

IPR PROTECTION AND ITS IMPORTANCE FOR DEVELOPING AND UNDER DEVELOPING COUNTRIES

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Abstract

In India, Intellectual property rights (IPR) abuse has become a serious concern. There are various opportunities where such violations are becoming much more common through the revolutionary growth of the Web. This paper explores where the developed countries stand and where the developing nation stand, the problems and suggests ways of solving the issues through the implementation of feasible technical solutions. New media, especially the Internet, are contributing to an explosion in violations of IPR. Innovation and creativity in various aspects of society are extremely important for a country's overall growth and development but with that protection of the same is too required. The bedrock of any nation's progress is the emergence of new creative and inventive ideas, research and development, and their application in the manufacturing and services fields as well as in the generation of information. As a result, promoting and protecting such ideas and discoveries through intellectual property and intellectual rights is critical not just for protecting them from exploitation but also for managing them as valuable knowledge assets.

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INTRODUCTION

More grounded and strong IPR systems are being upheld by developed nation's economies and then again developing nations express political obstruction and frequently antagonism toward IPR regimes. These developing nations do perceive that foreign direct investment can be a section for innovation securing, however the IPRS are not considered to be crucial for contracts between foreign firms and domestic firms and government which in turn is biggest loss to the developing nations.

It is in the developed nations that we see strong IPRS arise. These economies are shaping home grown innovative work (Research and development) capacities in industrial areas just as stronger public sector horticultural research system. These R&D capacities are essentially of the versatile advancement type, yet they likewise bless numerous business visionaries in developing nations with impersonation or replicating abilities. In this manner, these nations are fit for IPR "piracy" and are regularly blamed for such. The impetuses for piracy by developing nations are obvious from worldwide patent information that show that not many developed nations' innovations are licensed abroad. That is, given the versatile idea of these creations, they have little business sectors upstream in created nations and missing business sectors downstream in less created nations. With few vender interests to ensure, non-industrial nations center solely around purchaser interests.¹

This "purchaser" accentuation on IPRS has most likely hindered the ability of developed nations to plan IPRS that are more qualified to their home grown advantages. IPRS if appropriately planned, empower economies to tap the creative abilities of a wide scope of business visionaries. Fixity on the job of IPRS opposite unfamiliar providers does not prompt ideal IPRS. Maskus devotes a part of his paper to benefiting from IPRS and addresses a portion of the manners by which developing nations can seek after changes in IPRS and reciprocal speculations to better accomplish IPR objectives.² If we made policy of aggressive implementation of domestically designed IPRS, subject to the international rule, then developing countries can shift the fear of impasse or resistance of internationally designed IPRS i.e. "exploiting by foreigners" to a policy of "exploiting foreigner's" or on the verge of developing rapidly in a developing nation. These changes can be seen in a South Korea and most developing countries had not made the change. A stalemate in India as in agricultural invention fields that resistance to IPRS is strongest in

¹ Keith E Maskus, Intellectual property rights and Economic Development, 32 Case W. Res J. Int'LL471 (2000)

² Ibid

India, where most population is involved in agriculture although industrial chemical may have value in most economies.

IPRS can be threshold for the 2nd best solutions created by “quasi-public good”. IPRS are expected to strengthen investment in research and development, as it plays an significant role in the elevation of technological progress.

In terms of IPR security as a feature of IP systems, and in this way fostering IP security, since the United States IP protection was founded in 1776 and the United States Constitution was legally implemented in 1789.³ Simply said, this requirement states that the copyright and patents of creators and designers will be protected under US law. Though, as of 1790, the United States’ principal patent and copyright protests were in power. It is worth taking note of that, in 1777, the trademark “To Counterfeit is DEATH” was imprinted on the Pennsylvania three pence charge, which might address the world’s briefest enemy of forging declaration.¹⁵ indeed, money forging is viewed as an uncommon sort of theft. When considered an entire, the continuous blur of powerless IP security originating from “monopoly phobia” in the United States occurred before the finish of the 1970s. The peculiarity was added to various innovative work concentrated mechanical forward leaps or IP-based advancements. The IP framework had turned into an indispensable piece of the US’s advancement strategy system at that point.

As technology advances, traditional IP such as patents, trademarks, copyrights, and trade secrets have become obsolete, and we now have IP protection for physical indications, new plant varieties, software copyrights, data pools, trade dress, layout designs of integrated circuits, logos, and other items. In the meantime, novel and creative industries such as programme, audio-visual, gaming, and other large volumes of application and entertainment software, music, and electronic publishing—and thus international digital trade delivered via the model of transnational digital copies over the Internet—have spread rapidly in recent years. The total value of royalties and licencing payments received by the US climbed from \$98 billion in 2009 to \$130 billion in 2013. Furthermore, in 2012 and 2013, the United States maintained a massive IP-related trade surplus of \$84 billion and \$88 billion, respectively. Despite the fact that the United States currently has a superior and dominant position in these businesses and trades, it continues to denounce internet piracy as “the single most important impediment to digital trade.”⁴

³ The Declaration of Independence (U.S. 1776).

⁴ Trade Policy Review, *supra* note 1.

The US considers it a major issue and has assigned itself the primary duty of establishing protection and defence against electrical IPR in light of the increasing importance of these new financial and trade patterns.

In the meantime, issues such as anti-dilution, anti-counterfeiting, and topographical indications outreaching rights are being established as standalone laws or as novel topics of international multilateral IPR discussions supervised by the WTO's IPR Committee. The permanent, wide-ranging terms of reference of the US IP framework make the system inherently more sophisticated than any previous system. In today's modern, competitive, and smart economy, a stable and organically organised IPR system will undoubtedly assist customers in reducing search costs and identifying specific products that fit their tastes or expectations.

In this regard, it is widely established that a well-known IP must be protected against unauthorised use by others, which would otherwise erode its uniqueness and increase the risk of confusion.

Invention, invention, creativity, and branding—all of which are replicated through international registration and the granting of rights or authorizations to use specific IPs—represent a significant amount of economic value. The fact that international royalties and licencing payments for IP-trade were almost \$300 billion in 2014 adds to this.⁵ Because of the economic value of IP and the diverse requests of all participants in the TRIPS draught negotiation, the TRIPS final draught will unavoidably include provisions and penalties related to conflicting issues, such as grounds for issuing a compulsory licence, amended IPR protection and enforcement, safeguards in contrast to unilateral sanctions for IPR infringement, market access for IP-based goods, and promoting technology transfer with IP.⁶ The international community has been paying close attention to these issues, specifically IPR protection and compulsory licencing.

On May 25, 1989, the first Special 301 Report was released, which focused on the lack of IP protection among some trading partners.

More seriously, the recommendation for strong IPR protection and enforcement on a bilateral and multilateral basis has since been made explicit, with the following details:

⁵ *TRIPS Agreement: Changing The Face Of IP Trade And Policy-Making*, at 8 (2015), <http://bit.do/changing-face-IP-trade>.

⁶ DANIEL J. GERVAIS, *THE TRIPS AGREEMENT: DRAFTING HISTORY AND ANALYSIS* 24- 25 (2d ed. 2003).

As a result of this comprehensive review, the United States Trade Representative “USTR” determines that no country currently meets all of the criteria for appropriate and effective intellectual property protection set forth in the United States’ intellectual property proposal for the Uruguay Round. Because all nations “deny appropriate and effective protection of intellectual property rights” within the meaning of the Act, the USTR has determined that all countries are eligible for possible priority designation based on the standards of the US Uruguay Round proposal.⁷

LITERATURE REVIEW

There is a relation between intellectual property rights and competition. India has enacted Protection of Plant Varieties and Farmers Rights Act (PPVFR) that is required to fulfill the regulations under Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS).

IMPORTANCE OF PROTECTING IPR

The intellectual property is considered as a legal term regarding copyrights, patents and trademarks that provides lawful rights for protecting the ideas including its expression and the creators and inventors. Innovation implies changing in society⁸. However, it is fundamental for both economic and technological developments, which includes cultural development of the society in a large way following various types of innovations. It includes service innovation, managerial innovation, technological innovation, financial innovation, distribution and marketing innovation, and other. Therefore, technological inventions are patentable and others are non-patentable innovations. The innovation is mainly relatable to the changes in practices, ideas and objects that include creation and novelty based on human success and ingenuity in applications. A patent evaluates the process that contains advanced technical and functional aspects.

However, the right based on intellectual property envelops trademarks, copyrights, patents, industrial design, semiconductor layout designs of integrated circuits, undisclosed information as well as geographical indications because it helps in providing legal protection and recognitions at the same time. This highest propensity towards the patent organizations operates industries related to electrical equipment including the lowest propensity by the companies that operated in pharmaceuticals industries. Based on the articles, this can be stated that trademarks, patents and

⁷ Press Release, United States Trade Representative, USTR Fact Sheet: “Special 301” On Intellectual Property (May 25, 1989), <http://bit.do/USTRFactsheet> (last visited Nov. 22, 2017).

⁸ nopr.niscair.res.in, ‘An Introduction To Intellectual Property Rights And Their Importance In Indian Context’ (*Nopr.niscair.res.in*, 2021) <<http://nopr.niscair.res.in/handle/123456789/41443>> accessed 12 November 2021.

copyrights are considered to be the basic principles. It helps to establish the rights of ownership highlighting the ideas and inventions providing legal foundations. It helps in using the intangible ideas by developing some tangible benefits for the workers and firms.

On the other hand, intellectual property is classified into copyright and industrial property. The intellectual property is developed by the copyrights and industrial property. This involves trademarks, industrial designs, invention patents, trade secrets and geographical indications. The copyrights involve artistic and literary works like poems, novels, films, artistic works such as photographs, drawings, sculptures, paintings and architectural designs. This kind of intellectual property rights are connected to copyrights that involve the performing artists following the phonograms of producers in their recording, performance including radio broadcasters and television programs.

PROTECTION OF NEW PLANT VARIETIES AND FARMER'S RIGHTS (PPVFR)

The rights under the Protection of new Plant Varieties and Farmer's Rights (PPVFR) cover a wide chain of rights conferred exclusively for specific groups, such as Breeders' rights, Researchers' rights and Farmers' rights. Breeder will have rights to cultivate, sell, and market the product. Importing and exporting goods are also permissible. A researcher can use any of the registered varieties, for research purpose or conducting experiments. A researcher has to get consent from the breeder of the initial source of a variety, on experiment, for conducting further development. In addition, farmers' interest in being a part of the development of a plant variety is entitled with the registration and protection. The farmers' general works and eligibility to get honours and awards for conservation of plant genetic resources and wild family of economic plants are also protected by law. The office of the Registrar of Protection of Plant Varieties and Farmer's Rights authority in New Delhi is the authorized registration centre for the protection of all rights for plant varieties and farmers guaranteed by law. The registration process involves complex procedures and it varying depends on the type of legal right required. Once it is granted the rights are protected for a certain period of time.⁹

Therefore, the farmers may earn more profits by having here development in this field but because of lack of knowledge and reach to the offices for the protection is a major concern in India by which India is going through serious losses and which cannot be estimated too.

PROTECTION OF UNDISCLOSED INFORMATION/TRADE SECRETS

⁹ Pradeep Kumar, S. (Ed.). (2018). Patent Information Centre-KSCSTE.

The trade secrets of an enterprise provide a profitable edge in business. A trade secret may refer to a chemical product, a combination of some elements or single chemical formulae related to the industry. Taking some measures like restricting access to the information and maintaining non-disclosure agreements among the employees in the industry are part of protecting trade secrets. There is no specific legislation in India for protecting undisclosed information. For example, the Coco-Cola has a trade secret. The formulae for the taste and the combination of Coco-Cola, is kept as secret in the vault of a bank in Georgia, in the name of 'Merchandise 7X'.¹⁰

The Intellectual Property Rights has a key role in advance research and innovations of every nation. It has crucial influence on international and national trade. These rights protect the individual as well as national interest through giving opportunity for economic growth and development. Always, the unique expression of ideas or products is being important in all commercial endeavours. In this new era of digital world, there are more chances of stealing trade secrets or illegal use of registered properties, as the entire world is connected through networks. Loss of Intellectual Properties may be detrimental for the overall development of the whole nation itself. For protecting the wealth of the nation, stringent laws should be enacted in all fields associated with handling Intellectual properties.

IMPORTANCE AND BENEFITS OF PATENT

Patent is considered as a portion of intellectual property rights that highlights a number of rights, which are mainly used for the purpose of protection and discovering new processes, manufacturing, machines, requirements for composing products and others¹¹. Apart from that, patents can be used in the form of tools for promoting technological development by using lower cost for the purpose of copying and inventing in case of limiting the economic incentives on the basis of inventiveness. However, Patent can be used after twenty years from the time of giving the application following all the rights available between the time period of filing the application and also during the time when issuing the patent.¹² After issuing the patents and before the time of its expiry date, the patent is considered to be the personal property of the holders that can be sold.

¹⁰ Pradeep Kumar, S. (Ed.). (2018). Patent Information Centre-KSCSTE

¹¹ docs.manupatra.in (Docs.manupatra.in, 2021) Available at: <http://docs.manupatra.in/newslines/articles/Upload/41C26FED-7AFE-40EA-8736-4E6C516917AE.pdf> (Accessed on: 12 November 2021)

¹² academia.edu (2021) Available at: https://www.academia.edu/download/63047546/392_Biotech._Law_Report_122-1282020202004221g50ezh.pdf.

On other hand, there are three kinds of patents. The patent of utility is mainly used for machine, process, manufacturing articles, and composition of matters including useful and new ways of improvement. Other than this, the design pattern is also important for ornamental design on the basis of an article of manufacture. The other one is a plant patent that helps in discovering or inventing as well as reproducing different types of plants¹³. For this, the protection of plant varieties and farmers rights act was approved by the government of India in 2001. In 1994, India signed the Trade Related Aspects of Intellectual Property Rights Agreement, which highlights positivity. However, a concept based on a patent can meet 3 factors: usefulness, nobility and non-obviousness.

In case of nobility, the invention is required to be new for the purpose of innovation. It is essential to note that if the citizen of the country used or is aware of the invention including the offers of selling before the application date of patent, then it will not be marked as novel as the application will also be denied. Besides, usefulness is another criterion. The invention mainly highlights important advantages to society by making it simple. The non-obviousness is the third factor where the invention is required to possess and advanced characteristics, which is unknown in this field. This will not be appropriate for the individual with ordinary knowledge during the application.

SEARCHING FOR PATENTS

Searching patents is an important step as well as a process used in different business activities that involves manufacturing, research, marketing and others. The patent search is considered as a way of analysing and searching the relevant patent in case of developing products and processing patent applications. It is important for avoiding duplicate research works and investing proper money for saving the market without any kind of legal issues connected to the patent. There are various individuals conducting patent searches like historians, students, government Agencies, lawyers, inventors, educators and engineers. The tools regarding the patent search are also essential. Therefore, the information is collected from both primary and secondary sources such

¹³ sawbar.in (2021) Available at: <https://sawbar.in/wp-content/uploads/2021/05/04-Prasanna-Research.pdf> (Accessed on: 12 November 2021.)

as newsletters, internet patents, official websites and others ¹⁴. Apart from that, both paid and free databases are required to be available regarding the patent search.

There are various kinds of patents such as theme search, infringement search, patentability search, family search, invalidity search and bibliography search. However, some of the reasons for patent search are as follows:

Patentability: conducting a preliminary patent search for assessing the novelty is required for invention.

Development and research: evaluating Technology and developing new processes for improvement of products

Technical: solving various issues identifying expertise and alternative Technology as sources

Economic: monitoring, survey marketing and forecasting the activities of rival companies

Legal: conducting infringement or identifying the opportunities of licensing

Finance: avoiding the process of duplicating the research in order to maintain the financial condition of Companies

INTELLECTUAL PROPERTY RIGHTS – SYSTEMS IN INDIA

Copyrights: India is a signatory to the Berne Convention on copyright. However, it is said that there is no need to maintain a copyright infringement in India¹⁵. This copyright includes software, music, films and games. Moreover, according to the Copyrights Act of 1957, the following elements have to be protected by copyrights:

- Sound recordings
- Cinematography films
- Dramatic, musical, artistic works

¹⁴ scholar.archive.org (Scholar.archive.org, 2021) Available at: <https://scholar.archive.org/work/t4265syuzbhchh6guh5e7zlrue/access/wayback/https://phoixpub.org/journals/index.php/jaar/article/download/147/pdf> (Accessed on: 12 November 2021).

¹⁵ Stephen Ezell N, *The Way Forward For Intellectual Property Internationally* (Itif.org, 2021) Available at: <https://itif.org/publications/2019/04/25/way-forward-intellectual-property-internationally> (Accessed on: 12 November 2021)

The copyright works are protected by the Copyright law:

Right of Reproduction: The person having the copyright protection will have protection against anyone copying it. This will include copying of a CD or sound or visual recordings.

Requirement of Originality: In order to get copyright protection, the work has to be original in nature. Originality of the work is measured by the investment of labor, skills and judgment ¹⁶.

Right of Distribute: The copyright owner also has the right to distribute their article. However, any other person does not have the right.

Right to Make Derivative Works: The owner also has the right to use their work in different ways. However, any other person does not have the right to make this work without the permission of the actual owner.

Other various rights are attributable to the owner of copyrights. These include the right to publicly perform, right to broadcast, right to public recitation, right to follow, private copying and others.

Patents: In terms of patent protection, India is facing a large number of issues. for example- Section 3(d) states that any derivative of a pharmaceutical component cannot be patented. Theoretically, this objective should be raised for pharmaceutical derivatives. However, the majority of these objectives are raised for innovator compounds and all other kinds of pharmaceutical drugs. Moreover, the life sciences section also faces issues in getting patents related to in-vitro diagnostic kits and methods as these fall under the category of treatment methods. The main issue with patents is the time required by the courts to make final decisions¹⁷. A patent lawsuit takes approximately 5 to 7 years to judge. Moreover, a huge backlog in the courts also hampers the business and interests of the common people. Furthermore, Indian courts do not use a scientific advisor as mentioned in Section 115 of the Indian Patent Act. Each of these infringements in the legal requirements causes problems with patents. The main criticism is that protecting intellectual rights gives rise to “progressive localism”.

¹⁶ Events.rdias.ac.in (Events.rdias.ac.in, 2021), Available at: <https://events.rdias.ac.in/wp-content/uploads/2021/04/Intellectual-property-rights.pdf> (Accessed on: 12 November 2021)

¹⁷ Aher S, Lakaria B, and Yadav B, 'Limitations Of Existing IPR Legislations In Managing Emerging Environmental Issues' (Nopr.niscair.res.in, 2021) Available at: <http://nopr.niscair.res.in/handle/123456789/47336> (Accessed on: 12 November 2021)

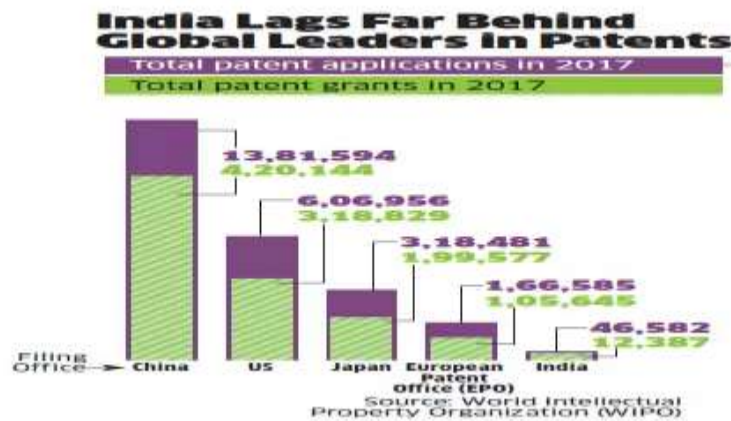


Figure 1: World Intellectual Property Organization

(Source: ¹⁸)

It has been found that India is far behind the process of distributing patent rights to its citizens. The above figure depicts that in China, total patent applications were about 13,81,594 out of which only 420144 applications were accepted. In comparison to that only 46582 applications were made for patents in India. Out of these applications, only 12387 applications were accepted by the Indian government.

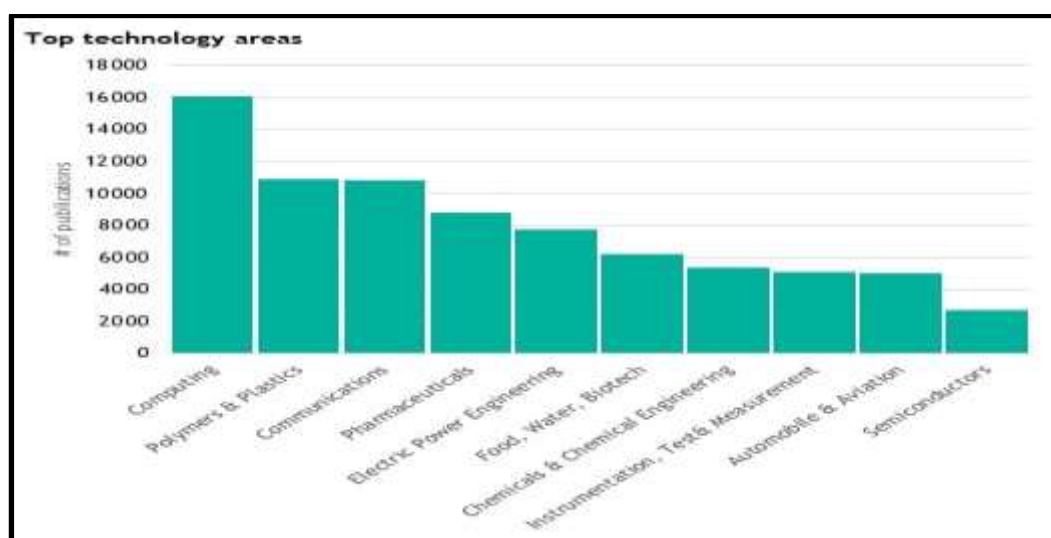


Figure 2: Top Technological Areas

(Source: ¹⁹)

¹⁸ Aher S, Lakaria B, and Yadav B, 'Limitations Of Existing IPR Legislations In Managing Emerging Environmental Issues' (Nopr.niscair.res.in, 2021) Available at: <http://nopr.niscair.res.in/handle/123456789/47336> (Accessed on: 12 November 2021)

The above figure displays the top technology areas where patents have been granted in India. It is clear from the figure that computing equipment has received the majority of the patents followed by Polymers & plastics. On the other hand, the lower numbers of patents have been given for semiconductors.

Designs: The key provisions of the Design Act of 2000, is highly advantageous for several reasons. Firstly, design rights are available at a very low cost. Copyright also has the right to protect the code of the companies. In case of fast-moving industries such as the fashion industry, design rights help the companies to get protection against infringements that can help the designers in safeguarding their products.

Trade Marks:

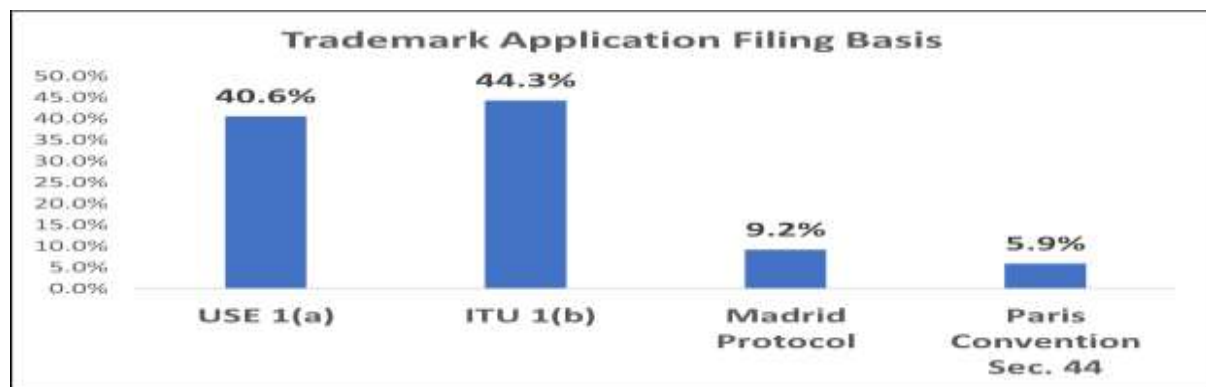


Figure 3: Trademark Application Filing Basis

(Source: ²⁰)

The absolute figure shows the trademark applications throughout the year. It can be seen that the maximum number of trademarks have been taken for International Telecommunication Union. On the other hand, the lowest level of trademarks have been for the Paris Convention under Section 44.

On the other hand, there is increasing demand for copyrights. However, there is lower demand for trademarks. This indicates that very few individuals and business firms who want to get trademark protection.

¹⁹ Events.rdias.ac.in (Events.rdias.ac.in, 2021) Available at: <https://events.rdias.ac.in/wp-content/uploads/2021/04/Intellectual-property-rights.pdf> (Accessed on: 12 November 2021)

²⁰ Events.rdias.ac.in (Events.rdias.ac.in, 2021) Available at: <https://events.rdias.ac.in/wp-content/uploads/2021/04/Intellectual-property-rights.pdf> (Accessed on: 12 November 2021)

IDEOLOGICAL UNDERPINNINGS OF THE ANTI-IPR COALITION

There are different concepts associated with Intellectual Property systems. It is said that intellectual property rights should be opposed as it is connected to free trade, large companies and global economic integration. Robust IP protection has two main characteristics such as skepticism for private markets and distrust of big businesses. The majority of the people think that intellectual property is applicable for large organizations. However, it has to be kept in mind that intellectual property protection laws and regulations have a broader impact on economic growth and employment. There is no possible difference between workers' interests and the interests of the company. This assumption is based on the idea that the revenues from the intellectual property rights are not shared by the technicians, artists or any other person directly or indirectly related to the work.

It is evident that there are three main criticisms related to intellectual property rights. There is high opposition to large firms, opposition to intellectual property and opposition to free trade and globalization. Each of these elements have to be well analysed before implementing laws and regulations relating to intellectual property rights.

INTERNATIONAL DIMENSION

The nature of IPRs is territorial. The Nations must reach an agreement as their citizens seek protection for their innovations in international marketplaces through IPRS. The Uruguay Round discussions on the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) are the most recent chapter in a long line of attempts to address the issue of extraterritoriality as it relates to IPRs. Mutual accommodation was achieved through talks, which resulted in the approval of basic protection criteria and the agreement's global application, allowing developing countries to safeguard their IPRs not just at national level but at international level. TRIPS may promote greater harmonization of IPR protection. As the majority of present or future titleholders are foreigners, increased IPR protection increases the likelihood of an international rent transfer.

Various scenarios depict the potential consequences of greater IPR protection rules. Higher standards of protection are expected to boost welfare in a small nation with limited production and innovation capacities whose IPR system has minimal impact on global R&D, as long as they provide access to items that would otherwise be unavailable. Higher standards of protection, on the other hand, will likely displace local producers, raise prices, and transfer rent from local

consumers and producers to foreign titleholders, resulting in a negative welfare impact if the country has greater production capabilities (a proxy for its capacity to imitate) but limited innovative capacity.

Finally, if a small nation has both established production and inventive capacities, the outcome will be unpredictable, depending on the supply elasticity of local inventions in terms of IPR protection. In contrast, stronger IPR protection in a developing nation big enough to influence innovation in the North (developed economic areas) might result in an universal expansion or restructuring of R&D spending. Higher levels of protection in the South (developing world) may be a better answer for the globe as a whole in this scenario, even if the immediate losses in the South outweigh the early advantages for inventors in the North.

Two further requirements must be complied before a business may invest abroad. First, the foreign country must have geographical benefits that make doing business there more profitable. High transportation costs and tariffs, low input prices, access to distribution networks, and local regulatory regimes are frequently linked with location benefits. Second, internalising production rather than selling or licencing intellectual assets to independent local enterprises in the foreign nation must be more beneficial for businesses.

Maskus alludes to the investigations of the late Edwin Mansfield on the impact of IPRs on the readiness of worldwide firms to take part in foreign direct investment (FDI) in agricultural nations and to uncover their most technological developments in their markets.

The inborn level of innovation particularity between financial settings or areas has suggestions for the financial impacts of IPRs. Unexpectedly, it is in the farming innovation handles that protection from IPRs is the most grounded (e.g., India). This is so despite the fact that not very many of these developments have esteem in another country. On the other hand, a specific modern substance might have esteem in many economies. Most Indian people are not literate in the field of law and don't know the essence of IPRs in the current position. All emerging economies must safeguard their innovations since they are economically and legally significant in international trade. IPRs benefits include IP-intensive international trade, IP revenues and contract payments, Information security works copies, and distributions, which demonstrate the value of IPRs.²¹

²¹ Trade Policy Review Body, Trade Policy Review, WTO Doc. WT/TPR/S/307/Rev.1, at 88 (Mar. 13, 2015) [hereinafter Trade Policy Review].

Without inconsistency, legal culture ought to be an essential part of the entire moral culture. The essence of protection of business with innovations, quality protection with brand names and other things must come with the legal protection and security.

CONCLUSION AND SUGGESTION

It's merely a policy decision whether to use a strong or a soft IP protection option. In particular special economic and social developmental phases in the United States, the strong IP protection mode reflects, in a specific way, national goals focusing on developing global competition and meeting core demands of creativity and innovation. The soft IPR protection described here, which places a greater focus on the protection of consumers' or the public's interests, can be referred to as the international IPR system's balanced development strategy.