



Intellectual Property Right in Digital Environment

IPR is a need of today to protect the research, scholarly literature, innovations and other areas which are digitized and easily available on Internet copyright has emerged as one of the most important means of regulating the international flow of ideas and knowledge based products and will be most important instrument for knowledge in digital environment. In social and economic development, copyright act plays a crucial role and for this there is strong need of proper implementation of International copyright standards in the developing world.

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Introduction :

Information is the primary commodity for many research and *development* activity. The ever changing technological development and ever growing number of publication in multimedia of subject's fields led to a paradigm shift in Library Management. Due to the problems of 'plenty' and resource overload coupled with budgetary constraints Librarian started providing access to information to the users rather than acquiring and owning resources. The development in information technologies have brought in new products and formal for storage retrieval and dissemination. The growing electronic publications have had a profound impact on the knowledge society. Hence it can be said that any property moveable has to be protected in order to prevent it from piracy. Similarly the rights in the property resulting from the intellectual efforts of an individual need also to be protected to prevent it from infringement. The result of such efforts is known as Intellectual property Right.

Intellectual Property Right :

Literary, artistic and scientific work, performance of artistic. Phonograms and broadcasts inventions in all fields of human endeavor, scientific discoveries, industrial designs, trademarks, service marks and commercial names and designations, protection against unfair competition all other right resulting from intellectual activity in the industrial scientific and literacy or artistic fields.

IPR is the creation of human mind potential effects of human being lead to intellectual outcomes which in turn have considerable value in economy right associated with intellectual property which gives legal protection is referred to IPR.

(a) Intellectual property is a term referring to a number of distinct types of legal monopolies over creations of mind, both artistic and commercial, and the corresponding field of law.

(b) Under intellectual property law, owners are granted certain exclusive rights to a variety of intangible assets, such as musical, literary and artistic works, discoveries and inventions, and words, phrases, symbols and designs.

(c) Common types of intellectual property include copyright, trademarks, patent, industrial design and trade secrets in some jurisdictions.

Types of Intellectual Property Rights :

- (1) Patent
- (2) Copyrights
- (3) Trade marks
- (4) Geographical Indication
- (5) Industrial Design
- (6) Trade Secrete
- (7) Date base

Need of Intellectual property right :

In sweeping digital environment all over the world, the owners of the copyright of the intellectual works are confronted and exploit by a variety of technological innovations. Computer programs and databases are also considered literary works and hence are protected by copyright even in India. The emergence of Information superhighway in the recent years has wider implications on the warrant revision and updating of existing copyright laws to safeguard the interests of copyright in leaps and bounds. The main issues concerns today are, security of data fair use, appropriate long-term preservation measures availability of digital publications etc.

The digital revolution has made the problems more acute and hence, consideration of IPR has become more crucial and timely. Internet has posed many questions and

hence it has become mandatory to protect commercial interests of creator's work. As the information available on 'Internet' is in public domain it is extremely important to make the digital resources as reliable as possible. Several efforts are being made to improve the authenticity of digital data. To make the global digital scenario more reliable.

IPR In Digital Era :

IPR issues in the IT sector have assumed significance following rapid emergence of digital era. IPR cells are food to be set up in different countries of the world to launch awareness programmes in collaboration with public sector undertaking, industries, scientific societies, etc. as in India. Such cells extend support to file applications for patents and copyrights. Recent advances in technology have produced radical shifts in the ability to reproduce, distribute, control and publish information. WWW has allowed everyone to be a publisher with worldwide reach. At this crucial scenario, in order to protect the right of author, developers and to provide privacy and liberty to user, it become essential to introduce laws, Electronic fund transfer, Electronic cash digital intellectual property rights etc. have been enacted. The initiatives taken by the Government of India, Private and NGOs to create awareness about IPR creating a climate to face the challenges of the new IPR regime.

Challenges of the Digital Environment :

Today Information & Communication Technologies have radically changed the way works and serves circulate and have also changed the way works and serves circulate and have also changed the way protected works are access and used. They have made it possible for information to be communicated at high speed over wired or wireless networks practically every where and have allowed for the opportunity of simultaneous access by an unlimited number of individuals. Digitization and circulation of works over networks such as the internet means that low costs, high-quality. Copies can also be sent to many other people around the world, irrespective of borders. The relationship between creators, society and the users of protected works has also changed considerably.

Issues related to protection of digital resources :

The new digital environment has opened great concern all over the world towards IPR issues in general and copyright in particular. World Trade Organization (WTO) and World Intellectual Property Organization (WIPO) are organizations have the basic objective of promoting trade among nations. WIPO furthered the cause of the Berne Convention by concluding 'Internet treaties'. The treaties address the digital issues and cover WIPO copyright treaty and WIPO performance and programs Treaty. The treaties concluded in 1996 and come into force in 2002.

The treaties updated the Berns convention by Incorporating Trades Related Aspects of IPR provision and getting the additional rights to author in context of Internet i.e.

(1) Protection of computer programs and original databases.

(2) Rental right granted for computer programs, cinematographic work and sound recording.

(3) A new right referred to as the right of communication to the public was incorporated and right of distribution was specifically spelt out.

(4) It is provided for legal remedies against circumvention of technological measures used by authors to protect their works.

(5) Legal protection was also granted to right management information system used by authors while transmitting works in a digital environment.

(6) The treaties also provided for limitations exception in the national laws considered acceptable under Berne convention to be carried forward but also the new exception and limitations and appropriate for the digital environment may be devised to suit the digital environment.

Conclusion :

IPR is a need of today to protect the research, scholarly literature, innovations and other areas which are digitized and easily available on Internet copyright has emerged as one of the most important means of regulating the international flow of ideas and knowledge based products and will be most important instrument for knowledge in digital environment. In social and economic development, copyright act plays a crucial role and for this there is strong need of proper implementation of International copyright standards in the developing world.

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