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RESEARCH ARTICLE

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A STUDY ON IMPORTANCE AND TRENDS IN INTELLECTUAL PROPERTY RIGHTS

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Key words:-

Intellectual Property, Patents,
Trademarks, Copyrights, designs, Trade
Secrets

Abstract

Creative works and many inventions are increasing in the fields of Business, Industry, Science and technology, Literature etc. Innovative thinking of creators is creating new techniques, methods and designs which are simplifying activities in various fields and coming out with excellent outcomes. These successfully implemented innovations of creators are to be protected as their property. The creators should have legal rights on all those they have invented/created. These legal rights are Intellectual property rights. The common aspects of them are Patents, Copy rights, Trademarks and secrets. The ideas, thoughts or innovations must be registered with the authority concerned which provides the legal rights to the creators with which they can use them without competition in their respective fields because any other person, firm or company can't use their innovations without consent of creators. Legal rights protect them. This paper is an attempt to focus attention on importance of Intellectual property rights and trends in implementation processes. Researcher has tried to analyse the usefulness of IPR to the creators and to society and the movement of applications for registration for the specified past period and how many of them have been being in force etc. The study is completely based on secondary data collected from the annual reports of Ministry of Commerce and other websites.

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Introduction:-

Creative works and many inventions are increasing in the fields of Business, Industry, Science and technology, Literature etc. Innovative thinking of creators is creating new techniques, methods and designs which are simplifying activities in various fields and coming out with excellent outcomes. These successfully implemented innovations of creators are to be protected as their property. The creators should have legal rights on all those they have invented/created. These legal rights are Intellectual property rights. The common aspects of them are Patents, Copy rights, Trademarks and secrets. The ideas, thoughts or innovations must be registered with the authority concerned which provides the legal rights to the creators with which they can use them without competition in

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their respective fields because any other person, firm or company can't use their innovations without consent of creators. Legal rights protect them. Some examples are patents, copyrights, trademarks, designs, trade secrets etc

Patent is a legal right that provides right to its owner to exclude others from using, selling and making for certain period of time. Owner can use this as he likes. With creator's consent on payment others can use it for a certain period. Copy right is a right for a creative work made from literacy, music or some other which is artistic. Trade mark is a type of design, model or some other sign through which products can be identified easily. Industrial design is a pattern by which a product can be produced. For all the above the creators of these intellectual property rights have rights use as they like and with their consent on payment others can use them for a certain period of time.

Importance of Intellectual Property rights

Intellectual property rights whether they are patents or copyright those can be considered as assets of the creators who invented them. On these properties they can gain income also. It means on commercialising these rights they can be utilised as marketable products. The level of income on these IPR depends upon how well they are being used. In case of companies the business is to be carried out in the cut throat competition atmosphere. Where innovations of R&D reduce the risk levels at various levels and prevent others to enter to share the market share provided these innovations are registered with the concerned authorities. So by registering like this the business firms or persons can utilise their innovations by using themselves or giving consent to others on payment and at the same time their rights can be protected. Intellectual property rights are dynamic in nature. They can support like main pillars and concrete foundation of successful business.

When compared to past results, filing of patent application increased by 5.3%, Domestic filing increased from 29.2% (2016-17) to 32.5%, Number of patent application examined over the previous year was doubled (108.2%), Increase rates in grant of patents and disposal of applications were 32.5% and 57.6%. Due to procedural reforms, acceptance of trademark applications increased from the stage of less than 10% to 46%. Increase in registration of trademarks 20.3%. Number of registered designs increased by 21.1% over the year 2016-17. Excellent progress in copy right registrations was 456% During the year 2017-18 when compared to 2016-17 except in case of Geographical indications and copy rights, overall filing of applications for various intellectual property rights was almost same as it was 3,50,467 in 2016-17 and 3,50,546 in 2017. The total revenue generated through IPR was 76973.12 lakh rupees (2017-18); it was 60831.51 lakh rupees (2016-17). The increase in revenue 16,141.61 lakh rupees which was 26.53% increment in revenue over the previous year. Whereas the total expenditure for the above periods was 12908.99 lakh rupees and 15358.80 lakh rupees, the increase, 2449.81 lakh rupees the % of increase 18.98%. Increase in revenue (26.53%) was 7.55% was higher than increase in expenditure which can be considered as a positive sign for the improving performance. (Source: Annual Reports of Ministry of Commerce and Industry 2017-18).

Review of Literature:

1. SilpiSinha (2019) : Intellectual Property rights as human rights-An Analysis, Khurana and Khurana, Mantaq , The researcher opined that human rights are hindered by intellectual property, ethic precautions are soul to human rights
2. S.RavindraBhat (2017) : Innovation and Intellectual Property Law, IIMB Management Review, Vol 30, issue 1- The researcher analysed the legislations, law and practice and practical implementation of remedies for violation of rules.
3. Valeriy N. Listsa (2018) : Intellectual property and Intellectual rights – Issues of Correlation –Journal of Intellectual Property rights, Vol 23- The researchers analysed the legal nature of Intellectual property and rights according International laws.

Objectives of the study:-

1. To study the concept of Intellectual Property rights
2. To understand the importance of Intellectual Property rights
3. To analyse the trends in filing of Intellectual Property rights
4. To offer suggestions for speedier growth in filing and granting legal rights for IPR

Methodology:-

1. The total study depends on secondary data collected from various annual reports of Ministry of Commerce and Industry. The collected information was tabulated, analysed depicted in charts and conclusions drawn.

Tools Used:

To analyse the collected information, percentages and indexed values are used accordingly results and conclusions are drawn.

Limitations of the study:

The analysed information was collected from 2003-04 to 2017-18 for the period of 15 years the facts after the prior to the specified period may change the present study and analysis to some extent.

Period of Study:

The study period was 15 years starting from 2003-04 to 2017-18.

Statement of Problem:

Importance to intellectual property rights has been increasing for many years. They are very much useful and valuable not only to society but also to the creators as the legal rights can generate some revenue provided they are commercialised. For many years the importance to IPR has been growing it is necessary to study and analyse the trends in filing IPR to enhance the growth in filing by liberalising the prevailing procedures and practices.

Data Sources:

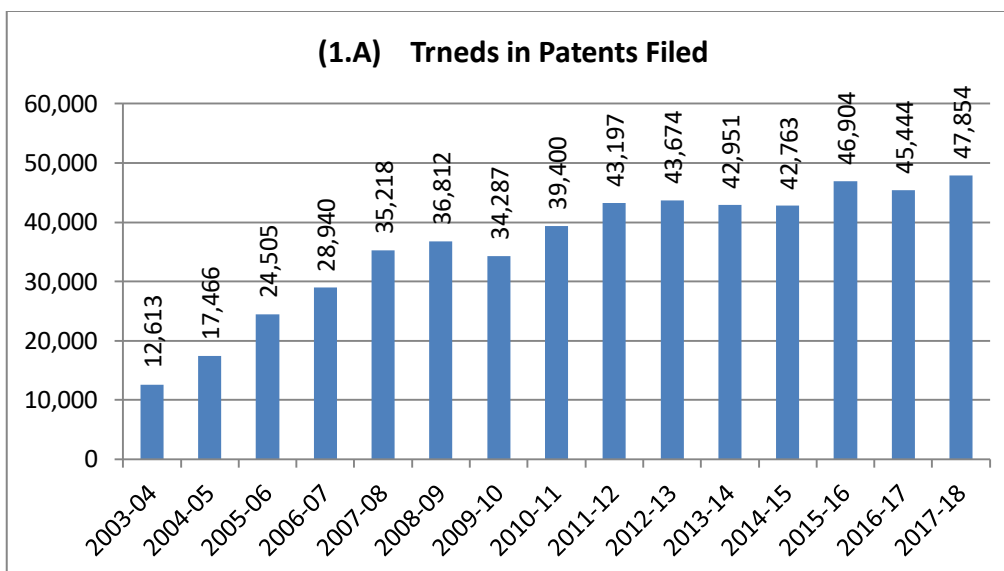
The study completely depends on secondary data collected from annual reports of Ministry of Commerce and Industry and other sources.

Data Analysis:

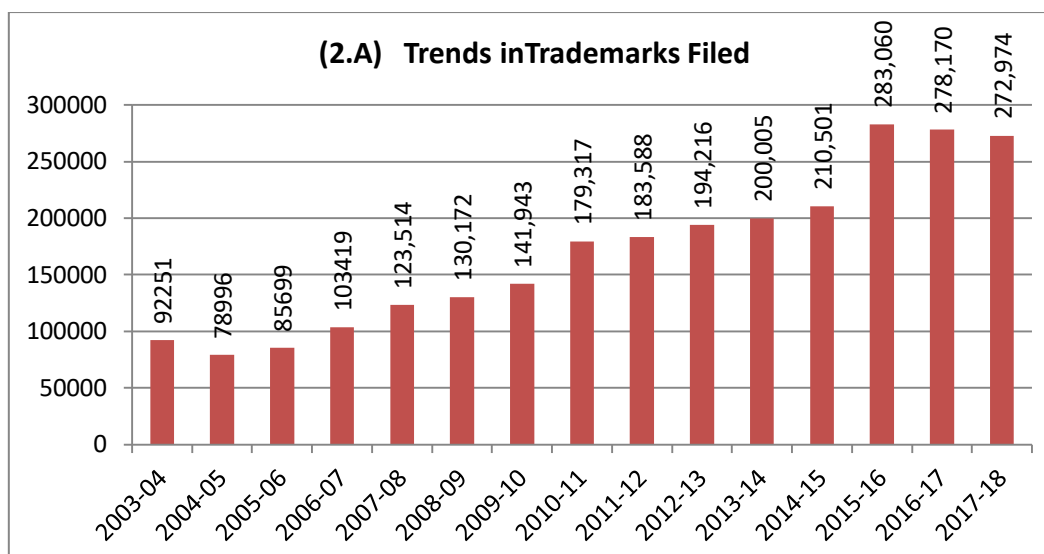
The total study is based on secondary data collected from annual reports of Ministry of Commerce and Industry. The collected information was serially arranged, tabulated, analysed with the help of percentages and indexed values, depicted in diagrams and finally findings and conclusion were drawn.

(1) Patents				(2) Trademarks		
Year	Filed	% of growth	Index Value	Filed	% of growth	Index Value
2003-04	12,613	---	100.00	92251	---	100.00
2004-05	17,466	38.48	138.48	78996	-14.37	85.63
2005-06	24,505	40.30	194.28	85699	8.49	92.90
2006-07	28,940	18.10	229.45	103419	20.68	112.11
2007-08	35,218	21.69	279.22	1,23,514	19.43	133.89
2008-09	36,812	4.53	291.86	1,30,172	5.39	141.11
2009-10	34,287	-6.86	271.84	1,41,943	9.04	153.87
2010-11	39,400	14.91	312.38	1,79,317	26.33	194.38
2011-12	43,197	9.64	342.48	1,83,588	2.38	199.01
2012-13	43,674	1.10	346.26	1,94,216	5.79	210.53
2013-14	42,951	-1.66	340.53	2,00,005	2.98	216.81
2014-15	42,763	-0.44	339.04	2,10,501	5.25	228.18
2015-16	46,904	9.68	371.87	2,83,060	34.47	306.84
2016-17	45,444	-3.11	360.29	2,78,170	-1.73	301.54
2017-18	47,854	5.30	379.40	2,72,974	-1.87	295.90

Source:- Annual Reports of Ministry of Commerce and Industry



Source-Annual Reports of Ministry of Commerce and Industry.



Source-Annual Reports of Ministry of Commerce and Industry.

Analysis & Interpretation:

Growth% is calculated by taking increased value in the following year basing

On the previous value in per cent. All growth rates are increased percentage rates over

That of previous years Index value is considered as that year value as a percentage over the value of first year of the study period.

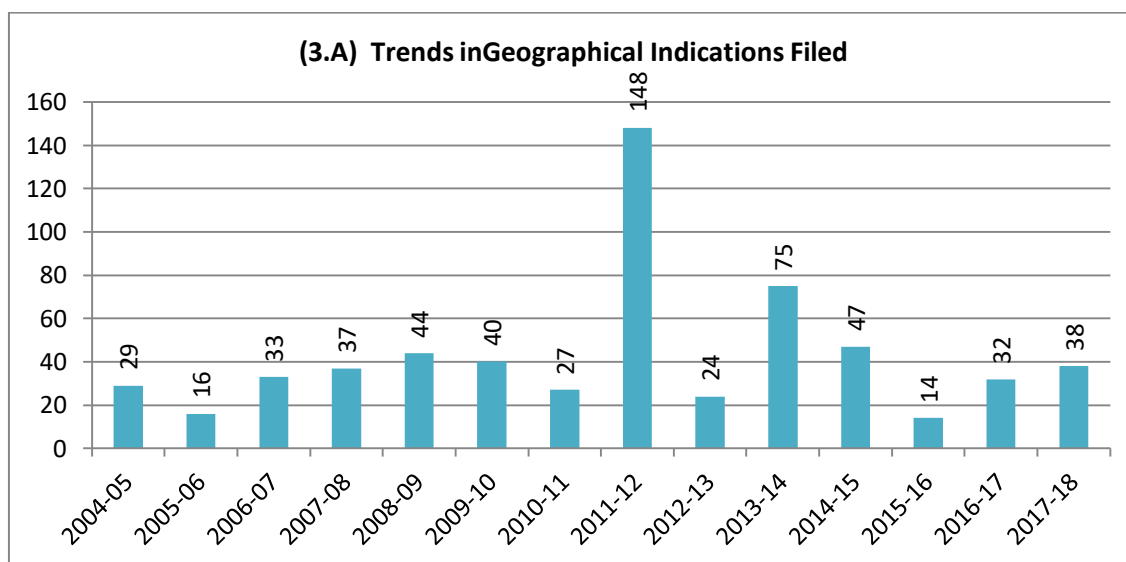
The above table 1 and diagrammatic illustration **1(A)** show that trends in patents filed, with regard to increase or decrease over the previous year, they have been increasing and decreasing during the study period. 40.30 % increase in the year 2005-06 is highest and -6.86% in the year 2009-10 is the lowest. During the study period in the years 2009-10 (-6.86%); 2013-14 (-1.66%); 2014-15 (-0.44%); 2016-17 (-3.11%) filed patents decreased over the respective previous years. In the second year of the study period, 2004-05 increase over the previous year is 38.48%. In the years 2008-09, 2011-12, 2012-13, 2015-16 and 2017-18 growth rates are ranging between 1.10% to 9.64% and in the years 2006-07 ; 2007-08; 2010-11 it is in between 14.91 and 21.69%. Index values though they appear to be decreasing a little in some years, when overall tendency is considered they are increasing at an increasing rate.

During the study period from the first year (base year) till the last year it has increased by 379.4% which in other words 3.79 times growth.

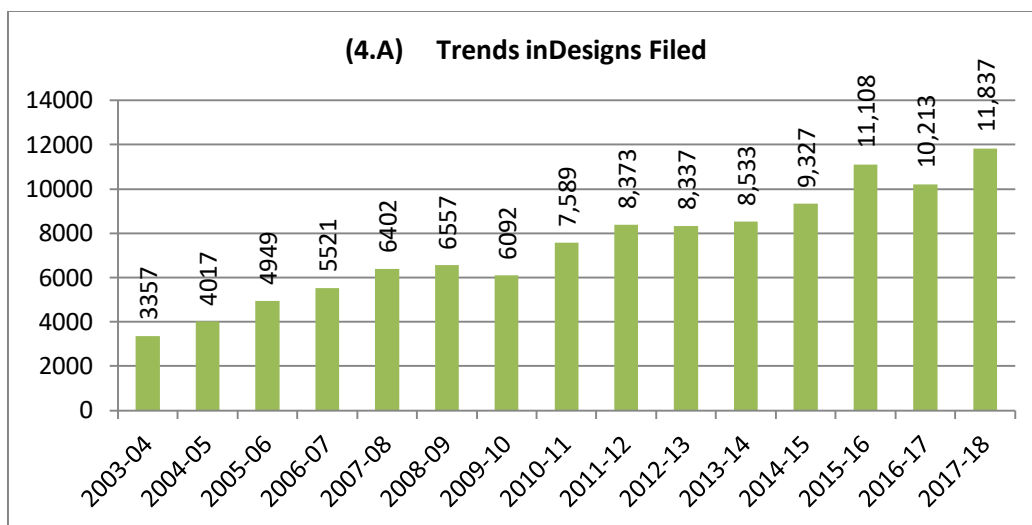
The above table 2 and diagrammatic illustration **2(A)** show that trends in trademarks filed, with regard to increase or decrease over the previous year, they have been increasing and decreasing during the study period. 34.47 % increase in the year 2015-16 is highest and -14.37% in the year 2004-05 is the lowest. During the study period in the years 2016-17 (-1.73%); 2017-18 trademarks decreased over the respective previous years. In the years, 2005-06; 2008-09; 2009-10 and 2011- to 2014-15 the growth rates are ranging between 2.38 to 9.04 and in 2006-07; 2007-08 and 2010-11 it is in between 19.43 and 26.33. Index values though they appear to be decreased in second year little, when overall tendency is considered they are increasing at an increasing rate. During the study period from the first year (base year) till the last year it has increased by 295.90% which in other words 3 times growth.

Trends in Geographical Indications and Designs Filed						
	(3) GI			(4) Designs		
Year	Filed	% of Growth	Index Value	Filed	% of Growth	Index Value
2003-04	NA	---	---	3357	---	100.00
2004-05	29	---	100.00	4017	19.66	119.66
2005-06	16	-44.83	55.17	4949	23.20	147.42
2006-07	33	106.25	113.79	5521	11.56	164.46
2007-08	37	12.12	127.59	6402	15.96	190.71
2008-09	44	18.92	151.72	6557	2.42	195.32
2009-10	40	-9.09	137.93	6092	-7.09	181.47
2010-11	27	-32.50	93.10	7,589	24.57	226.06
2011-12	148	448.15	510.34	8,373	10.33	249.42
2012-13	24	-83.78	82.76	8,337	-0.43	248.35
2013-14	75	212.50	258.62	8,533	2.35	254.19
2014-15	47	-37.33	162.07	9,327	9.31	277.84
2015-16	14	-70.21	48.28	11,108	19.10	330.89
2016-17	32	128.57	110.34	10,213	-8.06	304.23
2017-18	38	18.75	131.03	11,837	15.90	352.61

Source:- Annual Reports of Ministry of Commerce and Industry.



Source-Annual Reports of Ministry of Commerce and Industry.



Source-Annual Reports of Ministry of Commerce and Industry.

The above table 3 and diagrammatic illustration 3(A) show that trends in Geological Indications filed, with regard to increase or decrease over the previous year, they have been increasing and decreasing during the study period. 448.15 % increase in the year 2011-12 is highest and -83.78% in the year 2012-13 is the lowest. During the study period in the years 2005-06 (-44.83%); 2009-10(-9.09%); 2010-11(-32.5%); 2014-15 (-37.33%) 2015-16 (-70.21%) there are heavy variations regarding this. Index values though they appear to be highly fluctuating, when overall tendency is considered they increased. During the study period from the first year (base year) till the last year it has increased by 131.03% which in other words 1.3 times growth.

The above table 4 and diagrammatic illustration 4(A) show that trends in Designs filed, with regard to increase or decrease over the previous year, they have been increasing and decreasing during the study period, 24.57 % increase in the year 2010-11 is the highest and -8.06% in the year 2016-17 is the lowest. During the study period in the years 2009-10; 2012-13 and 2016-17 declined rates are registered later, growth rates in 2008-09:2013-14 and 2014-15 are less than 10% and in the years 2003-04 to 2007-08 and in 2010-11; 2011-12; 2015-16 and 2017-18 it is ranging in between 10.33 and 23.20%. Index values though they appear to be decreased in some years, during the study period from the first year (base year) till the last year it has increased by 352.61% which in other words 3.5 times growth.

Findings:

1. Importance to intellectual property rights is constantly increasing as awareness about this is being felt very precious not only to society but also to the creators as they are able to have legal rights as their property containing commercial value also.
2. During the study period, the number of patents filed has increased to 379.40% which is almost 4 times when compared to the first year figure.
3. Trademarks filed also the number has increased to 295.90% which is equal to 3 times
4. In both the above fluctuations in growth rates and declined rates can be observed.
5. In case of Geographical identifications overall growth rate is 131.03% which is very less when compared to other intellectual property rights. Higher fluctuations are observed with regard to number of filing the applications during the study period.
6. Number of registered in case of designs during the study period has increased to 352.61% which is equal to 3.5 times. Fluctuations are also higher.
7. On the whole, number of registered Intellectual Property Rights except Geological Identifications has increased to 3 to 4 times

Suggestions:-

1. The increasing awareness about Intellectual property rights though appearing to be evident in registrations filed, it is not so higher. It should be higher than it is prevailing at the present scenario.

2. In the fields of business, industry, medical and almost all fields, many innovations and inventions are coming up at an increasing rate continuously but the increment in filed registrations are not increasing accordingly. All successful inventions are to be registered.
3. The process for filing, registration, getting sanctioned is to be liberalised to enhance number of filings.
4. The creators to whom the intellectual property belongs should also have commercial values to their creations. It may also work like an inspiration to move on further in their fields concerned.

Conclusion:-

'Innovation can enhance the quality of living only when it is recognised and utilised', is absolutely true. Innovations in any field improve the quality of living and lives. They work like boons not only to the creators but also to society, country and ultimately to the world. During the study period all the above intellectual property rights patents, trademarks, Geological Identifications and Designs have been increasing since the first year. Filed rights increased as follows, Patents almost 4 times, Designs 3.5 times, Trademarks 3times and geological Identifications 1.3 times. But it has been felt that these growth rates are not at same level of increasing inventions in various fields. So it has been suggested that the process for filing, registering and other aspects to be followed by the creators of intellectual property rights is to be liberalised to the some possible extent. The creators of inventions to go further and farther in their respective fields to enhance the quality of living in society, country and ultimately the world. Government should also encourage the creators inventions with many more rewards and awards to boost up their inbuilt expertise.

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