



INTELLECTUAL PROPERTY RIGHTS (IPR) IN Digital ADVERTISING

Dr. Harsha B. Goyal

(Assistant Professor,

Dept. of Commerce and Accountancy)

Rayat Shikshan Sanstha's, Karmaveer Bhaurao Patil

College, Vashi, Navi Mumbai, Maharashtra, 400703.

Abstract

Advertising in the commerce and business is as old as human civilisation in India. We can experience that in the cut-throat competition, digital markets and for every kind of business, advertising plays a very important role to attract target audience. There are many advertising tools like banners, TV, Radio, Digital and many more. In today's digital world where everything went online and digital advertising also wore the new costume of digitisation. It is now the way of engaging and attracting target market to buy the product very positively. The advertising through online mode is called as Digital Advertising. In the getting position in the digital world with digital marketing the IP plays a very contributory role. In this research paper the researcher is listing out the role of IPR in digital Advertising by reviewing the successful businesses.

Keywords: Digital Advertising, IPRs.

Objectives of the study

- The study would highlight the role of IPRs in Digital Advertising.
- The study would take an overview of strategies to protect IPR in digital Advertising.
- It would help to assure Businesses for effective implementation of Digital Advertising.

Relevance of the Study

- This is necessary to understand the essentials of IPR in digital Advertising.
- The study would attract business organizations to adopt various strategies which are undertaken by various organizations.
- The study would also suggest various strategies to be adopted by online marketer regarding IPR protection.

Without any second thoughts, advertising is as old as human civilization and commerce. In the present highly competitive environment, business owners and digital marketers attract their target audience with the help of brochures, TV and radio communications, email

campaigns, banners, pop-ups, billboards, rich media advertisements, amongst many other advertising tools. Advertising has now become a medium for passing relevant, engaging, and unique information to potential customers and influencing their buying decisions positively. Moreover, a host of digital advertising techniques has created a lot of new opportunities for business firms and organizations to enhance their brand awareness and online visibility.

An Introduction to IPR in Digital Advertising

IPR is the essential for business to protect their own creations. In further part the meaning and background of IPR is explained.

Defintion of IP

Intellectual property is the product of the human intellect including creativity concepts, inventions, industrial models, trademarks, songs, literature, symbols, names, brands,.etc.

Defintion of IPR

It is just like any other property rights.It allows the owner to get the full benefit and right to adapt their own idea and creation. It also prevent to use the owned idera to be copy by others. It protects the whole roghts of the owner. IPRs prevents others from adapting, using or tampering with the IPs without prior permission from the owner. Owner can legally sue to stop the person who is engaging this act without his/ her permission.

Background of IPR

The review if literature states that IPR iis not new concept. It was started initially at North Italy in the era of 1474. Venice issued a law regulating patents protection that granted an exclusive right for the owner. The copyright dates back to 1440 A.D. when Johannes Gutenberg invented the printing press with replaceable/moveable wooden or metal letters. Late in the 19th century, a number of countries felt the necessity of laying down laws regulating IPR. Globally, two conventions constituting the basis for IPR system worldwide had been signed; Paris Convention for the Protection of Industrial Property (1883) Berne Convention for the Protection of Literary and Artistic Works (1886).

IPRs involved in Digital Advertising

In the process of preparing and presenting the advertisement various types of IPR come into existence. It is very much necessary to understand the basics of IRP. Following are some important insights on the IPR in Advertising. The detailed types of IPRs are as follows:

1. **Copyrights:**A copyright can protect creative content, which can be in the form of photographs, written content, graphics, visual art, audios, videos, the entire layout of an advertisement, or website design.
2. **Trademarks:**A trademark can protect advertising slogans, sounds, logos, business names, product names, or any other signs used in advertising.
3. **GUIs:Industrial Design Protection** extends to graphic symbols, graphic user interfaces (GUIs), screen displays, and even web pages at times.
4. **Patent:Patent Protection** extends to a few forms of advertising techniques or means of doing business.
5. **Industrial Designs:**A trademark or industrial design can protect the shape of a container or a bottle (commonly referred to as trade dress in some countries).
6. **Software:**Depending on the national laws, a patent or copyright can protect the software used to create **online** advertising campaigns.

Need of protection of IPR

To get the benefit from the work of innovation, brand creation, copyright holders etc. protection of IPR is necessary. The protection to IPRs are sets the International Declaration of Human Rights. It gives protection to moral and physical interest of the holder's right for literal or artistic work.

We can see now the organisations are finding the various ways of advertising. In every stage of advertising the additional IPRs are involved. The basic advertising may involve brand endorsement, false advertising claims frauds in marketing etc. there are many IPR issues with the digital advertising.

Strategies for protection of IPR

Every successful advertising need time, effort and money. There may be chance of copy of creative ads by the competitors or rivals. Therefore, the business organisations need to protect their own IPRs like any other property or asset. The business is adapting various strategies for protecting their IPRs. Following are some strategies:

- 1. Registration of Material with the Copyright Law:**

The digital advertising with original idea can be register with the national copyright office. There is also a need to make the social awareness of your advertising material is legally protected under the copyright Law.

- 2. Getting Trademark Protection:**

The trademark provide protection to symbols, logos and statements created by the organisation. Now the Trademarks also protects the creative sounds, logos, marks, animated pictures etc, which are used in digital advertising.

- 3. Application to Patent:**

In digital advertising it is necessary to use the trademarks whenever needed. For creating distinctness of your product advertising, you need to have the specific, colour and size of the product. Business can also file the patent for protection of unique idea and the physical appearance of the product.

- 4. Processing of Patent Application:**

For digital advertising Patent application is great option. Patent provide appropriate protection to the digital advertising.

- 5. Protection by using laws on protection from unfair competition:**

The laws of unfair competition or trade secret provides protection to any confidential data, consumer profiles, sales techniques, list of suppliers or any advertising campaign.

- 6. Patent Grant Certificate:**

For obtaining patent for new invention the business can opt for application process. The brand should not disclose the innovative qualities of the product, if the nation's **Patent Law** offers a grace period in its advertising campaign (before getting the patent grant certificate) to keep the invention unique and novel in all aspects.

Conclusion

- The advertising industry revolves around creativity and innovation.
- The digital advertising, the internet is providing new advertising methods.
- The digital advertising is giving the social importance to the product at the same time it is most unsafe if it is not properly protected.
- Every business owner should take an effort to understand the significance of legal IP framework.
- A lack of caution can result in a company facing loss in its IP Rights or the liability of infringing upon the IP Rights on another person.
- Digital advertising can be protected if it is taken care of all the protection from the online insecure IPRs.

References

1. Sumeet Handa & Kishor Bhatt, "INTELLECTUAL PROPERTY RIGHTS (IPR) IN DIGITAL ENVIRONMENT: AN OVERVIEW IN INDIAN DIGITAL ENVIRONMENT, IJODLS | Geetanjali Research Publication (2015), pp 117-12.
2. By John Wright, Esq., Protecting Intellectual Property In Digital Marketing Assets, <https://berrymoorman.com/2016/03/09/protecting-intellectual-property-in-digital-marketing-assets/>
3. Reedly, J., Schullo, S., and Zimmerman, K. (2000), *Electronic Marketing (Integrating Electronic Resources Into The Marketing Process)*, Harcourt College Publishers.
4. Boudreau, M.-C. & Watson, R. T. (2006), *Internet Advertising Strategy Alignment Internet Research*, 16, 23 – 37
5. Devi .C.S and Anita.M (2013) : —E marketing challenges and opportunities‖ pg. 96 – 105 retrieved from www.ijstrm.in
6. M. Shetty, "Mobile banking comes of age. Retrieved" (2005) from: <http://www.gadgetsnow.com/tech-news/Mobilebanking-comes-of-age/articleshow/47918016.cms>.
7. *Business Development*-Ghule, Thomas, Swaminathan, Patkar & Shetty.
8. *Advertising-II*, Michel Vaz & Aurora Vaz, Manan Prakashan
9. <http://data.conferenceworld.in/MIMT/P107-115.pdf>
10. www.digitalvidya.com/blog/introduction-to-digital-marketing
11. www.edureka.co/blog/what-is-digital-marketing/www.bendigobank.com.au/
12. study.com/academy/lesson/digital-marketing-definition-strategies-example.html
13. www.entrepreneur.com
14. <https://www.kashishworld.com/blog/intellectual-property-ip-in-the-advertising-industry/>
15. <https://www.dubaicustoms.gov.ae/en/IPR/Pages/WhatIsIPR.aspx>