

Intellectual Property Rights awareness among MSMEs in India

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ABSTRACT

Small and Medium- sized enterprises (hereinafter called SMEs) had always been the backbone of emerging markets. SMEs account for over 90 per cent of these businesses in economies as such. The driving force behind SMEs is the large number of developments that have led to national economic growth through job development, wealth creation and value-added exports. Therefore, because this development is focused on creativity, Intellectual property rights (hereinafter IPRs) gained parallel significance. IPRs have profound impact on the economic, social and technical dimensions in the knowledge-based society of the time development. New products, brands and innovative designs that have been the result of continuous innovation and growth in SMEs appear nearly daily on the market. Therefore, it is important to provide SMEs' IPRs with a robust policy framework and considerable legal protection against unauthorized exploitation in particular, in order improve such business environment and foster innovation in this area. This research paper explores the role of the institution in raising awareness of strategic advantages and in protecting SMEs' innovative and creative potential through intellectual property rights in India

Keywords

Institution, IPR, MSMEs and Policy

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Introduction

The term "Knowledge-based Economy" defines current economic system in which knowledge generation and management plays dominant role in wealth creation as opposed to conventional factors of production, namely property, labor, and capital. The procedure for intellectual property (IP) is for the legal defense of knowledge or intellectual activity. That knowledge or intellectual activity is legally protected. The Intellectual Property (IP) protection scheme provides a method to address the issue of "appropriability" by enforcing technology ownership rights. IP has become an important source of competitive advantage for business enterprises at the SME level and a significant driver of their strategic strategies. SMEs are often the mainstay behind a great many developments and contribute to the development of the national economy by means of jobs creation, productive production and exports with value added. Nonetheless, related to ad hoc surveys such studies indicates, given the importance of SMEs for economic growth and potential provided by IP system to increase competitiveness of MSMEs, the majority which do not or may not make most of their use of IP system.

Helping small and medium-sized enterprises to use IP assets more fully in their business operations, India will need to develop comprehensive IP asset policy framework to help entrepreneurs and MSMEs increase awareness and use of the IP among small and medium-sized enterprises, framework. Their creative capacity is not used mercilessly, as many unaware of the IP structure.

Discussion

Intellectual property rights and tools thereof

IPR are civil rights arising from such commercial, scientific, literary and creative intellectual activities. Such rights are

the creators of Safeguard and Other service providers of intellectual goods give them there is time-limited rights to control their use. Exempt IP rights such as other assets may be company property that may be leased, rented or purchased. They are intangible and there is no wasted intake.

Patent

Patent is an exclusive right given for an invention that provides new way or solution to problem by a product or technique. It confers the patent proprietor's protection on the invention. 20 years protection shall be given for a fixed time period. Patent protection ensures that invention can not be used, distributed, made or marketed commercially without authorisation of the proprietors.

Patent owner/proprietor has right to determine/decide who can or should not use patented invention within time period under which it is protected. Also patent proprietor may grant authorisation or license use of the product to other parties subject to mutually agreed terms. When a patent expires, the defense ceases and an invention of IPR, knowledge of IPR and MSMEs in India enters public domain, means proprietor no longer has exclusive rights to invention will be made available to others for commercial use. The Industrial Policy & Promotion Branch. The Industrial Policy & Promotion Department formulates general principles regulating the Indian patent systems.

Trademark

A trademark is a distinctive symbol marking those products or facilities such as those made or produced by the individual or organization in question. It can consist of symbols, such three-dimensional signs and drawings, audible signs such as music or voice effects, fragrances, or colors used in the form and packaging of products its

characteristics are distinctive. Trademark registration is prima facie proof of ownership which gives the owner the legal right to do so. Trademark rights will remain in perpetuity. Initial period of registration is 10 years, after which it can be extended on occasion.

Copyrights and related rights

It is a legal concept that defines the protection of authors over their work in the field of literature and sculpture. Content categories included: literary works such as novels, fiction, play, works of reference, journals and programming; database;; films, compositions; and choreography; paintings, sketches, photographs and sculptures; and architecture. Copyright is created in a work; therefore registration is not compulsory. Registration of copyright, however, provides such evidence that copyright exists in work and that owner of the work is the author.

Originators/creators of such art may sell their labor rights to any individuals or such companies best positioned market works in pay returns. Such fees often depend on the job 's actual use, and then known as royalties. Economic rights have also time limit for the author's life (except photographs), appointed by the Central Government under the direction and supervision of the Department of Human Resource Development, the Ministry of Higher Education.

Geographical Indications (GI)

GI are tags that are used for items of particular geographical origin and possess qualities or reputation derived from location. Agricultural products usually are of high quality from their place of origin and affected by particular local factors. The place of origin can be a village or city, a province or a territory. This is an exclusive privilege given to a particular individual and so all members of the community enjoy the benefits of registering. Items such as Kullu Shawls, Chanderi Sarees, Wet Grinders etc. recently registered GIs. basic principles regulating Geographical Indication System drawn up in India by Geographical Indication Registry, Intellectual Property Building.

Industrial Design

Industrial designs refer to artistic behavior resulting in the creation of a formal or ornamental, design and product right refers to new or original design given to product owner. Template that is logged in validly. Industrial architecture is about intellectual property. Basic/common purpose of design law is to encourage and maintain design aspect of industrial production. It also seeks to promote creative business-market activities. The new Industrial Design legislation in India is included in Modern Designs Act , 2000 and Act serves its purpose in light of rapid technological change and economic growth.

The aim of Replacement Act is to implement more robust product classification that conforms to international context and takes care of proliferation of architecture-related practices in camps of various ways. DIP&P formulates general principles for Industrial Design systems in India.

Trade Secrets

Confidential knowledge may be considered a trade secret to provide a competitive advantage for an organization. Usually they are industrial or engineering secrets, and trade secrets. Those include promotional strategies, delivery systems , customer profiles and marketing campaigns, manufacturer and distributor lists, as well as production processes. Trade secrets, including trademarks, are safeguarded without investigation. Common knowledge is also interconnected / correlated with the concept of geographical information.

Layout Design for Integrated Circuits

Integrated Half Conductor Circuit connotes that device has circuitry components and transistors inseparably built on material of a insulating material or semiconductor or material within a semi-conductor and configured for electronic circuitry functionality. Semiconductor Integrated Circuits Layout-Design Act 2000, aim is the protection of Intellectual Property Rights (IPR).

The Semiconductor Integrated Scheme Architecture Design Act 2000 focuses on the establishment of chip layout designs and related matters of routes and IPR protection mechanisms. The SICLD Bill requires the approved layout-design owner to have an inherent right to use layout-design, to take advantage of it commercially, and to demand redress for any infringement. The initial registration duration is 10 years; it can then be extended annually. The Ministry of Information Technology and Communications is responsible for registration and other points.

Protection of New Plant Variety

Act is intended to acknowledge role of farmers and contributions of urban and rural communities to country's agro biodiversity and to promote research and development investment in the production of new varieties of plants in order to stimulate growth in the seed industry.

In India the Plant Variety Preservation and Farmers Rights Act 2001 was came into force on 30.10.2005 is enacted to protect New Variety of Plants; act through the Authority. Originally, there were 12 plant species known as regt. For example E.g. In India, sui generic systems have been chosen instead of patents to protect new plants, such as rice, wheat and corn, sorghum, perl millet, chickpea, gram green, gram black, lentil, bean kidneys. The Department of Agriculture and Cooperation is the government agency responsible for its registration and other matters things.

Utility Model Rights

Privileges accorded under utility model are much same as those conferred by patent, but more significant for use of the word "incremental innovations." In the case of usefulness, such as "major patent," "minor patent" and "innovation patent," set. These models are considered more suitable for small businesses in particular switch render "minor" changes with current product adaptations. More utility types commonly used for technological inventions. The rights to utility models are known as recorded rights; which provides the proprietor with "Exclusive" rights in terms of innovation. Utility model operating in Indonesia as well as

Finland is referred to the "Petty Patent." These models considered to be more suitable for MSMEs which make few improvements, Utility solution-Vietnam, Easy patent-Thailand, Invention patent-Australia, Utility invention-Malaysia, Technology patent-China

Intellectual property in India

Through the government's distribution of business rules, Indian intellectual property is regulated by five central ministries. Intellectual property is governed by the Ministry of Trade and Industry's Department of Industrial Policy and Promotion. This department covers trademarks, trade marks, product designs and geographical indications. The Agriculture Ministry administers the legislation on protecting plant species and the rights of farmers. In 2010, there were 490,226 in the United States, 391,177 in China, 344,598 in Japan, 170,101 in Korea, 150,961 in the United States, 59,254 in Germany, compared with just 39,400 in India, and 7,589 in India. "Small businesses apply about 80% of Chinese patent applications, so China has a regional competitive advantage.

Effective IP management

Good IP management allows businesses to make better use of their intellectual property and a strategic plus. Protecting IP is a vital first step but successful IP management means far than merely securing the inventions, trademarks, designs or copyrights of a company. It also features the willingness of a company to sell these products, sell its logos, license its know-how to others business, enter into joint ventures and other IP-related contractual arrangements, and track and effectively its intellectual property rights are enforced. Nonetheless, an IP company's portfolio be seen as a choice of main assets give the company significant value. SMEs will use rich scientific and commercial information in patents and archives to learn about recent technological breakthroughs, recognize potential collaborators and find out more on groundbreaking competitor practices. Effectively handling IP and using it to formulate market plans it's an increasingly urgent job for businesspeople around the world.

Enhancing competitiveness through IP protection

Companies engaged in the protection of intellectual property must optimize their time and resources competitiveness through various divisions of industry. This will contribute to the defense of intellectual property:

- prohibit competition from copying or closely imitating the goods or services of a corporation;
- Prevent wasteful spending in research and development (R&D) and commercialisation
- Establishing corporate identity through a logo and branding approach
- Dealing with licensing, franchises or other IP-based contractual agreements
- Rising market value of the business
- To boost access to finance and gain venture capital
- Securing new markets access

Conclusion

It also features the willingness of a company to sell these products, sell its logos, license its know-how to others business, enter into joint ventures and other IP-related contractual arrangements, and track and effectively its intellectual property rights are enforced. Nonetheless, the portfolio of an IP company wants to be seen as collection of key assets that add substantial value to company. Small companies in the developing world are seeking private equity funds, venture capital and to cover the expense of acquiring, implementing and selling IPRs because of their high visibility. Lack of awareness in India the benefits of the intellectual property they create effectively deny them among the small players.

Exporters must register their brand's trademark in overseas markets in order to avoid copying those rivals that selling counterfeit products. Specific industry and chambers of commerce are trying to raise awareness about the benefits of intellectual property production and proprietary use among Indian companies. IP facilitation centers are mainly designed to raise awareness of IPR issues among SMEs and give them perspectives on the growth, possession and protection of IP. Now India has patent facilitation centers across all states, and small and medium-sized companies can consult them on how they can profit.

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