

# Intellectual Property Rights

Intellectual Property very broadly means the legal property which results from intellectual activity in the industrial, scientific and artistic field

IP law aims at safeguarding creators and other producers of intellectual rules and services by granting them limited rights to control the use of the invention. It is divided into 2 branches

1) Industrial Property

2) Copy Right

Copy Right :- Literary, Artistic, Performance of Artist broadcast all these things come under copy ~~thing~~ right. It is Non-Scientific

## Peculiar Features

1) Territorial :- An intellectual property should be resolved by national laws and what is protected in one country may not be protected in another

2) Giving Exclusive Right to owner :-

3) Assignable

4) Term and Expiry :-

(i) Patent - 20 years

(ii) Industrial Design - 15 years

(iii) Copy Right - Life Time of owner + 60 years

~~Copyright~~

Commercial Exploitation : The various ways of commercial exploitation are

- (1) A Patent Holder can benefit out of his patented item either by developing a product out of his invention and introducing it into the market or by licensing his invention to industrialists. Thus a patent may help the inventor earn a fortune in the form of a lump sum payment or through regular royalty amount.

A copyright and registered design can be similarly exploited for lump sum money or on royalty basis, however copyrights have much wider scope for generating revenues owing to the nature of rights provided by the owners.

Enforcement of Rights and Remedies against infringement

In case of issues related to infringement of intellectual property, the owner of intellectual property has the right to enforce an action for infringement before a district court or high court. Criminal Prosecution is also possible in respect of trademark and copyright.

In case of infringement of patent, the patentee may obtain no criminal remedy for infringement of patent or of registered design.

IP and Economic Development :-



**Patent** - It is a statutory right for an invention granted for a limited period to the patentee by the government in exchange for full discovery & disclosure of an invention ~~from~~ for excluding others from making, using, selling and importing the patented product or process for producing that product without his consent thus decides that patent is an instrument to guarantee protection of rights of a patent holder to use the invention to his advantage.

**Rights of a Patentee :-**

- a) Right to commercially exploit the patent
- b) Right to grant license
- c) Right to surrender
- d) Right to sue for infringement

**Restriction on the Rights of a Patentee :-**

- a) Government use of patent
- b) Compulsory Licenses
- c) Revocation of Patents
- d) Restored Patents
- e) Invention for Defense Purposes

**Obligations of Patentee :-**

- (i) Encourage and implement the invention to its fullest extent without undue delay
- (ii) To Not use Monopoly rights to unfairly ~~mean~~ prejudice interest to public
- (iii) Failure to discharge duties reasonably would lead to revocation of the Patent.

(iv) Furnish Periodical statements to the controller of patents explaining the extent to which the invention has been worked

(v) Failure to provide statement to the controller of patent is a punishable offence

An Invention to become patentable must meet the following criteria

1) It should be novel

2) It should have inventive steps

3) It should be capable of industrial application

4) It should not fall in the criteria for inventions non-patentable

Unit :- 05

## Research Methodology

Research Process :-

(i) Selection of Research Problem

(ii) Literature Survey

(iii) Making Hypothesis

(iv) Preparing Research Design

(v) Sampling

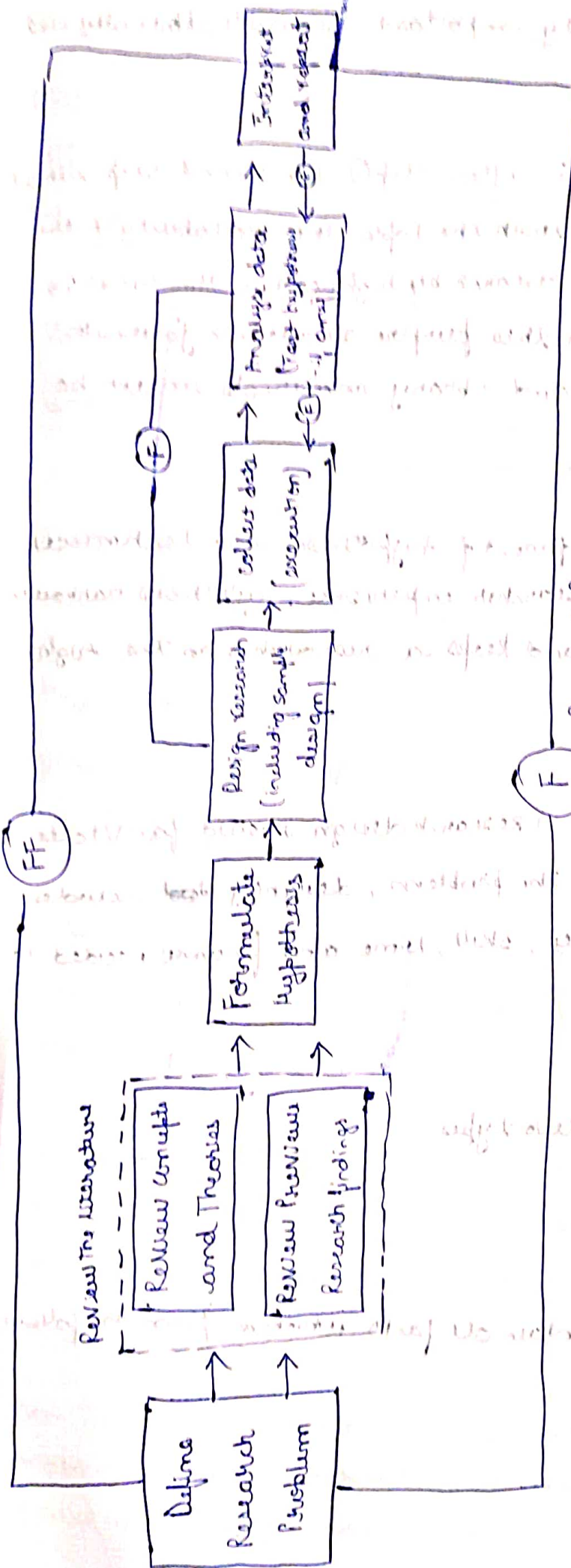
(vi) Data collection.

(vii) Data Analysis

(viii) Testing Hypothesis

(ix) Generalisation and Interpretation

(x) Writing Report



Research Process Flowchart



① Selection of Research Problem :- The selection of a topic for research should be practical, relatively important, feasible, ethically and politically acceptable

② Literature Review (Survey) :- After step ① the second step is the of literature mostly connected with the topic the availability of the literature may facilitate the research by highlighting the existing methods, series and issues for this purpose academic journals, conference and govt reports and library materials must be explored

③ Making Hypothesis :- The development of hypothesis is a technical work which depends on researcher's experience. Hypothesis narrow down the area of research and keeps a researcher on the right path.

④ Preparing Research Design :- A Research design should facilitate the conceptual structure of the problem, designing ~~that~~ includes the information about sources, skill, time and finance needed to carry out the research

⑤ Sampling :- It may be of two types

i) Probability sampling

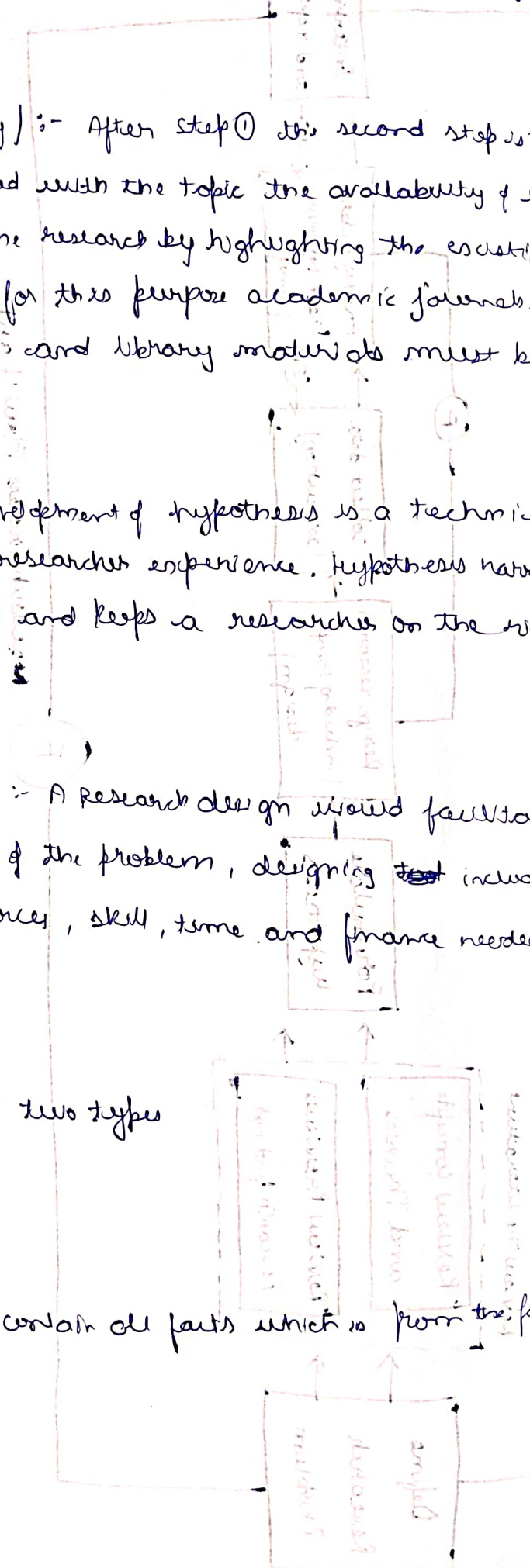
(ii) Non-Probability sampling

⑥ Data collection :- It must contain all facts which is from the following 2 types of research

(i) Primary Data Collection

a) Experiment

b) Questionnaires



(1) Observation and Interview

(2) Secondary Data Collection :- It is by

(i) Review of literature

(ii) Official and non-official reports

(iii) Library approach

~~For~~

(7) Data Analysis :- It is of two categories

(i) Data Processing :- Data Editing, coding, classification, tabulation, Presentation and Measurement

(ii) Data Exposition - It will be descriptive, exploration, narration, conclusion, recommendation or suggestion.

(8) Hypothesis Testing :- To determine the answer the process of testing hypothesis is undertaken which may result in accepting or rejecting the hypothesis

(9) Generalization & Interpretation :- If a hypothesis is tested and is upheld several times it may be possible for the researcher to arrive at generalization.

(10) Preparation of Report :- Report design in primary stage. It should carry a title, brief introduction of the problem and background followed by acknowledgement. There should be a table of contents, list of figures and charts.

Main Text of the report it should contain objectives, hypothesis, explanation and methodology of the research and it must be divided into chapters, every chapter explains a separate topic



The last section to comprise of clear conclusions to show the main theme of the research study

Closing the Report: After the preparation of report this is the last step containing bibliography, references, index, & appendix

### Criteria of Good Research

- 1) The purpose of the Research should be clearly defined and the common concept being used
- 2) The Research Procedure used should be described in sufficient detail to permit another researcher to repeat the research for further advancement keeping the continuity of what has already been attained
- 3) Researcher should genuinely report the flaws in procedural design and estimate their effects upon the findings
- 4) The Analysis of data should be sufficiently adequate to its scope and the methods of analysis used should be appropriate. The validity and reliability should be checked carefully
- 5) Conclusion should be confined to those justified by the data and the research and limited to those for which data provides an adequate basis

Qualities of a good research:

- (i) Good Research is systematic
- (ii) Good Research is logical
- (iii) Good Research is empirical



(iv) Good Research is replicable

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### Problems Encountered by Researchers in India :-

- 1) Lack of Scientific Training in methodology of research is great impediment for researchers in our country.
- 2) Insufficient interaction b/w university research departments and business developments.
- 3) Most of the business units in our country do not have the confidence that the material supplied by them to the researcher will not be misused and as such they often reluctant in supplying the needed information to the researchers.
- 4) Research studies overlapping one another are undertaken quite often for want of adequate information.
- 5) Code of conduct does not exist for researchers inter-university and inter departmental rivalries are quite common and hence there is a need for developing a code of conduct for researchers.
- 6) Library Management and functioning is not satisfactory at many places.
- 7) There is also a difficulty of timely availability of published data from various agency.

### Role of computers and Internet in Research

- (i) Internet (ii) Information storage, (iii) Computational Tools, (iv) Communication (v) Mobility.