

**Programme Name:** M.Tech Geoinformatics

**Course Name:** Research Ethics, Project Management and IPR

**Unit: V**

**Key Topics:** Introduction to IPR – Concept, Theories, Types of IPR - Need for Private Rights versus Public Interests - Competition Policy - IPRs and IPRs Policy - Infringement - Advantages and Disadvantages of IPR - TRIPS and other Treaties (WIPO,WTO, GATTs)



**Dr. R. Jegankumar**

Professor & Head

Department of Geography,

Bharathidasan University, Tiruchirappalli 620024

# INTRODUCTION

- ▣ **Intellectual Property Rights (IPR)** refer to the legal rights granted to individuals or organizations over their creations, inventions, or discoveries.
- ▣ These rights provide the creator an exclusive **right to use, produce, and distribute their work** for a specified period.
- ▣ These rights are enforceable by law and include both industrial property and copyright.

# Intellectual Property Rights

## Key Features of IPR

- ▣ **Exclusive Rights:** Grant exclusive control over the use of the creation.
- ▣ **Territorial Nature:** Rights are generally applicable within the jurisdiction of the granting country.
- ▣ **Time-Bound:** Rights are granted for a limited period (e.g., 20 years for patents).
- ▣ **Encourages Innovation:** Provides economic incentives to creators.

# Theories of IPR

- Several theories justify the existence and enforcement of IPRs:
  - ▣ **Natural Rights Theory**
    - Based on John Locke's philosophy that individuals have a right to the fruits of their labor.
    - Emphasizes the creator's moral rights over their work.
  - ▣ **Utilitarian Theory**
    - Focuses on maximizing societal welfare.
    - IPRs incentivize innovation, leading to technological advancement and economic growth.

# Theories of IPR

## ➤ **Reward Theory**

- ❑ Suggests that creators deserve a reward for their effort and creativity.
- ❑ The reward comes in the form of exclusive rights.

## ➤ **Economic Incentive Theory**

- ❑ Protecting intellectual property motivates creators to invest in research and development.
- ❑ Promotes market efficiency and competition.

# Types Of IPR

## ❖ Patents

- ❑ **Purpose:** Protect inventions that are new, involve an inventive step, and are capable of industrial application.
- ❑ **Duration:** 20 years from the filing date.
- ❑ **Examples:** Pharmaceuticals, machinery, technological processes.

## ❖ Copyrights

- ❑ **Purpose:** Protect original works of authorship, including literary, musical, and artistic works.
- ❑ **Duration:** Life of the author plus 70 years (varies by jurisdiction).
- ❑ **Examples:** Books, music, films, software.

# Types Of IPR

## ❖ Trademarks

- ❑ **Purpose:** Protect symbols, names, and slogans that distinguish goods or services.
- ❑ **Duration:** Renewable every 10 years.
- ❑ **Examples:** Logos (e.g., Nike swoosh), brand names.

## ❖ Trade Secrets

- ❑ **Purpose:** Protect confidential business information that provides a competitive advantage.
- ❑ **Duration:** As long as secrecy is maintained.
- ❑ **Examples:** Coca-Cola formula, proprietary algorithms.

# Types Of IPR

## ❖ **Industrial Designs**

- ❑ **Purpose:** Protect the aesthetic or ornamental aspects of a product.
- ❑ **Duration:** 10-25 years (depending on jurisdiction).
- ❑ **Examples:** Furniture designs, fashion.

## ❖ **Geographical Indications (GIs)**

- ❑ **Purpose:** Protect products originating from a specific region, which possess unique qualities.
- ❑ **Duration:** Varies; typically indefinite if linked to the geographical origin.
- ❑ **Examples:** Darjeeling tea, Champagne.



# Need for Private Rights vs. Public Interests

## ▣ **Private Rights**

- Encourage individuals and businesses to innovate.
- Ensure creators can monetize their work.

## ▣ **Public Interests**

- Society benefits from the dissemination of knowledge and innovation.
- Balance required to avoid monopolistic practices that could harm consumers.

▣ **Tension:** Too strong IPR protection can limit access and lead to higher costs, while too weak protection may reduce incentives for innovation.

❖ Example: Compulsory licensing in healthcare to allow generic production of patented drugs during emergencies.

# Competition Policy and IPR

- ▣ **Definition of Competition Policy**  
Aims to maintain fair competition in the market, prevent monopolies, and protect consumer welfare.
- ▣ **Relation with IPR:** IPR grants temporary monopolies to encourage innovation, which may conflict with competition laws.
- ▣ **Anti-competitive Practices:** Patent hoarding, excessive pricing, refusal to license.
- ▣ **Policy Interventions**
  - ✓ Ensuring that IPRs do not create long-term monopolies.
  - ✓ Enforcing laws against misuse of dominant market positions (e.g., antitrust laws).

# IPRs Policy

- A **structured framework** developed by governments to manage and protect intellectual property.
- **IPR Policy goals** include:
  - ▣ **Promote Innovation:** Encourage creative and technological advancements.
  - ▣ **Economic Growth:** Support industries reliant on intellectual property.
  - ▣ **Public Access:** Ensure public benefits from new inventions and creative works.
  - ▣ **Global Alignment:** Harmonize national IPR policies with international treaties.

# Infringement

- ▣ Occurs when someone uses, produces, or distributes protected intellectual property without the owner's permission.
- ▣ **Types of Infringement** includes:
- ▣ **Patent Infringement:** Unauthorized use of a patented invention.
- ▣ **Copyright Infringement:** Copying or distributing copyrighted material without consent.
- ▣ **Trademark Infringement:** Using a mark similar to a registered trademark, causing confusion.
- ▣ **Trade Secret Misappropriation:** Unauthorized disclosure or use of confidential information.

# Infringement

- ❖ **Legal Remedies**
  - ▣ **Injunctions:** Court orders to stop the infringing activity.
  - ▣ **Damages:** Financial compensation for losses.
  - ▣ **Criminal Penalties:** In severe cases, fines or imprisonment.

# Advantages of IPR

- ▣ **Encourages Innovation and Creativity**
  - ❖ Ensures creators benefit from their work.
- ▣ **Economic Growth**
  - ❖ Drives technological advancements.
- ▣ **Brand Protection**
  - ❖ Helps businesses build trust and reputation.
- ▣ **Public Access**
  - ❖ Innovations eventually enter the public domain.

# Disadvantages of IPR

## ▣ **High Costs**

- ❖ Filing and maintaining IPRs can be expensive.

## ▣ **Limited Duration**

- ❖ Protection is temporary, after which work enters the public domain.

## ▣ **Monopolistic Practices**

- ❖ Can lead to high prices and restricted access.

## ▣ **Abuse of Rights**

- ❖ Patent trolls, excessive litigation.

# TRIPS Agreement

- ▣ **TRIPS -Trade-Related Aspects of Intellectual Property Rights**
- ▣ Administered by: **WTO.**
- ▣ **Purpose:** Sets minimum IPR protection standards for all WTO members.
- ▣ **Key Features:**
  - Covers all major IPR categories.
  - Provides enforcement mechanisms.
  - Allows for exceptions (e.g., compulsory licensing for public health).



# WIPO

- ▣ **WIPO-World Intellectual Property Organization**
- ▣ Specialized UN agency.
- ▣ Treaties administered:
  - ▣ **Berne Convention** (Copyrights)
    - Focuses on the protection of literary and artistic works.
  - ▣ **Paris Convention** (Patents and Trademarks)
    - Deals with the protection of industrial property.
  - ▣ **PCT (Patent Cooperation Treaty):**
    - Simplifies international patent filing.

# GATT

- ▣ The **General Agreement on Tariffs and Trade (GATT)** was a multilateral treaty aimed at reducing trade barriers and promoting international trade.
- ▣ It was established in **1947** and served as a framework for negotiating trade agreements and resolving disputes between member nations.
- ▣ GATT was later succeeded by the **World Trade Organization (WTO)** in **1995**, though its core principles remain foundational to the global trading system.
- ▣ **Principles of GATT includes:** non-discrimination, reduction of tariffs, elimination of quantitative restrictions, transparency and reciprocity.

# GATT

- ❖ **Key Objectives** of GATT includes:
  - ▣ Promote Free Trade
  - ▣ Create a Predictable Trading Environment
  - ▣ Prevent Protectionism
  - ▣ Encourage Economic Development
- ❖ Though GATT primarily focused on trade in goods, it laid the **groundwork for the inclusion of intellectual property rights (IPRs)** in international trade.
- ❖ The **Uruguay Round** included discussions on IPRs, which eventually led to the creation of the **TRIPS agreement** under the WTO.

# CONCLUSION

- ▣ **IPR** is critical in fostering innovation, creativity, and economic growth.
- ▣ However, there is a need to carefully **balance private rights with public interests** to ensure equitable access to technological and cultural advancements.
- ▣ Understanding **international frameworks** like TRIPS and treaties under WIPO is essential for effective policy formulation.

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**THANK YOU**