribute towards the achievement of consumers’ trust. The market boom in imitating products often puts the consumers’ health and even their lives at stake. Intellectual property and competition policy are crucial to keep up competition and markets as both promote innovation and consumer welfare. Computers, telecommunications and other information based sectors heavily depend on IPRs as legal and economic backbone. IPRs

ease the operation of markets and help new ones as it is tradable and transferable.

Innovation helps to create new jobs, making provision for higher incomes, offering opportunities for investments, eradicating social dilemmas, aiding diseases, environmental protection and protecting our security. IPR protection will permit companies to invest in the creation of new technologies.

#### **4.5. Weaknesses of IPR**

IPRs have numerous loopholes; promotes risky, uncertain and costly investments. The cost of protecting various products in different European countries can be too expensive.

1. Patent protection is not appropriate, as toy products are not “inventions” in the traditional sense and therefore lack the required level of innovative level.
2. On the other hand, the industry introduces a large number of new products every year where a great number of them have a short product life.
3. IPRs can be said that it has changed to a very large extent the nature of competition as most industries which do not benefit the protection of intellectual property rights find themselves engaged in extreme competition and also a lower profit margin. Conversely, companies with intellectual property rights benefit high profits and minimal competition.
4. Intellectual property rights contribute towards the corruption of the society in a numerous ways. Intellectual property rights will give rise to class differences. It has been a remarkable issue in recent years that the rich have become richer to an unimaginable extent.
5. The colossal riches of the famous Bill Gates of Microsoft, Phil Knight of Nike, and the other billionaires of the internet, along the sizable remains of poverty that impairs the modern United States, which brings into focus the relationship between the income distribution and intellectual property.
6. IPRs weaken the very science and technology that they are supposed to promote. Both create bottlenecks and obstruct forward developments.

Some developing countries, have to endure huge amount of money for the protection of IPR, for example the cost of some medical or necessities and the prices of these products are so high that people in trouble cannot meet their needs. Some scholars even put forward that the system of intellectual property will know an end. The TRIPS agreement has made many developing countries to re-examine the effects of the intellectual property system on the economy wellbeing. To be able to cope with these problems, the developing countries have

amended their legislation regarding the system of the intellectual property. However, it has been witnessed that developed countries monopolize the scientific knowledge that they possess in order to gain leadership on the market trends.

#### **4.6. Intellectual Property Rights in the Digital Era**

Technology is booming rapidly from year to year, and the younger generations are the ones caught in this rapid change. Intellectual property stands for groupings of rights which individually constitute distinct rights. However, its conception differs from time and it to time. It is subject to various influences such as change in information technology, market reality (globalization) and generality etc. It is a section of law which protects creations of the mind, and deals with intellectual creations. Social media refers to the means of interactions among people in which they create share, exchange and comment contents among themselves in virtual communities and networks. Social media or "social networking" has almost become part of our daily lives and being tossed around over the past few years. It is like any other media such as newspaper, radio and television but it is far more than just about sharing information and ideas. Social networking tools like Twitter, Facebook, Flickr and Blogs have facilitated creation and exchange of ideas so quickly and widely than the conventional media.

#### **4.7. Risks & Challenges of Intellectual Property Rights**

However, the practice of using social media in this way often collides with the fundamentals of intellectual property rights, creating a host of challenges and issues.

- ***Risk of Intellectual Property Infringement:*** It is therefore essential that businesses keep a close check of their own intellectual property and put measures in place to ensure that it is fully protected from unauthorized usage. This unauthorized usage can materialize in many forms, one of which is the use of established brand names in usernames or hash tags.
- ***Threatening of Copyright law by social media:*** With platforms such as Instagram basing their entire premise on publicly sharing photos, it comes as a given that using these platforms involves accepting that your content may be shared with people worldwide. This has resulted in many copyright violations and legal battles that involve the unsolicited use of individuals' photos.

#### **4.8. Infringement, Misappropriation and Enforcement**

Violation of intellectual property rights, called "infringement" with respect to patents,

copyright, and trademarks, and "misappropriation" with respect to trade secrets, may be a breach of civil law or criminal law, depending on the type of intellectual property involved, jurisdiction, and the nature of the action.

- ✚ *Patent Infringement:* Patent infringement typically is caused by using or selling a patented invention without permission from the patent holder. The scope of the patented invention or the extent of protection is defined in the claims of the granted patent.
- ✚ *Copyright Infringement:* Copyright infringement is reproducing, distributing, displaying or performing a work, or to make derivative works, without permission from the copyright holder, which is typically a publisher or other business representing or assigned by the work's creator. It is often called "piracy".
- ✚ *Trademark Infringement:* Trademark infringement occurs when one party uses a trademark that is identical or confusingly similar to a trademark owned by another party, in relation to products or services which are identical or similar to the products or services of the other party.
- ✚ *Trade Secret Misappropriation:* Trade secret misappropriation is different from violations of other intellectual property laws, since by definition trade secrets are secret, while patents and registered copyrights and trademarks are publicly available.
- ✚ *Counterfeit Goods:* Unfortunately, the internet is rife with fake goods. While in the past counterfeiters tended to trade through standalone websites and e-commerce platforms like Amazon and eBay, they now seem to be offering products through social media platforms.
- ✚ *Unauthorized Content:* IP infringement can also arise from the unlawful use or distribution of content, including or text, photographs or videos.
- ✚ *Business Trade Mark Misuse:* Both registered and unregistered trade mark rights.
- ✚ *Products Infringing a Design or Patent:* This can include either a registered or an unregistered design or a patent protecting a product.

Most major social media platforms have procedures in place to help address allegations of trademark infringement. Sharing content online greatly increases the risk of copyright infringement. However, a properly maintained IP strategy that incorporates the risks of social media can be a powerful tool in stopping users who violate copyright laws.

Despite the challenges presented by social media, most brand owners would agree that the benefits provided by social media outweigh the cons. The key is to develop a plan on how to

use, police, and enforce the trademarks and brands on social media. Otherwise, firms may find their brands at serious risk.

#### **4.9. Measures to protect Intellectual Property**

Developing countries need to shape their IP laws in such a way so that it helps in the promotion of their development and keep in mind some of the negative impacts of overly generous IP protection. Developing countries should also restrict the patenting of minor advances, which can create a legal maze of patent claim. Developing countries should well examine their economic benefits compared to the cost they are investing in strengthening and reforming IPR protection and its present system.

The risks posed to intellectual property and brand protection through the use of social media has caused increasing concern in recent time. Businesses need to be proactive in minimizing potential IP threats by including their employees in intellectual property strategies and IP theft prevention plans. All companies should develop a policy for social media and make sure employees follow it. The social media policy should outline and explain the following:

- Information about the confidential and proprietary agreements;
- How confidential information is protected by the company;
- How shared information is used and stored;
- How to use the company's intellectual property (trademarks, logos, brands, copyrights)
- Information about IP rights;
- Company spokes persons permitted to speak, write, or represent the company online and on social media;
- The appropriate steps and procedures for addressing IP infringement and defamation; and
- Protocol for online conduct and activities of employees.
- Register the Intellectual Property Officially
- Register the Intellectual Property on Social Media Platforms
- Monitor Social Media Platforms for Infringement
- Having a social media policy and making proper arrangements with online ambassadors

Companies should develop and implement a strategy to detect the major types of IP abuses and threats that impact their company. They should make it a company priority for employees to execute the plan. This plan should include social media and IP infringement monitoring. Companies should always include a social media statement in their intellectual property agreements, contracts and policies. They should change these agreements or create

new ones that include provisions about social media. Always make sure that every employee with access to proprietary information signs a confidentiality or nondisclosure agreement that includes social media amendments.

Finally, make sure the employees realize that intellectual property rights are valuable assets to the firm and should be protected. Remind the employees that IP sets their company apart from others and is an essential part of the company's brand. It contributes to their overall success and every employee plays a role in creating an effective intellectual property management plan.

### **5. Conclusion:**

Intellectual Property is a bundle of legal rights resulting from intellectual creativity in industrial, scientific, artistic and literary fields. This definition is from the point of view of rights. IP is legal protection accorded to works of the mind in distinction from manual work (result of physical labour). It is a legal protection accorded to incorporeal ownership. Fundamental shifts in technology and in the economic landscape are rapidly making the current system of intellectual property rights unworkable and ineffective.

New technologies have both created new potential forms of intellectual property rights and made old rights unenforceable. New technologies make enforcement of property rights much tougher. People can use high-quality scanning technologies with optical character recognition to build electronic libraries quickly and easily. Although the need for the protection of intellectual property has never been greater, the same technologies and developments that have made intellectual property rights more central to economic success have also made enforcement of those rights much more difficult.

The best way to protect intellectual property from being appropriated on social media is to not put it up there in the first place. To protect content, include a copyright statement on the file for photos. And be aware that the property might get appropriated by someone. One must be vigilant to keep track of possible violations and be quick to file complaints. However, organizations need to be mindful of potential intellectual property issues that may be triggered by using social media. There are real risks that the validity and enforceability of intellectual property rights can be lost, especially as they relate to trade secrets, industrial designs, and patents. It can be concluded that "the social media revolution therefore requires intellectual property holders to adapt their enforcement strategies to the online environment."

### **References:**

---



1. Andersen, B. (Ed.). (2006). Intellectual property rights: Innovation, governance and the institutional environment. London: Edward Elgar Publishing Ltd.
2. Arathi Ashoke, "Technology Protection Measures and the Indian Copyright (Amendment) Act, 2012: A Comment", 17 Journal of Intellectual Property Rights (2012), pp. 521-531.
3. Arewa, (2012). Intellectual property and conceptions of culture. The WIPO Journal: Analysis of intellectual property issues, 4(1), 10-19.
4. Barni, M., Bartolini, F., Cappellini, V. and Piva, A. (1998). Copyright protection of digital images by embedded unperceivable marks. Image and vision computing, 16(12-13), 897-906.
5. Bist, D. S. (2012). Administration of intellectual property rights. Variorum Multi Disciplinary e-Research Journal, 02(4), 1-7.
6. Christopher May and Susan K. Sell, Intellectual Property Rights: A Critical History (Viva Books, 2008).
7. Cornish, W. R. (2001). Intellectual property: Patents, copyright, trademarks and allied rights. New Delhi: Universal law publishing Co. Pvt. Ltd. Cox, L. J. (1998).
8. DuBoff, L. (2007). Copyright or fair use. Tech Trends, 51(2), 13-14.
9. Essays, UK. (November 2013). Literature Review on Intellectual Property Rights. Retrieved from <https://www.ukessays.com/dissertation/literature-review/economics/literature-review-on-intellectual-property-rights.php?vref=1>
10. Frank, S. J. (2006). Intellectual property for managers and investors. Cambridge: Cambridge University Press.
11. Hoffmann, G. M. (2005). Copyright in cyberspace 2: questions and answers for librarians. New York, NY: Neal-Schuman Publishers.
12. Hugenholtz, P. B. (2001). Copyright and freedom of expression in Europe. Oxford University Press.
13. J. K. Das, "The TRIPS Agreement and Intellectual Property Rights: An Indian Perspective" 16 International Trade Law and Regulation (2010) pp. 165-173.
14. Koul, A. K. (1992). Intellectual property in international trade and the Uruguay round. Delhi law review, 14, 41.
15. Kumar, P S G. (2003). Fair use doctrine and the copyright, intellectual property rights and copyright. New Delhi: ESS ESS. 19-25.
16. Long, S. A. (2006). US copyright law: The challenge of protection in the digital age. New Library World, 107(9), 450-452.
17. Manoj Pillai, "The Patent (Amendment) Act 2005 and the TRIPS Compliance –A Critique," Journal of Intellectual Property Rights (2005) pp.235-238.
18. Mittal, R. (2006). From printing press to the Internet: The stride of copyright along with technology. Indraprastha Technology Journal, 1, 21-34.
19. Moorthy Reddy, E. R. (2001). A proposal for action plan for digitization of university libraries. Retrieved from <http://drtc.isibang.ac.in:8080/bitstream/handle/1849/59/Reddy.pdf?>
20. N. S. Sreenevasalu (ed.) Intellectual Property Rights (Regal Publication, New Delhi, 2007)
21. Philippe Cullet, Intellectual Property Protection and Sustainable Development, Butterworths (2005).
22. Reddy, G. B. (2010). Infringement of copyright and doctrine of fair use. DESIDOC Journal of Library and Information Technology, 27(4), 29-36.
23. Satarkar, S. P. (2003). Intellectual property rights and copyright. New Delhi: ESS ESS Publications, 26-35.
24. Singh, H. V., Rai, S., Mohan, A. and Singh, S.P. (2011). Robust copyright marking using weibull distribution. Computers and Electrical Engineering, 37(5), 714-728.
25. Spinello, R. A. (2003). The future of intellectual property. Ethics and information technology, 5(1), 1-16.
26. Srivastava, R. (2001). Intellectual property rights as information technology products in India. IASLIC Bulletin. 46(4), 216-220.

27. Suresh C. Srivastava, "Geographical Indications under TRIPS Agreements and Legal Framework in India". *Journal of Intellectual Property Rights* (2004) pp. 9-23;
28. V. K. Ahuja, *Law Relating to Intellectual Property Rights*, (LexisNexis, Butter worths Wadhwa Nagpur, New Delhi, 2010) pp. 570.
29. Yu, P. K. (2012). The confucian challenge to intellectual property reforms. *The WIPO Journal: Analysis of intellectual property issues*, 4(1), 1-9.