

Intellectual Property Rights & Libraries in Digital Environment

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ABSTRACT

Intellectual Property Rights are rights given to people to protect commercially valuable products of human intellect, similar to the rights in the forms of physical property are necessary to protect product or services from being copied or stolen by others. In today's digital environment, the owner of the copy right of the intellectual works are confronted and exploited by a variety of technological inventions. Now India is going to be a digital India, the concept is under process and libraries are front line warrior in his mission. In digital era the libraries are changing in all dimensions. Without understanding the copyright and its fair use this will make digitization process of libraries and its services more conflicting. In this context it is necessary to modify the copyright law.

Keywords: - IRP, intellectual property right, Digital Environment, Library, Copyright

I.INTRODUCTION

Intellectual Property Rights (IPR) are rights given to people to protect commercially valuable products of human intellect, similar to the rights in the forms of physical property are necessary to protect product or services from being copied or stolen by others. IPR cover human intellect creations, such as inventions, designs, trademarks or artistic works, such as music, books, films, dances, sculptures or photographs. Intellectual property rights are like any other property right. They allow creators, or owners, of patents, trademarks or copyrighted works to benefit from their own work for investment in a creation. These rights are outlined in Article 27 of the Universal Declaration of human rights, which provides for the right to benefit from the protection of moral and material interests resulting from authorship of scientific, literary or artistic productions.

II.HISTORY OF IPR

IPR is not a new concept. It is believed that IPR initially started in North Italy during the Renaissance era. In 1474, Venice issued a law regulating patents protection that granted an exclusive right for the owner. The copy rights dates back to 1440 A.D. when Johannes Gutenberg invented the printing press with replaceable/moveable wooden or metal letters. Late in 19th century, a number of country felt the necessity of laying down laws regulating IPR. Globally, two conventions consulting 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 Work (1886).

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III.IPR NEEDED FOR

- IPR is important to create value from R & D.
- Intellectual property protection is critical to fostering innovation. Without protection of ideas, business and individuals would not reap the full benefits of their inventions.

It is very important for India to defend its IPR system. This will help in building a strong resolve to encourage and maintain an effective innovation strategy for India's manufacturing and business environment.

Types of Intellectual Property Rights

Intellectual property rights including patents, copyrights, industrial design rights, trademarks, plant variety rights, trade dress, geographical indications and the some jurisdiction's trade secrets. There are also more specialized or derived varieties of sui generis exclusive rights, such as circuit design rights (called mask work rights in the US) and supplementary protection certificate's for pharmaceutical product (after expiry of a patent protecting them) and database rights (in European law).

Patents

A patent is a form of right granted by the government to an inventor, giving the owner the right to exclude other from making, using, selling, offering to sell, and importing an invention for a limited period of time, in exchange for the public disclosure of the invention. An invention is a solution to a specific technological problem, which may be a product or a process and generally has to fulfill three main requirements: it has to be new, not obvious and there needs to be an industrial applicability.

Copyright

A copy right gives the exclusive rights to creator of an original work, usually for a limited time. Copyright may apply to a wide range of creative, intellectual, or artistic forms, or works. Copyright does not cover ideas and information themselves, only the form or manner in which they are expressed.

Trademarks

A trademark is a recognizable sign, design or expression which distinguishes products or services of a particular trader from the similar products or services of other traders.

Plant Varieties

Plants breeder's rights or plant variety rights are the rights to commercially use a new variety of a plant. The variety must amongst others be novel and distinct and for registration the evaluation of propagating material of the variety is considered.

Industrial Design Rights

An Industrial design right (sometime called “design right” or design patent) protects the visual design of objects that are not purely utilitarian. An industrial design consists of the creation of a shape, configuration or composition of pattern or color, or combination of pattern and color in three-dimensional form containing aesthetic value. An industrial design can be a two or three dimensional pattern used to produce a product, industrial commodity or handicraft.

Trade Dress

Trade dress is a legal term of art that generally refer to characteristics of the visual and aesthetic appearance of a product or its packaging that signify the source of the product to consumers.

Trade secrets

A trade secret is a formula, practice, process, design, instrument, pattern, or compilation of information which is not generally known or reasonably ascertainable, by which a business can obtain an economic advantage over competitors and customers. There is no formal government protection granted; each business must take measures to guard its own trade secrets (e.g., Formula of its soft drinks is a trade secrets for Coca-Cola).

IPR in Digital Environment

In today’s digital environment, the owner of the copy right of the intellectual works are confronted and exploited by a variety of technological inventions. Stoling a work in electronic forms by anyone other than the rights owner is in infringement. It is not permitted under the Copyright Law of India even for research purposes on private use. In the context of digital information, it is difficult to judge “fair use”, access and control of infringement of copyright law. In this context, it is necessary to modify the copyright law.

Joint information systems committee and publishers Association, U.K. (1998) set up guideline for the fair dealing and library privileges permissions in digital environment.

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IPR, Internet and Libraries

Librarian should also focus on use of internet for documents supply and download or print out material from the internet etc. very clearly to the user. The general principles of copy right are well known and well understood by information professionals. A new approach towards copyrights of internet-based information is required.

The traditional notion of infringement needs to be re-appraised as it may sometimes be difficult to locate the infringes, and some times, the place of infringement may not have proper IPR Laws, particularly copy right laws.

The government of India has taken measures for the growth of information networking, internet access and e-commerce. The Union Govt. has approved the information Technology Bill to facilitate electronic Communication and e-commerce and to curb computer crimes, to promote the legal and business infrastructure development necessary to implement e-commerce and a legal framework for authentication of electronic record or communication through digital signature

IV.INTELLECTUAL PROPERTY AND DIGITIZATION

Now India is going to be a digital India, the concept is under pipeline and libraries are front line warrior in his mission without understanding the copyright and its fair use this will make digitization process of libraries and its services more conflicting. In digital era the libraries are changing in all dimensions. From a physical shape to virtual and the service provided by the libraries are also getting different with the revolution of digitization where in ancient time the library was a place where documents were stored, than due to the availability of multiple copies patron can take it out from the library premises. The digital technology now breaks the barrier of space and time. It allows the access of multiple copies of work to multiple users who may be accessing from all around the world without the time restriction through the World Wide Web.

Transforming from building boundaries to internet protocols, the library also face some copy right issues. The transformation is begun to first stage that the automation of cataloguing through computer. The second stage is when library collections are digitalized, and the third stage when these digitized documents uploaded on internet to access from globalized world. The conflict of copy right act is take places in second and third stage. Copyright is bunch of rights it includes the right of replica, issue of copies, communication to the public, alteration, and translation. These are transferable rights. All these effected while a work processed through digitization. The digitization of the collection by the library covers under the right of reproduction and adaptation. Reproduction includes the storing of a work in any medium by electronic means and adaptation includes rearrangement or alteration in work. During the digitization all these process occurs which come under the right of adaptation and alteration. When these digitized work uploaded on website than again the copy right acts part of communication to public violated. So in this digital world copyright act applies more and the user

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should be well aware about the legal aspects of the law and now the user is ethically more responsible for its action.

V.CONCLUSION

The protection of intellectual property rights is a critical issue in the era of digitization. Due to the technological explosion the library are touching the new horizons to provide the information to its users. But the conflict situations are arising as the Intellectual Property Right which is not matching with changing scenario. The digital libraries and database provider are securing the digital documents by defining digital right management (DRM) to implement and protect the Intellectual Property Rights. In digital libraries the users have more freedom with digital resource which impose more responsibility of individual user by the law as well as ethically. It is necessary for libraries to make balance between fair use of knowledge and the right of copy right so the profit margin of knowledge creator and publisher got secure in changing global digital environment for this purpose the IPR awareness programe should be the important part of libraries. In current scenario, the main concern of digital libraries in relation to the use of digital contents, are the legal issues. i.e. copy right, contract/ license terms of the subscribed digital materials. The copyright laws have to be modified to suit the digitization environment in the current technological development in information management and to safe guard the Intellectual Property Rights at the national and international level. The librarian and information Scientist should be aware of the IPR provisions in the existing laws in their countries.

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