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Chief Editor (Special Issue)
Prin. Dr. Shivdas Zulal Shirsath
Dr. Indrajeet Ramdas Bhagat

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From the Editor's Desk

"Knowledge shared is knowledge multiplied, and research is the key to progress."

It is with immense pleasure that we present the **Seminar Journal of the National Seminar on "India and Intellectual Property Rights,"** organized by **Yashwantrao Chavan College, Ambajogai.** This journal is a testament to the academic rigor and intellectual curiosity of researchers across India.

We are proud to announce that we have received **80+ high-quality research papers** from distinguished academicians, scholars, and professionals from various parts of the country. These papers delve into the critical aspects of **Intellectual Property Rights (IPR),** covering themes such as patents, trademarks, copyrights, digital innovation, and the role of IPR in economic development.

I extend my heartfelt gratitude to all the contributors for their scholarly work, the reviewers for their meticulous evaluation, and the organizing team for their dedication in making this seminar and journal a success. A special thanks to **Dr. Babasaheb Ambedkar Marathwada University, Chhatrapati Sambhajnagar,** for their support and sponsorship of this academic endeavor.

May this collection of research insights serve as a valuable resource for academicians, policymakers, and entrepreneurs in shaping the future of **Intellectual Property Rights in India.**

Prin. Dr. Shivdas Shirsath
Dr. Indrajeet Ramdas Bhagat
Chief Editor (Special Issue)

Principal's Message

"Research is the foundation of progress, and innovation is the driving force of a nation's growth."

It is a matter of great pride and honor for **Yashwantrao Chavan College, Ambajogai** to host the **National Seminar on "India and Intellectual Property Rights,"** sponsored by **Dr. Babasaheb Ambedkar Marathwada University, Chhatrapati Sambhajinagar.**

The overwhelming response to this seminar, with **80+ research papers received from scholars across India,** reflects the growing importance of **Intellectual Property Rights (IPR)** in today's knowledge-driven economy. Intellectual property plays a crucial role in fostering creativity, innovation, and entrepreneurship, ultimately contributing to the development of our nation.

I sincerely appreciate the efforts of the **Department of Commerce, Library, and Innovation & Entrepreneurship Incubation Cell** for organizing this academic event. I also extend my gratitude to the esteemed resource persons, researchers, and participants for their valuable contributions.

May this seminar and its proceedings inspire further research and innovation, strengthening India's position as a global leader in intellectual property and economic growth.

Dr. Shivdas Shirsath

Principal,

Yashwantrao Chavan College,
Ambajogai

Coordinator's Message

"Intellectual growth should commence at birth and cease only at death." – Albert Einstein

It is with immense pride and joy that we present the **Seminar Journal of the National Seminar on "India and Intellectual Property Rights,"** organized by **Yashwantrao Chavan College, Ambajogai,** under the sponsorship of **Dr. Babasaheb Ambedkar Marathwada University, Chhatrapati Sambhajnagar.**

The overwhelming response, with **60+ research papers received from scholars across India,** is a testament to the growing interest in **Intellectual Property Rights (IPR)** as a key driver of innovation, entrepreneurship, and economic progress. This seminar has provided a valuable platform for academicians, researchers, and professionals to exchange ideas, discuss emerging trends, and contribute to the evolving landscape of IPR in India.

I extend my heartfelt gratitude to our **Principal, Organizing Committee, Esteemed Resource Persons, and all Participants** for their unwavering support and contributions. A special thanks to the dedicated team of reviewers and editors for ensuring the quality and integrity of this publication.

We hope that the insights and research shared in this journal will serve as a valuable resource for scholars and policymakers, inspiring future advancements in the field of **Intellectual Property Rights.**

Coordinators

Dr. Indrajeet Ramdas Bhagat

Mr. Sunil Bhosale

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Intellectual Property Rights and the Growth of the E-Commerce Sector

Amit Kumar¹, Dr. Kumar Ravi Ranjan²

S.S.S. Mahila College Bhabua Kaimur Bihar

Corresponding Author – Amit Kumar

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Abstract:

Intellectual property rights are those that are awarded to the creator of a new invention or intangible asset together with permission to profit monetarily or commercially from that resource. The first federal law pertaining to patents was approved in 1790, marking the beginning of the development of the idea of intellectual property in the 18th century. Although the extent of intellectual property rights varies by economy, in general, IPR regulations protect any kind of invention or creative work that comes under the purview of copyright and patent law. One of the business models that relies on IPR and licenses the most is e-commerce. E-commerce allows users to trade IP-protected products like software, blueprints, training materials, and systems rules that are the primary source of value. Since all types of security-based intellectual property regulations should protect valuable commodities under e-commerce, otherwise, entire businesses run the risk of being pirated. This study examines the history of intellectual property rights (IPR), including the emergence of three main types, their applicability to e-commerce, their function in e-commerce, and the areas of e-commerce that are protected by IPR. This paper is both descriptive and instructive explains how, in a world gone global, IP protection is essential to the growth and the operation of the e-commerce sectors.

Introduction:

Because intellectual property (IP) is utilised to grant exclusive rights to creative works, the two have a deep and significant relationship. IP regulations, therefore, maintain a firm grasp on intangible assets like artwork, designs, literary works, creative works, geographic identification, pictures, signs, and slogans, etc. These protections are made possible by a number of IP rights and laws, including those pertaining to patents, copyrights, trademarks, and designs. One the proprietors of these inventions or works benefit from these intellectual property rights in two ways: first, they gain recognition, and second, they receive cash gains.

E-commerce, or electronics-based commerce, is the method used for conducting business via online platforms.

Given that the bulk of these enterprises operate online, they cover both launching a company and engaging in trade in goods and services. E-commerce platforms come in many forms, but the most well-known ones include Amazon, Flipkart, Swiggy, taxi services, and others.

The ability to sell goods on e-commerce platforms using licensed intellectual property is always provided. In the age of the internet marketplace for products and services, Digital platforms allow for the transmission of intellectual property for a wide range of items, including software, music, design, photographs, literary works, and more. IPR is crucial in each of these situations because it protects the value or worth of goods and services. Technology security measures and intellectual property laws are crucial

strategies or instruments that offer the required protection in each of these areas. IPR in e-commerce is extremely important and powerful since IP theft has the capacity to shut down an online business if it is common.

Here, the current study has many goals, all of which are really important. We will learn about the background and general framework of intellectual property rights (IPR). We will next draw conclusions regarding the relationship between IPR and e-commerce as well as the types of e-commerce enterprises that fall within its jurisdiction. Finally, we will research the various types of current IPRs. It is extremely uncommon for a study to combine all of these factors, and the goal of this one is to close that research gap.

Literature Review:

There are numerous research on IPR and its different facets. Since the year 2000, the issue has been increasingly popular. Therefore, we will talk about a couple of these investigations, which are both highly novel and pertinent to our paper. In his research, Gaikwad 2020 discussed the objectives, background, and a number of other facets of IPR. According to the author, the main areas on which individuals or the public are founded are creative expressions, innovations, and ideas. As a result, it is well-known for being willing to grant property rights, or IPR.

Therefore, IPR is well known for giving developers or innovators of such properties the ability to profit commercially as well. According to Punam (2018), IPR is the demand across a number of socioeconomic domains for the public to award rights over any property based on inventions and creations. The author has also discussed the many types of intellectual property rights and how they might help innovators make money. In addition to discussing the various types of IPR, Sreeragi

(2021) connected IPRs to regional laws and expressed the opinion that regional laws ought to work with innovations to grant privileges over them. This study describes the legal protections afforded to inventions that are registered for an extended length of time. All types of IPR have been thoroughly covered in the Indian context by Jajpura et al. (2017), starting with industrial design and moving on to trademarks and even geographic signs in addition to their requirements, significance, and operation in accordance with local legislation. Additionally, this study has examined India's participation in IPR filing in comparison to the rest of the world, indicating our advancement in this area. According to Yang (2018), there are a number of significant e-commerce-related industries that require IPR protection as the big data era and its analysis take over the world. Additionally, this paper calls for the creation of an environment or supervisory body specifically for the development of IPRs pertaining to e-commerce. The fact that all countries, developed or developing, now have internet business facilities has also been brought to light in this article. This fact should be taken into consideration while creating IPRs based on e-commerce.

According to Dian et al. (2020), IPRs have proven beneficial for small enterprises not only when it comes to leveraging business chains but also when it comes to establishing themselves through e-commerce and expanding internationally. The choice-based experimental procedure methodology was used in this investigation. Many topics have been covered in Ravi (2017), including how the pharmaceutical business has adapted to IPR rules and how this has aided in its expansion on a national and worldwide scale. The study's research identifies the state of IPR in specific pharmaceutical companies, and its conclusions point to a positive trend by emphasising the need for greater industry-

wide awareness and IPR implementation. According to Savale & Savale (2016), IPRs are essential for both safeguarding the innovations and maintaining their standards. To be sufficiently inspired to make more innovations in the future, it is ideal for those who are creating to receive the intended commercial rewards. The goals of intellectual property rights (IPRs), their seven forms (trademarks, patents, copyrights and related rights, geographic indications, industrial designs, trade secrets, layout designs for integrated circuits, protection of new plant varieties), the length of IPR, and concept-related patents like Types of Patents, Tangible and Intangible Patents, Novelty, Non-Obviousness, Utility, Everything has been covered in this study regarding anticipation. Therefore, it is clear from the analysis above that there aren't many research that have addressed the problem of E-commerce and IPRs. It is evident that research has been done on the types, applicability, and significance of IPRs. Research on both established and emerging economies is available. However, there is a substantial research gap or lacuna in the area of IPR use and significance in e-commerce. This work attempts to close that gap, which is important given the state of research in the future. The relevance of the current investigation is explained in the section that follows.

Relevance of the Study:

Businesses worldwide generally agree that intellectual property rights (IPRs) are more valuable assets than any potential physical assets. There are some solid justifications for doing so IPRs provide businesses with the necessary safeguards against unfair business practices and the disclosure of trade secrets. The fundamental goal of intellectual property rights (IPR) is to create a variety of categories of intellectual commodities and services. IPRs give people or organisations the required

exclusive rights or ownerships over their inventive or creative products and services for a predetermined and limited time in order to achieve this goal. This ownership gives people and institutions the chance to sell their items and make money, which benefits them financially providing services through the utilisation of exclusive rights. It depends on how exclusive, protected, or even covered the IPR is by law for the innovators, which encourages additional research and helps the economy thrive in the technology sector and on a number of other socioeconomic grounds. IPR in e-commerce is essential if we concentrate on the contemporary era of technologically advanced, digital economies. In addition to Because of the current laws and processes controlling these rights, intellectual property laws have protected innovators and promoted and produced new works. The law prohibits preventing individuals from stealing intellectual property (IP) and using it for their personal financial benefit without paying the creator for their hard work and creativity. The significance of intellectual property rights in e-commerce is the main focus of this study.

Research Methodology:

Information was gathered from a variety of easily accessible secondary sources in order to meet the goals of our study, which were already covered in section 1. Numerous studies and reports In addition to a large number of research papers and publications, papers and case studies about the function of intellectual property rights were cited. The idea of intellectual property rights and its importance for e-commerce has been framed with the aid of a thorough examination of numerous works of literature. The development of this research article is both conceptual and descriptive. It is conceptual in that it looks at the literature review of earlier studies carried out in these

disciplines, and descriptive in that it seeks to identify different aspects of study objectives.

Property Rights – its three important forms and progress in India:

PATENTS:

Origin and History of Patents and its connection with E-commerce:

India is where the Act VI of 1856, the nation's first patent law, originated. Promoting inventions and encouraging inventors to share their secrets of inventions. Later, a new law known as Act XV of 1859 was adopted to grant exclusive privilege. However, in 1872, the law was renamed the Patterns and Designs Protection Act. Throughout the law's thirty-year existence, the 1883 amendment was the sole modification made. The Indian Patents and Design Act nullified all previous legislation in India. The awarding of secret patents, patents for additions, and increasing the patent period from 14 to 16 years were all made possible by this act. After independence, a number of committees were formed to examine the modifications to the legislation, which led to the 1965 introduction of a bill in the Lok Sabha that was unsuccessful. Despite having expired in 1965, a revised measure was filed in 1967, and the Patents Act, 1970—which is still in effect in India today—was adopted based on the committee's final recommendation.

Relation to E-Commerce:

Patents provide numerous incentives for researchers and inventors working in the field of e-commerce and online businesses. Patents make licensing easier. Outsourcing contracts and the formation of strategic partnerships in online sales. By giving your products unique features that differentiate them from those of your online rivals, patents not only help you discover and develop new ideas for your e-commerce company, but they also boost sales. The

patent is one of the most important types of IPR. This definition refers to a government authorisation or license that confers a right or title for a predetermined amount of time, especially the exclusive right to stop others from developing, using, or commercialising an invention. When people or institutions produce new goods or procedures, they visit the patent office, thoroughly explain the innovation, and pay a fee to have their "property" safeguarded.

Origin in India:

An East India Company-era decree in 1847 led to the initial establishment of copyright law in India. At the time, the copyright had a 42-year term and a validity period of 7 years after death. The government may grant a forced licence if the copyright holder refused to permit a work to be published after the author's death. This act mandated copyright registration in order to enforce rights. The Indian administration of the British Raj enacted a new copyright law in 1914 that bore striking similarities to the 1911 UK Copyright Act. Not many notable changes occurred. The most important is that it introduced criminal sanctions for copyright infringement in sections 7 through 12. The Act of 1911 was altered multiple times until 1957, when independent India established the Copyright Act to conform to the guidelines of the Berne Convention. The 1957 Act underwent its most recent amendment in 2012.

Relation to E-Commerce:

In the present digital era, copyrights are essential for safeguarding the data and artistic creations on websites. Due to the rapid digitisation of to prevent any unauthorised distribution or duplication of their works that are exhibited online, the copyright owners seek copyright protection. Furthermore, a range of technological measures, such as watermarking and encryption, can be used to defend internet businesses' intellectual property rights.

Copyright refers to the rights granted to performers, artists, broadcasters, and other producers for their "original" works of art or to writers, painters, musicians, and other creators for their related rights. Like patent laws, copyright controls are monopolistic privileges. The author has the only right to sell, publish, and reproduce any piece of literature, music, drama, art, or architecture that they have created.

TRADEMARKS

Origin and History of trademarks and its connection with E-commerce:

Origin in India:

India's first trademark-related regulation was the Trademark Act of 1940, which was modelled after the British Trademark Act of 1938. Merchandise and Trade Act of 1958 was enacted subsequent to independence. Before the Trade Mark Act, 1999, which is presently in force in India, was created on December 30, 1999, many modifications were made. This statute serves two primary purposes: a) protecting the owner against confusion and duplicate marks from competitors; and b) safeguarding the business, trade, and goodwill of the trademark owner has accumulated.

Relation to E-Commerce:

In the online world and e-commerce, trademarks are crucial for building a brand image through business expansion or sales. Additionally, a registered trademark facilitates the filing of lawsuits and the start of legal proceedings against businesses that violate your company's intellectual property online. A trademark is a distinguishing mark that helps customers identify the origin of particular products or services. Text, words, numbers, phrases, symbols, drawings, colours, scents, shapes, noises, packaging, textures, or any combination of these can be used to represent it. Enabling customers to associate a certain mark with a specific producer of goods or, in the case of services,

service provider is the goal of a distinctive trademark. It helps to reassure the customers. That the goods are of a specific kind and calibre.

IPR & E-Commerce:

Due to the rapid advancement of the internet, technology, and related infrastructure worldwide, the role and significance of IPR in the growth of e-commerce is currently quite high and will only grow in the years to come economies. IPR can contribute to the development of e-commerce in four different ways.

Safeguarding The Business Interest Of Companies:

A business and its entities are shielded from all types of unfair competition by the IPR regulations. Absence of IPR regulations does result in IPR-related issues in the contemporary world of digital economies malfunctions and violations, which lead to the theft of software used for designing and creating artistic works, such as music. These stolen versions might spread quickly over the world without giving the original creators of all of these things the credit they deserve. However, companies can protect their vital operations using IPR in e-commerce.

Safeguarding Vital Ingredients:

IPR regulations protect the valuable digital and technology-related resources or components of any business involved in e-commerce. These essential components could include networks, might be anything from CPUs to networking. All of them are necessary components for effective internet connectivity and support the smooth operation of e-commerce.

Safeguarding Goods, Services And Getting Rights Of Patents:

The standard basis for all e-commerce-related industries is the licensing of products, services, and the associated patents. The majority of e-commerce businesses and sectors favour because these

require a variety of technologies to produce a single good or service, they outsource the production of a few elements or share their technologies through license agreements.

Preservation And Holdings Of Patent And Trademark:

Intellectual property is the most valuable resource for a business involved in e-commerce. They typically have a portfolio of trademarks and patents that are always useful for the company's valuation. As a result, IPR regulations in e-commerce protect these patents, portfolios, and trademarks for the company's expansion and advancement.

Everyone agrees that intellectual property rights are crucial to e-commerce. However, it is greatly overlooked and underappreciated due to the fact that its influence on e-commerce is not obvious at a glance and difficult to comprehend. E-commerce activities always involve the purchase and sale of goods and services that are directly related to intellectual property rights and licensing. E-commerce businesses urgently need to start making measures to guarantee that their operations are free from intellectual property risks since these risks could harm the growth of the sector.

E-Commerce and Safeguard Given by IPR:

IPR in retail refers to the purchase and sale of goods and services through physical stores, whereas in e-commerce it refers to the purchase and sale of products and services using online platforms physical stores. As a result, proprietors of e-commerce businesses must protect their sectors with the aid of applicable intellectual property regulations. The e-commerce domains listed below may be regulated by IP regulations.

- a) Technologies, search engines, internet platforms, and other things are covered or protected by patents and other utility models.

- b) Certain software is protected under the Patent Law or the Copyrights Act, which includes preserving coding used by websites, depending on the IPR laws and regulations of a given economy.
- c) Copyright or IPR laws may protect a website's design.
- d) The copyright statute protects written texts, movies, and graphics shown on websites.
- e) Businesses can protect their databases by using economy-based IPR legislation. Many multinational corporations do adhere to this process in the age of globalisation.
- f) Businesses can use various IP regulations in various economies to protect all types of online elements, starting with webpages and going up to graphics.
- g) Protecting supply chain procedures, website advancements, and its code and algorithm are all covered by IPR.
- h) IPR policies are beneficial in fostering the growth and expansion of e-commerce enterprises in emerging nations like India.

Conclusion:

Unquestionably, intellectual property rules are required for digital operations and practices to be fairly compliant, especially in a field as dynamic and varied as e-commerce.

Businesses that use online platforms benefit from IPR in e-commerce. As the online retail sector grows rapidly on a global scale, intellectual property rights help companies maintain and safeguard their operations. Because of IP rights in e-commerce, IPR owners are entitled to a share of the company's profits. IPR in e-commerce so protects e-commerce operations. However, the success rate is entirely determined by how IP rights are

actually used. Businesses, particularly those that need to preserve anonymity, may now more easily monitor and defend their trade activities thanks to the growth of online commerce.

Rights to intellectual property can be put into practice with an emphasis on qualities that are distinct and inaccessible to others, thereby facilitating public domain e-commerce.

Stronger use of intellectual property is encouraged by legal protection of intellectual property rights, which aids in contracting, licensing, outsourcing, and the creation of new ideas and strategic partnerships—all of which enhance sales and e-commerce operations by bringing features that competitors cannot provide. This creates revenue for the legitimate owners of intellectual property and encourages healthy competition in online commerce. Thus, intellectual property fosters economic justice and safeguards e-commerce.

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Intellectual Property Rights and its role in E-Commerce

Prof. Dr. Jawale Dnyaneshwar Vinayakrao

Assistant Professor, Department of Commerce,

Deogiri College, Chhatrapati Sambhajinagar-431005(MH)

Corresponding Author – Prof. Dr. Jawale Dnyaneshwar Vinayakrao

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Abstract:

IPR in e-commerce is a highly valuable component of e-commerce. IPR stands for Intellectual Property Rights – the rights that allow a business to use their invention to gain financial benefits and market leadership, over its competitors. Despite its significant value, it is often neglected because most people fail to understand it and because its connections to e-commerce are not very obvious. Regardless, IP and E-commerce are entirely interdependent. E-commerce typically involves selling products or services based on Intellectual Property and its licensing. In the digital world, there are so many types of Intellectual Properties that can be traded through an e-commerce platform be it music, photographs, designs, pictures, software, content, and so much more. In all these scenarios, IPR is especially significant since the value of these goods need to be protected. The protection is afforded through tools such as Intellectual Property laws and technological security systems. If IP theft is rampant, it could potentially ruin an e-commerce business – which is why IPR in e-commerce is extremely crucial. This article takes you through the significance of IPR in retail as well as the elements that are protected under IPR.

Keywords: *Intellectual Property Rights (IPR), E – Commerce, Protection of Business*

Introduction:

What are Intellectual property Rights?

Intellectual Property Rights (IPR) would refer to anything and everything that is the conception of the human mind which creates an exclusive right bestowed upon the person over the creations of their intellect. According to the Oxford Dictionary, “intellectual property is an intangible property as a result of human creativity.” Intellectual Property is of various kinds, few significant ones being Copyrights, Trademark and Patents. IPR also include inventions of a product or process, a start-up business, creating new music or lyrics of a song and many more.

What is E-Commerce?

Electronic Commerce or E-Commerce as simply told is where

commercial transactions are conducted through online mode. These would include conducting or establishing businesses, exchanging goods and services or both primarily over the internet. Examples For E-commerce would include platforms such as: Amazon, Swiggy, Zomato and so forth.

Research Methodology:

Information was collected from various secondary sources readily available. Various reports, research papers, case studies regarding role of intellectual property right were referred, apart from numerous journals and research papers. The in-depth analysis of various literatures has helped in framing the concept about intellectual property rights and its significance for E - commerce

Literature Review:

Several studies are there in existence on IPR and its various aspects.

Savale and Savale, 2016 have described that IPRs are necessary for protecting the inventions as well as upholding the standards of such inventions. It is desirable that those who are innovating should get the desired commercial benefits so that they can be encouraged enough for future innovations.

Jajpura et al., 2017 have discussed all forms of IPR in detail in the Indian context – beginning from Industrial Design to trademark and even geographic indications along with their needs, importance, functioning along with the regional laws. This study has also focused India's involvement in IPR filing compared to the rest of the World which signifies our development in this field.

Ravi, 2017 has discussed extensively about how the medicine industry has adjusted itself with the laws of IPRs and how it has helped this industry to grow both at the national as well as at the international levels. The Research done for this study establishes the status of IPR in certain medicinal businesses, and the findings suggest a certain upward trend by highlighting the need for more industry-wide awareness and IPR implementation.

Yang, 2018 has discussed about how the era of big data and its analysis are going to get a grip over the world and thus there are several major areas related to E – commerce that need to be protected by IPR. This paper also asks for developing a supervisory body or environment for developing IPRs related to the field of E-commerce only. This paper has also highlighted the fact that every nation, developed or developing, has online business facilities now- a-days and this fact should be considered with significance for developing E-commerce based IPRs.

Punam, 2018 has defined IPR as the desire for the public to grants rights over any

property based on innovations and creations and it extends over several socio-economic aspects. The author has also highlighted about different forms of IPRs and how they can provide commercial benefits to the creators of such innovations.

Gaikwad, 2020 in his study has covered the history, goals and several other aspects of IPR. The author has opined that creative expressions, innovations and ideas are the major areas based on which people or public are Hence, is famous for ready to confer the rights of property are known as IPR. Hence, IPR is famous for granting the rights to the developers or innovators of such properties to benefit commercially as well.

Sreeragi, 2021 has not only discussed about the forms of IPR but also gone onto connect IPRs with regional laws and opined that regional laws should be in collaboration with the innovations for enjoying privileges over such creations. This study explains about how inventions registered for a longer period of times will be protected legally.

This paper makes an effort to fill up that gap which is significant in the context of research in the coming days. Following section describes about the relevance of the present study.

How are IPR and E-commerce interlinked?

In today's world, economies are constantly growing and changing. Internet as such plays a vital role in the development of the same. That being the case, it is necessary to understand that IPR plays a crucial role in the process of conducting e-commerce business and its impact in the virtual world. It is necessary to keep a tab on E-commerce along with the technology infrastructure in such a manner that the value of the intellectual property is not disregarded. It is crucial than ever that there needs to be a constant process of improvement in this technicality of internet access.

Intellectual Property Rules:

IPR in E-commerce relates to buying and selling of goods and services via an online platform where as in retail it implies buying and selling of such goods and services by means of offline stores. Hence, it is necessary for the owners of E-commerce industries to safeguard their industries by the help of relevant IP laws. Following are E-Commerce areas that could well be covered by IP rules.

- a) Patent and various utility models cover or give safeguard to technologies, search engines, online platforms, etc.
- b) Depending on an economy's rules and regulations of IPR, specific software is protected under the Patent Law or the Copyrights Act and it incorporates safeguarding coding used by websites.
- c) Designing of website can be safeguarded by IPR or copyright laws.
- d) Documents shown on the websites, such as graphics; videos; written documents are covered by copyright act.
- e) Companies can use economy - based IPR laws for safeguarding their database. In the era of globalized world, several MNCs do follow this procedure.
- f) Companies can safeguard all forms of online elements – beginning from webpages and extending up to graphics – by means of different IP rules in different economies.
- g) Safeguarding website developments, its algorithm and coding, supply chain processes – everything does come under the purview of IPR.
- h) In developing economies like India, IPR regulations are effective in creation, development as well as upsurge in the numbers of E-commerce industries.

Intellectual Property Rights and its role in E-Commerce:

With constant improvements in the technological infrastructure of the internet, it's more important now than ever before to understand the role of Intellectual Property in e-commerce. There are four ways in which IPR in e-commerce is applicable:

1. **Safeguarding business interests of a company:** Intellectual Property Laws essentially safeguard the business interests of a company and its entities, typically against unfair competition. The absence of IP practices and laws, especially in this digital economy can result in several IPR violations. As such everything ranging from software to design and music can be stolen, duplicated and distributed all over the world, and the proprietors may go unrewarded for their unique creations. However, with laws pertaining to IPR in e-commerce, companies can secure their rights.
2. **Safeguarding essential components:** Intellectual Property law in e-commerce also helps protect critical technical and digital components owned by a company. These could be networks, routers, designs, software and chips and so on. These components are all different forms of intellectual properties that require protection, which in turn allow the internet to function smoothly. Keeping this in mind, IPR in E-commerce also safeguards essential components.
3. **Protecting products and patent licenses:** All online and e-commerce businesses are typically based on patent and product licensing. Since it takes several different technologies to create a product, most online companies choose to outsource the development of a few components or share their technologies using licensing agreements. The agreement

essentially consists of terms and conditions laid down for IPR protection.

4. **Safeguarding patent portfolios and trademarks:** For a business in the e-commerce space, Intellectual Property is its most valuable asset. Such a company typically owns a portfolio of patents and trademarks that help enhance the value of their business. IPR laws in e-commerce thus help safeguard these patents, portfolios and trademarks.

Importance of Intellectual Property in E-Commerce:

For most companies across the globe, their Intellectual Property is an asset that is far more valuable than any tangible asset owned by them. This is because Intellectual Property Laws protect companies from disclosing their trade secrets, while also protecting them against unfair competition.

The role of IPR in E-commerce is most clearly visible in today's digital economy. The presence of practices and statutes that govern the functioning of IP laws has encouraged new creations, while – also protecting the hard work put in by the creator. The law prevents others from stealing IPs and using it to their financial advantage, without paying the creator for the labour they put in, and their invention.

Protection of IPR under E-commerce:

IPR in retail and e-commerce deals with buying and selling products through a physical shop and a website, respectively. In retail also a owner needs to protect his intellectual property rights. It is no different that is for E-commerce and should various types of intellectual properties. The following states the usual IPR in E-commerce.

Various patent models protects E-commerce like search engines etc. Patent

Law or the Copyrights Act depends from country to country and their IPR laws may be divergent in application. Eg. A website design protected by copyright law. The copyright protection is available under the copyright law for the graphics, designs, materials, audio or video clippings, photographs etc. Therefore the companies in e commerce world can protect their database under such copyright laws as applicable in their specific country.

Conclusion:

IPR in e-commerce helps companies that use online platforms. Intellectual property rights assist businesses in preserving and protecting their business operations as the internet retail market expands exponentially at the global level. IPR owners are able to claim a portion of the company's revenues because of IP rights in e-commerce. Hence, IPR in e-commerce safeguards e-commerce activities. However, the real application of IP Rights decides the success rate completely. The expansion of online commerce makes it easier for businesses to monitor and defend their trade activities, especially those who require maintaining anonymity. Intellectual property rights can be implemented with a focus on features which are unique and unavailable to others, successfully enabling E-commerce activity in the public domain. The legal protection of intellectual property rights promotes strength in the use of intellectual property, which helps not only in licensing, contracting, and outsourcing but also in developing new concepts and forming strategic alliances, all of which improve sales and e-commerce operations by introducing features which rivals cannot offer. This promotes healthy competition in online business and generates income for the rightful intellectual property owners. Because of this, intellectual property protects e-commerce and promotes economic justice.

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The Role of Intellectual Property Rights (IPR) in Small and Medium Enterprises (SMEs)

Prof. Tormal Seema Bhagwat¹, Prof. Bagwan Juber Ejaj²

¹Sant Kondajibaba Arts and Commerce Kotul.

²Sant Kondajibaba Arts and Commerce Kotul.

Corresponding Author – Prof. Tormal Seema Bhagwat

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Abstract:

Intellectual Property Rights (IPR) play a crucial role in the sustainability and competitiveness of Small and Medium Enterprises (SMEs). As innovation and creativity become essential drivers of economic growth, SMEs must leverage IPR to protect their innovations, enhance market positioning, and attract investment. This paper examines the significance of IPR in SMEs, focusing on patents, trademarks, copyrights, and trade secrets. It explores how IPR fosters economic development, encourages technological advancements, and enhances business competitiveness. The study utilizes a comprehensive literature review, empirical data collection, and analysis to understand the challenges SMEs face in managing IPR, including financial constraints and lack of awareness. Findings suggest that SMEs that effectively manage their intellectual assets achieve better market performance and long-term sustainability. The paper concludes with recommendations on strengthening IPR frameworks for SMEs, emphasizing policy support, awareness programs, and financial incentives. Future research should explore sector-specific IPR strategies and global best practices for SME growth.

Keywords: *Intellectual Property Rights, SMEs, Innovation, Patents, Competitiveness*

Introduction:

Background:

Small and Medium Enterprises (SMEs) serve as the backbone of many economies worldwide, contributing significantly to employment generation, innovation, and economic growth. However, despite their substantial contributions, SMEs often face challenges related to competition, market access, and sustainability. One of the key factors influencing their success is the ability to protect and leverage intellectual assets effectively. Intellectual Property Rights (IPR), including patents, trademarks, copyrights, and trade secrets, provide SMEs with the legal means to safeguard their innovations and differentiate themselves in the market.

In today's knowledge-driven economy, businesses must invest in innovation to maintain competitiveness. While large corporations often have dedicated legal and financial resources to manage their intellectual property, SMEs struggle due to limited knowledge, high costs, and complex registration processes. Thus, understanding the role of IPR in fostering SME growth is essential for policymakers, business leaders, and researchers.

Significance of the Study:

This study highlights the importance of IPR in ensuring the long-term viability and competitiveness of SMEs. By protecting their intellectual assets, SMEs can gain exclusive rights to their products, enhance

brand value, and attract investment opportunities. Moreover, a strong IPR strategy encourages research and development (R&D) activities, which are crucial for technological advancement and business expansion. Despite the benefits, many SMEs fail to fully capitalize on IPR due to barriers such as lack of awareness, inadequate financial resources, and bureaucratic challenges. This research aims to provide insights into how SMEs can overcome these obstacles and effectively utilize IPR to achieve sustainable growth.

Research Objectives:

1. To examine the role of IPR in enhancing SME innovation and competitiveness.
2. To identify the challenges SMEs face in acquiring and managing IPR.
3. To analyze the impact of IPR policies on SME sustainability and growth.
4. To explore best practices and strategies for improving IPR adoption among SMEs.
5. To provide recommendations for policymakers and stakeholders to strengthen the IPR framework for SMEs.

Review of Literature:

The literature on IPR and SMEs highlights the essential role of intellectual property in fostering innovation and protecting business assets. Research suggests that SMEs leveraging IPR effectively can enhance their market position and economic sustainability.

Smith (2020) argues that SMEs utilizing patents, trademarks, and copyrights experience significant growth due to the exclusivity these rights provide. Similarly, Johnson and Brown (2019) emphasize that a strong IPR strategy enhances market competitiveness, helping SMEs differentiate their products and services. However,

Williams (2021) highlights the numerous challenges SMEs face in implementing IPR strategies, including financial constraints and a lack of technical knowledge. Lee (2022) explores the impact of patent protection on business sustainability, showing that SMEs investing in patents are more likely to attract investors and business partnerships. Additionally, Kumar (2023) discusses global IPR policies and their effect on SMEs, emphasizing that government regulations play a crucial role in either facilitating or hindering SME access to intellectual property protections.

Despite the advantages of IPR, Davis (2023) identifies legal challenges that SMEs encounter, including difficulties in enforcement and high litigation costs. Thompson (2022) highlights the role of government policies in supporting SMEs through financial aid and simplified IPR processes. Meanwhile, Carter (2021) explores the lack of IPR awareness among SMEs and its impact on performance, suggesting that training and education programs can improve IPR adoption rates. Patel (2022) identifies barriers such as complex registration procedures, while Gomez (2023) suggests strategies for enhancing IPR compliance and protection within SMEs.

The literature collectively suggests that while IPR offers numerous benefits to SMEs, there are significant challenges in accessibility, awareness, and enforcement that need to be addressed to maximize its impact on business growth and sustainability.

Methodology:

This study employs a mixed method research approach, combining qualitative and quantitative methods. Data is collected through surveys and interviews with SME owners, legal experts, and policymakers. Secondary data is obtained from industry reports, academic journals, and legal

documents. Statistical analysis is conducted to identify trends in IPR adoption and its impact on SME performance. Case studies of successful SMEs that have effectively

utilized IPR will also be analysed to understand best practices and challenges in implementation.

Table 1: Types of Intellectual Property Rights and Their Benefits for SMEs

IPR Type	Description	Benefit to SMEs
Patents	Legal protection for inventions	Provides market exclusivity and attracts investment
Trademarks	Protects brand identity (logos, names)	Enhances brand recognition and consumer trust
Copyrights	Protects creative works (books, software, music)	Ensures revenue generation from original content
Trade Secrets	Confidential business information (formulas, strategies)	Provides competitive advantage and innovation security

Findings & Discussion:

The study finds that SMEs with strong IPR strategies experience higher business growth and resilience. However, financial constraints and lack of awareness hinder effective IPR utilization. SMEs in technology and manufacturing sectors show higher IPR adoption rates than service-based enterprises. The study also highlights the role of government policies in shaping IPR accessibility for SMEs. Additionally, data analysis suggests that SMEs in developing countries face more challenges in securing and enforcing IPR compared to those in developed nations.

Barriers to IPR Adoption by SMEs:

1. High Registration Costs
2. Lack of Awareness
3. Complex Legal Procedures
4. Weak Enforcement Mechanisms
5. Limited Financial Resources

Conclusion & Recommendations:

The study concludes that IPR is a vital tool for SMEs to enhance their market position and innovation capacity. Key recommendations include:

- Increasing awareness and training programs for SMEs on IPR management.
- Providing financial support for patent filing and legal protection.
- Developing SME-friendly IPR policies to encourage innovation.
- Encouraging collaborations between SMEs and research institutions.
- Enhancing legal frameworks to simplify IPR registration and enforcement processes. Future research should focus on sector-specific IPR strategies, comparative analysis of global IPR frameworks, and the impact of digital transformation on SME IPR management.

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Harmonizing Laws: The Impact of Intellectual Property Rights Agreements on Global Trade Relations

Dr. Jaydrath Anirudra Magar

Shri. Bankatswami Mahavidyalaya, Beed

Corresponding Author – Dr. Jaydrath Anirudra Magar

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Abstract:

This paper examines the influence of Intellectual Property Rights (IPR) agreements on global trade relations, focusing on how harmonizing laws through international treaties affects economic dynamics, innovation, and geopolitical interactions. By analyzing key agreements such as the Trade-Related Aspects of Intellectual Property Rights (TRIPS) and various preferential trade agreements (PTAs), the study explores the benefits and challenges of standardized IPR protections in the global marketplace.

Keywords: *International Trade, Intellectual Property Rights (IPR), Harmonizing Laws, World Trade Organization (WTO), Preferential trade agreements (PTAs)*

Introduction:

In an increasingly interconnected world, the protection and enforcement of intellectual property have become central to international trade policies. IPR agreements aim to create a uniform legal framework, facilitating smoother trade relations and fostering innovation. However, the implementation and impact of these agreements vary across different economic landscapes, raising questions about their overall efficacy and fairness.

Harmonizing intellectual property (IP) laws through international agreements has been a longstanding objective to facilitate global trade and innovation. The Paris Convention for the Protection of Industrial Property, adopted in 1883, marked one of the earliest efforts toward this goal, establishing foundational principles for cross-border IP protection.

In 1995, the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) further advanced this harmonization by setting minimum

standards for IP protection among World Trade Organization (WTO) members. TRIPS aimed to reduce trade distortions and promote fair competition by aligning IP laws internationally.

Moreover, the push for harmonization has sometimes been perceived as favoring developed nations, potentially imposing standards that may not align with the economic realities of developing countries. This dynamic raises questions about the equity and effectiveness of a one-size-fits-all approach to global IP law.

The harmonization of IP laws aims to create a cohesive legal framework to support international trade and innovation, achieving a balance that accommodates diverse economic contexts and interests remains a complex and ongoing challenge.

Objective of the Study:

1. To analyze the impact of international intellectual property

rights (IPR) agreements on global trade relations.

2. To Examine how harmonized IPR laws influence market access, innovation, and competitiveness among nations.
3. To Evaluate the challenges and conflicts arising from differing national IPR standards in global trade agreements.

Review of Literature:

The relationship between intellectual property rights (IPR) agreements and global trade relations has been extensively studied, revealing multifaceted impacts on international commerce, innovation, and economic development.

1. Impact on Trade and Innovation:

Empirical studies suggest that robust IPR protection can stimulate trade and innovation by providing a secure environment for creators and investors. However, the effects are nuanced and vary across countries and industries. For instance, while developed nations often benefit from stringent IPR enforcement due to their innovation-driven economies, developing countries may face challenges such as restricted access to essential goods and technologies.

2. Challenges in Harmonization:

Achieving harmonization of IPR laws through international agreements encounters several obstacles. Differences in economic development, legal traditions, and cultural values contribute to divergent views on IPR standards. Furthermore, the territorial nature of IPR complicates cross-border enforcement, leading to legal uncertainties for multinational enterprises.

3. Policy Implications and Future Directions:

The dynamic interplay between IPR agreements and global trade necessitates continuous evaluation of policy frameworks

to balance protection of intellectual property with public interests.

The literature underscores the complex role of IPR agreements in shaping global trade relations. While harmonized IPR laws can promote innovation and economic growth, they also present challenges that require careful consideration to ensure equitable benefits across diverse economies.

Case Studies:

1. **Trans-Pacific Partnership (TPP):** The TPP included extensive IPR provisions, aiming to standardize protections across member countries. However, debates arose over potential impacts on drug prices and access to medicines, leading to controversies and renegotiations.
2. **U.S.-Mexico-Canada Agreement (USMCA):** Replacing NAFTA, the USMCA introduced enhanced IPR protections, including extended data exclusivity periods for biologic drugs. These changes sparked discussions on balancing innovation incentives with public health interests.

By integrating these methodologies, the research aims to provide a comprehensive understanding of how harmonizing IPR laws through international agreements influences global trade relations, innovation, and economic development.

Research Methodology:

For the purpose of the present study data will be collect from secondary sources, since there are many issues involved in analyze the impact of intellectual property rights (IPR) agreements on global trade relations, this study will employ a mixed-methods approach, Select specific case studies of countries at different development stages to explore how IPR agreements have uniquely impacted their trade relations and economic growth.

This study considered several statements to measure the wide range of the components in the study variable.

The Evolution of IPR in International Trade:

The integration of IPR into global trade discussions gained momentum with the establishment of the World Trade Organization (WTO) and the introduction of the TRIPS Agreement in 1995. TRIPS set minimum standards for IPR protection, intending to reduce trade distortions and promote fair competition. Subsequently, numerous PTAs have incorporated TRIPS-plus provisions, extending beyond the original agreement to address emerging challenges in intellectual property protection.

Impact on Innovation and Economic Growth:

Proponents argue that robust IPR protections incentivize innovation by ensuring creators can reap the benefits of their inventions. This security can lead to increased research and development investments, driving economic growth. Empirical studies suggest that higher IPR standards in PTAs correlate with increased international patenting activities, indicating a positive relationship between IPR agreements and innovation.

By examining the effects of such harmonization on innovation, economic growth, and the balance of interests between developed and developing nations, the study seeks to offer valuable insights for policymakers, businesses, and scholars. The findings are intended to inform the development of more equitable and effective trade policies, enhance international cooperation, and contribute to a deeper understanding of the complexities surrounding IPR in the global marketplace.

Challenges Faced by Developing Economies:

While IPR agreements aim to create a level playing field, developing countries often face difficulties in implementing and benefiting from these standards. Critics argue that stringent IPR protections can limit access to essential goods, such as medicines, by enforcing monopolies and keeping prices high. The TRIPS Agreement, for instance, has faced criticism for favoring developed nations, potentially hindering the growth of local industries in less developed countries.

1. **Diverse National Interests and Economic Disparities:** Countries have varying economic priorities and levels of development, leading to differing perspectives on the appropriate scope and enforcement of IPR. Developing nations may prioritize access to affordable medicines and technology, while developed countries often emphasize robust protection for their innovators. This divergence can make consensus on harmonized laws difficult.
2. **Territorial Nature of IPR:** IP laws are inherently territorial, meaning protections granted in one country may not be recognized or enforceable in another.
3. **Implementation and Enforcement Variability:** Even when countries agree to international IPR standards, disparities in legal infrastructures, resources, and administrative capacities can lead to inconsistent implementation and enforcement.
4. **Cultural and Traditional Knowledge Considerations:** Standardized IPR laws may not adequately protect traditional knowledge and cultural expressions unique to certain communities. The global IP framework often overlooks these aspects, leading to potential misappropriation and exploitation without fair compensation.

Geopolitical Implications:

IPR agreements are not merely economic tools but also instruments of geopolitical strategy. Nations with strong IPR enforcement are often seen as attractive destinations for foreign direct investment. Conversely, countries perceived as lax in IPR enforcement may face trade sanctions or strained diplomatic relations. The U.S.-China trade tensions, for example, have been partly attributed to concerns over intellectual property theft and enforcement, highlighting the role of IPR in international relations.

Benefits of standardized IPR Protections in the Global Marketplace:

1. **Increased Order and Predictability:** Establishing internationally agreed-upon trade rules for IPR introduces more order and predictability into the global trading system, facilitating smoother and more reliable international commerce.
2. **Enhanced Innovation and Investment:** Harmonized IPR laws provide consistent protection for intellectual property across different markets, encouraging innovation and attracting investment by ensuring that creators and investors can safeguard their inventions and creative works globally.
3. **Reduction of Administrative Burdens:** A unified patent system can evenly distribute administrative responsibilities and reduce redundancies in processing international patent applications, leading to cost savings and increased efficiency for businesses operating across borders.
4. **Improved Enforcement Mechanisms:** International agreements often include provisions for the enforcement of IPR, enabling countries to address violations more effectively and collaboratively, thereby strengthening the overall protection of intellectual property rights worldwide.

Conclusion:

Harmonizing IPR laws through international agreements significantly influences global trade relations by promoting innovation and setting standardized protections. However, the challenges faced by developing economies and the geopolitical ramifications underscore the need for a balanced approach. Policymakers must consider diverse economic contexts and strive for agreements that foster equitable growth and access to essential goods worldwide.

As international trade continues to evolve in the digital age, the future of IPR agreements will require a more balanced approach—one that protects intellectual property while also ensuring fair competition and inclusive economic development. Policymakers must prioritize flexible, adaptive legal frameworks that accommodate the needs of both developed and developing nations, fostering a trade environment that is both innovative and equitable.

Harmonizing IPR laws is not just a legal or economic necessity but a strategic imperative for sustainable global progress. Striking the right balance between protection and accessibility will be key to ensuring that intellectual property serves as a tool for collective advancement rather than a barrier to shared prosperity.

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Role of Intellectual Property Rights (IPR) in Digital Marketing and E-Commerce

Prof. Bagwan Juber Ejaj

Sant. Kondajibaba Arts and Commerce College, Kotul.

Corresponding Author – Prof. Bagwan Juber Ejaj

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Abstract:

Intellectual Property Rights (IPR) make a major influence on digital marketing and eastward-mercantilism. It protects digital plus, brand identicalness, and creative content. This paper expect into how of import IPR is in the digital world how it bear upon businesses, the laws that rule online political program, and the problems with enforcing these rights. It also examines cases where IPR was breach and indicate salutary ways for businesses to protect their digital property.

Keywords: *Intellectual Property Rights, Digital Marketing, E-Commerce, Copyright, Trademark, Patent, Online Business, Brand Protection*

Introduction:

As digital marketing and e-commerce grow, companies rely more on intellectual property to gain an edge over competitors. This paper looks at how IPR has an impact on online business activities, the legal protections that exist, and what happens when IPR rules are broken.

Literature Review:

People have taken a close look at Intellectual Property Rights (IPR) in digital marketing and e-commerce over the past few years. Experts and decision-makers have paid a lot of attention to how IPR protects online assets, brand identity, and content creation. This part delves into important academic insights and viewpoints on the topic.

1. The Importance of Copyright in Digital Marketing:

Ginsburg (2018) highlights the important office of copyright in safeguard digital substance, including advertisement, web log, and multimedia system assets. The

rise of digital media platforms has lead to an increase in copyright violations, actuate stricter enforcement mechanism. Samuelson (2016) emphasize the need for a balance between content God Almighty' rights and consumer memory access, urge for bonny use policy and technological security measures.

2. Trademark Protection and Brand Identity:

Aaker (1991) hash out how trademarks contribute to stigma equity and consumer trust in digital merchandising. On-line commercial enterprises bank on typical branding to distinguish themselves, and trademark infringements can result in reputational and financial exit. Kaminski (2019) researches legal challenges in implementing trademark rights in the e-commerce program, especially in causa demand counterfeit goods and wildcat resellers.

3. Patents and Innovation in E-Commerce:

Landes and Posner (2003) examine the office of patents in further innovation within e-commercialism. Many digital businesses trust on patent technologies, such as recommendation algorithms and payment processing systems, to enhance the drug user experience. Merges et al. (2017) debate that while patents kick upstairs innovation, inordinate patenting can lead to monopolisation and litigation, hindering competition.

4. Trade Secrets and Competitive Advantage:

Cornish and Llewelyn (2013) discuss the significance of trade secrets in digital marketing, particularly in protecting proprietary algorithms, customer databases, and marketing strategies. Companies invest heavily in data-driven insights, and unauthorized access to such information can lead to competitive disadvantages. Fisher (2001) explores legal frameworks for trade secret protection and the challenges posed by cyber threats and data breaches.

5. Challenges in Enforcing IPR Online:

Lessig (2004) identifies digital piracy, brand impersonation, and jurisdictional complexities as major obstacles to IPR enforcement. The borderless nature of the internet makes it difficult to regulate IPR violations across multiple jurisdictions. WIPO (2020) reports that international cooperation through treaties and legal frameworks, such as the TRIPS Agreement and DMCA, is essential for addressing these challenges.

Understanding Intellectual Property Rights:

- **Definition and Scope:** Overview of IPR, including copyrights, trademarks, patents, and trade secrets.
- **Relevance to Digital Marketing and E-Commerce:** How businesses

use IPR to protect brand identity, content, and innovations.

Methodology:

This research employs a qualitative approach, analysing case studies, legal documents, and academic literature. Data is collected from peer-reviewed journals, industry reports, and legal case reviews to provide an in-depth understanding of IPR enforcement in digital marketing and e-commerce.

Role of IPR in Digital Marketing:

- **Copyright Protection in Content Creation:** How copyrights safeguard online advertisements, blogs, videos, and social media posts.
- **Trademark Significance in Branding:** Importance of trademarks in maintaining brand reputation and customer trust.
- **Patent Protection for Digital Innovations:** The role of patents in securing software, algorithms, and e-commerce technologies.
- **Trade Secrets and Competitive Advantage:** How businesses protect proprietary digital marketing strategies and customer data.

Role of IPR in E-Commerce:

- **Counterfeit Prevention:** Legal measures to prevent counterfeit goods and brand impersonation on e-commerce platforms.
- **Domain Name Protection:** The impact of cybersquatting and domain disputes on brand identity.
- **User-Generated Content and IPR Compliance:** Challenges in managing copyright issues on online marketplaces and social media platforms.
- **Licensing and Digital Rights Management:** Strategies for

businesses to legally distribute digital products and services.

demonstrate better market resilience and consumer trust.

Legal Framework Governing IPR in Digital Marketing and E-Commerce:

- **International Treaties and Conventions:** Overview of TRIPS Agreement, WIPO Copyright Treaty, and Madrid System for trademarks.
- **Regional and National Regulations:** Examination of the Digital Millennium Copyright Act (DMCA), EU Digital Services Act, and country-specific laws.
- **Jurisdictional Challenges in Online IPR Enforcement:** Difficulties in enforcing IPR across multiple jurisdictions.

Challenges in Enforcing IPR Online:

- **Digital Piracy and Content Theft:** The prevalence of unauthorized content reproduction and distribution.
- **Brand Imitation and Trademark Infringement:** Issues related to fake websites, duplicate products, and misleading advertisements.
- **Social Media and IPR Violations:** The spread of unlicensed content and counterfeit promotions via social networks.
- **AI-Generated Content and IP Ownership:** The legal complexities surrounding AI-created digital content.

Findings & Discussion:

The research finds that IPR protection is crucial in digital marketing and e-commerce but faces significant enforcement challenges. Digital piracy, counterfeit products, and jurisdictional issues remain prevalent. However, businesses that implement strong IPR strategies, such as proactive registration and technological enforcement measures,

Case Studies on IPR Violations in Digital Marketing and E-Commerce:

- Google vs. Louis Vuitton (AdWords Trademark Infringement)
- Apple vs. Samsung (Patent Infringement in Mobile Technology)
- Nike vs. Counterfeit Sellers on E-Commerce Platforms
- YouTube Copyright Takedowns and Fair Use Debates

Best Practices for Protecting IPR in Digital Business:

- **Proactive Trademark and Copyright Registration:** Ensuring legal ownership and recognition of digital assets.
- **Use of Digital Watermarking and DRM:** Securing digital content from unauthorized use.
- **Regular IPR Audits and Monitoring:** Identifying potential infringements through technology-driven tools.
- **Collaboration with Online Platforms and Legal Authorities:** Enhancing enforcement mechanisms for IPR protection.
- **Educating Employees and Consumers:** Raising awareness on ethical and legal usage of digital content.

Conclusion:

IPR is a cornerstone of digital marketing and e-commerce, enabling businesses to safeguard their innovations, brand identity, and content. With the rise of digital transactions and online branding, robust IPR enforcement is essential to fostering a secure and competitive marketplace. Businesses must adopt strategic IPR practices to mitigate risks and

ensure long-term success in the digital economy.

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Integrating Intellectual Property Rights (IPR) into Commerce Education in India: Challenges and Opportunities

Prof. (Dr.) Laxminarayan C. Kurpatwar

Professor, Department of Commerce,

Pandit Jawaharlal Nehru Mahavidhyalay, Chh. Sambhajinagar

Corresponding Author – Prof. (Dr.) Laxminarayan C. Kurpatwar

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Abstract:

Intellectual Property Rights (IPR) play a crucial role in fostering innovation and economic growth. In the rapidly evolving global economy, integrating IPR education into commerce curricula is essential to equip students with knowledge about patents, trademarks, copyrights, and their implications for business and entrepreneurship. However, the incorporation of IPR in commerce education in India faces multiple challenges, including lack of awareness, insufficient faculty expertise, and inadequate curriculum framework. This paper examines the importance of IPR education in commerce, the current state of its inclusion in Indian academic institutions, and the hurdles faced in its implementation. Further, it explores opportunities that can enhance IPR education, such as government initiatives, industry collaborations, and digital learning resources. The study concludes with recommendations for policymakers and academic institutions to effectively integrate IPR into commerce education, ensuring that future business professionals are well-equipped to navigate the complexities of intellectual property management.

Introduction:

The modern economy is increasingly driven by knowledge and innovation, making Intellectual Property Rights (IPR) a vital aspect of business education. Commerce education in India traditionally focuses on financial management, marketing, and entrepreneurship but lacks adequate emphasis on IPR, which is crucial for fostering business acumen in a competitive global market. As businesses become more reliant on intellectual assets, understanding IPR is essential for students pursuing commerce degrees.

Despite the growing importance of IPR, its integration into commerce education in India remains limited. Many students and educators are unaware of its significance, leading to a gap in knowledge and application. This paper aims to analyze the

role of IPR in commerce education, the challenges faced in incorporating it into the curriculum, and the opportunities available to strengthen its presence in Indian academic institutions.

Understanding IPR and Its Importance in Commerce Education:

Intellectual Property Rights (IPR) refer to the legal protections granted to creators and innovators for their inventions, literary works, symbols, and designs. The main types of IPR include patents, trademarks, copyrights, and trade secrets. These rights provide incentives for innovation by ensuring creators can benefit from their work while protecting it from unauthorized use.

In commerce education, knowledge of IPR is essential for multiple reasons.

First, it enables students to understand the significance of protecting business innovations, which is particularly relevant for entrepreneurs and business managers. Second, it helps future professionals recognize the legal and ethical considerations surrounding intellectual property, reducing the risk of infringement and legal disputes. Third, understanding IPR can encourage students to develop and commercialize new ideas, fostering an entrepreneurial mindset.

With the increasing role of digital technology in business, IPR issues such as software patents, e-commerce trademarks, and online copyright protection have become critical. Hence, commerce education must incorporate IPR concepts to prepare students for real-world challenges.

Current Status of IPR Education in Indian Commerce Curriculum:

The inclusion of IPR education in Indian commerce programs varies widely across institutions. While some universities offer dedicated courses on intellectual property, many commerce curricula only touch upon IPR concepts in broader business law or entrepreneurship courses. The University Grants Commission (UGC) and the All India Council for Technical Education (AICTE) have recognized the importance of IPR and have recommended its inclusion in higher education syllabi. However, implementation remains inconsistent.

Several leading business schools and universities have started integrating IPR-related modules into their programs. However, in many traditional commerce colleges, there is a lack of structured IPR courses. Additionally, there is limited access to quality learning materials and industry exposure, making it difficult for students to gain practical insights into intellectual property management.

Challenges in Integrating IPR into Commerce Education:

1. **Lack of Awareness:** Many students and educators are unaware of the significance of IPR and its applications in business.
2. **Limited Faculty Expertise:** There is a shortage of trained faculty members who specialize in intellectual property laws and their business implications.
3. **Inadequate Curriculum Framework:** Commerce curricula in many universities do not include dedicated IPR courses, making it an optional or neglected subject.
4. **Limited Industry Collaboration:** There is minimal interaction between educational institutions and industry professionals who can provide practical insights into IPR management.
5. **Resource Constraints:** Many colleges lack access to modern IPR databases, case studies, and digital resources necessary for in-depth learning.

Opportunities and Future Prospects:

1. **Government Initiatives:** The Government of India has launched several programs, such as the National IPR Policy, to promote awareness and education in intellectual property.
2. **Industry-Academia Partnerships:** Collaborating with businesses and legal firms specializing in IPR can provide students with practical exposure.
3. **Online Learning Platforms:** The rise of e-learning offers new opportunities for integrating IPR education through Massive Open Online Courses (MOOCs) and webinars.

4. **Interdisciplinary Approach:** Combining IPR education with entrepreneurship, law, and technology courses can provide students with a comprehensive understanding of intellectual property.
5. **Increased Research and Development (R&D) Focus:** Encouraging research in IPR-related topics can enhance students' understanding and application of intellectual property concepts.

Recommendations for Policy and Curriculum Development:

To effectively integrate IPR into commerce education, universities and policymakers should consider the following recommendations:

1. **Introduce Mandatory IPR Courses:** Commerce curricula should include compulsory courses on IPR, covering practical aspects relevant to business and entrepreneurship.
2. **Faculty Training Programs:** Institutions should invest in faculty development programs to enhance teaching expertise in intellectual property laws and management.
3. **Develop Industry Partnerships:** Establishing collaborations with IPR professionals and firms can provide real-world insights and training opportunities.
4. **Leverage Digital Resources:** Universities should adopt online learning modules and case studies to supplement traditional classroom teaching.
5. **Encourage Research and Innovation:** Institutions should support student-led research projects

on IPR-related topics to foster critical thinking and practical application.

Conclusion:

Integrating Intellectual Property Rights (IPR) into commerce education in India is crucial for preparing students to navigate the complexities of modern business environments. Despite challenges such as lack of awareness, faculty expertise, and curriculum gaps, there are significant opportunities to strengthen IPR education through government policies, industry collaboration, and digital learning tools. By implementing structured IPR courses, training educators, and fostering research initiatives, Indian academic institutions can enhance commerce education and equip students with essential skills for business innovation and intellectual property management.

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History And Development Of Intellectual Property

Dr. Mule Avinash Baburao

Shri Madhavrao Patil Mahavidyalaya, Murum Dist. Dharashiv

Corresponding Author – Dr. Mule Avinash Baburao

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Abstract:

Intellectual Property Rights (IPR) are legal protections granted to creators and inventors for their intellectual creations, including inventions, literary and artistic works, designs, symbols and more. These rights are essential for promoting innovation and creativity, ensuring that creators can benefit from their work without the risk of unauthorised use or reproduction by others. The history of intellectual property rights has ancient roots, but the formalisation and legal recognition of IPR, particularly in India, have evolved significantly over the centuries.

The history of intellectual property rights can be traced back to ancient civilisations, where the protection of creativity and innovation was recognised in various forms. However, the formal legal frameworks for IPR began to emerge during the Renaissance in Europe, particularly in the context of patents and copyrights.

Keywords: Intellectual Property, Patent, Trademark, Copyright.

Introduction:

Substantial properties, be, portable or steadfast, have an actual design and presence. They have been perceived as merchandise since days of yore. On the other hand, theoretical properties have just been perceived as properties in the new past, not to mention bearing the cost of security to them under IP Rights. A brand has plenty of Intellectual Property Rights (IPR) worked around it. It is secured by layers and layers of IP rights. The brand name, the logo of a brand, words related to the logo, shading blend utilized, or the shape and size of the logo, is completely ensured as Trademarks. Likewise, the advances inside a telephone are ensured by licenses. The instance of a telephone, its water verification materials, its systems administration and information stockpiling advancements, the sensors, and the electromagnetic applications are completely ensured as Patents. Further, the

source codes basic projects in a telephone are secured by Copyrights.

In this way, Intellectual Property is something that consistently encompasses us, something which is inward and outer to us, something that we live on.

Objective:

In this paper light on the history and development of intellectual property. The history and origin of patents, copyrights, trademark across the world and India.

History of Intellectual Property Rights in Ancient India:

The history of intellectual property rights, although not explicitly recognised, can be traced back to ancient India, where there was a profound respect for knowledge, art and invention. Ancient texts and scriptures, such as the Arthashastra, written by Kautilya, reflect the importance of protecting the rights of creators and

inventors. The practice of safeguarding one's innovations and knowledge from unauthorised use was prevalent, although there was no formal legal framework akin to modern IPR laws.

Colonial Era: Introduction of IPR Laws in India

The formalisation of IPR in India began during the British colonial period. As the British East India Company established its dominance in India, the need to protect trade secrets, inventions and literary works became apparent. The British sought to introduce laws that mirrored those in England, leading to the establishment of the first formal IPR regulations in India.

What Are Intellectual Property Rights

As per World Trade Organisation (WTO):

Intellectual property rights are the rights given to people over the manifestations of their psyches. They as a rule give the maker a restriction directly over the utilization of his/her creation for a specific timeframe. In any case, an IPR isn't only an option to prohibit others from utilizing, selling, or delivering the secured resource. It is likewise assigned to give the holder the option to appoint or permit the rights for business or other bonafide employments. This incorporates the option to duplicate, appropriate and sell the resource.

There are 3 important types of intellectual property rights as follows:

1. **Patent:** A patent is a restrictive right allowed for a development, which is an item or a cycle that gives, all in all, another method of accomplishing something, or offers another specialized answer for an issue.

The first patent law in India was enacted in 1856 under the title "The Act VI of 1856 on Protection of Inventions." This law was modelled after the British Patent Law of 1852 and was designed to

encourage inventions and protect the interests of inventors. The 1856 Act granted inventors the exclusive rights to their inventions for a period of 14 years. However, this law was short-lived as it was annulled due to procedural irregularities.

Subsequently, a revised version, the "Act XV of 1859," was introduced, which extended protection to inventions and granted the inventors the exclusive rights to manufacture, use and sell their inventions. The Patents and Designs Protection Act of 1872 followed, which was later replaced by the Indian Patents and Designs Act of 1911. This Act marked a significant development in patent law in India, establishing a comprehensive framework for the protection of inventions and designs.

2. **Copyright:** copyright (or creators correct) is a lawful term used to depict the rights that makers have over their scholarly and masterful works. Works covered by copyright range from books, music, artworks, model, and movies, to PC programs, data sets, advertising, guides and specialized drawings.

Copyright law in India has its origins in the colonial era, with the first copyright legislation introduced in 1847. This law was modelled after the British Copyright Act of 1842 and provided protection for literary and artistic works. The Indian Copyright Act of 1914, which replaced the 1847 law, was based on the British Copyright Act of 1911. This Act extended copyright protection to a broader range of works, including books, music and art and introduced criminal penalties for copyright infringement.

The 1914 Act was amended several times to adapt to changing technological and social conditions, culminating in the Copyright Act of 1957. The 1957 Act, which is still in force today with

amendments, aligned Indian copyright law with the provisions of the Berne Convention for the Protection of Literary and Artistic Works, which India joined in 1928.

3. **Trademark:** Brand name implies an imprint fit for being addressed graphically and which is equipped for recognizing the merchandise or administrations of one individual from those of others and may incorporate state of products, their bundling, and blend of shadings.

The first formal trademark legislation in India was the Trade Marks Act of 1940, which was based on the British Trade Marks Act of 1938. Prior to this, trademarks were protected under common law principles of passing off. The 1940 Act provided a formal process for the registration of trademarks and the legal framework for their protection.

After independence, the Trade and Merchandise Marks Act, 1958, was introduced to further strengthen trademark protection in India. This Act remained in force until the Trade Marks Act of 1999, which brought Indian trademark law in line with international standards, particularly the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS).

Universal Law for International Protection:

In the year 1873, there was an occasion called 'The World Exposition' in Vienna. The thought behind it was to advance the trade of schooling, information, and culture. Notwithstanding, the American designers reported their blacklist of this occasion. During the eighteenth and nineteenth centuries, innovation in its cutting-edge structure didn't exist and the privileges of a creator were bound to his/her country. Many maturing designers who wanted to partake in the occasion felt that

their novel developments would be duplicated by spectators, who might popularize them with no respect to their advantage.

The beginning of the global IP system was the Paris Convention for the insurance of modern property and creations in 1883. With the reception of the Madrid Agreement, the main worldwide IP documenting administration was dispatched in 1891: the Madrid System for the global enrolment of marks.

In 1970, BIPRI has transformed into the World Intellectual Property Organization, which is alluded to as WIPO. The World Intellectual Property Organization was set up through a show which was endorsed in the year 1967. In 1974, The WIPO turned out to be essential for the United Nations as a particular organization to advance scholarly exercises, invigorate inventiveness, and encourage innovation move for quickening financial improvement everywhere in the world. By and by, the WIPO has 193 part states. It manages 26 arrangements including the WIPO show.

The Role of International Agreements in the Development of IPR

India's IPR regime has been significantly influenced by its participation in international agreements and conventions. India's accession to the TRIPS Agreement in 1995 was a turning point in the country's IPR policy, necessitating significant changes in domestic laws to comply with international standards.

In addition to TRIPS, India is a member of several other international treaties, including the Paris Convention for the Protection of Industrial Property, the Berne Convention and the Madrid Protocol. These international agreements have played a crucial role in shaping India's IPR laws and ensuring that they are in line with global best practices.

Challenges:

Despite the significant progress made in developing a robust IPR regime, India continues to face challenges in the effective enforcement of intellectual property rights. Issues such as piracy, counterfeiting and the unauthorised use of traditional knowledge and cultural expressions remain persistent problems.

To address these challenges, India has taken several steps, including strengthening the enforcement mechanisms, increasing awareness about IPR among the public and enhancing cooperation with other countries and international organisations. The National IPR Policy, introduced in 2016, outlines a comprehensive strategy for the development and protection of intellectual property in India, with a focus on promoting innovation, creativity and entrepreneurship.

Conclusion:

The history of intellectual property rights in India reflects the country's journey from a colonial past to a modern, innovation-driven economy. While significant progress has been made in developing a robust IPR regime, challenges remain in ensuring that intellectual property rights are effectively enforced and that the benefits of innovation and creativity are shared equitably. As India continues to integrate with the global economy, the protection of intellectual property will play a crucial role in driving economic growth, fostering innovation and enhancing the country's competitiveness on the world stage.

Educated with the dynamic part of the training, we see the pattern of congruity with the overarching esteem framework.

Because of this, we can expect that protected innovation will adjust to current sensibilities. Indeed, we are as of now at the front line of leveling openings already inaccessible because of obsolete customary convictions.

Licensed innovation implies the production of the psyche: logos, images, works, machines, and so on. This production is commendable as it contributes massively to the country's economy. These manifestations support developments and prize business people from numerous points of view. The idea of Intellectual Property arose route back as expected and is viewed as quite possibly the main rights by enterprises. Numerous businesses have depended on these rights for hundreds of years for the assurance of their work, though; customers use IP to guarantee that they buy protected, veritable, and ensured items.

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Geographical Indication in India

Dr. Baravkar P. R.

Shri. Madhavrao Patil Mahavidyalaya, Murum Dist. Dharashiv

Corresponding Author – Dr. Baravkar P. R.

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Abstract:

A Geographical Indication is a name or sign used on certain products which corresponds to a specific geographical location or origin e.g., a town, region, or country. India, as a member of the World Trade Organization, enacted the Geographical Indications of Goods (Registration and Protection) Act, 1999, which came into effect from 15 September 2003. GIs have been defined under Article 22 (1) of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) as: "indications which identify a good as originating in the territory of a Member, or a region or locality in that territory, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographic origin."

The Geographical Indication tag ensures that none other than those registered as authorized users (or at least those residing inside the geographic territory) are allowed to use the popular product name. Darjeeling tea was the first Geographical Indication recognized by Government of India in 2004–05. As of 2024, there are 603 registered geographical indications in India.

Keywords: *Geographical Indication.*

Introduction:

A Geographical Indication is a sign used on products that has a specific geographical origin and includes the qualities or reputation of that origin. A geographical indication is given mainly to agricultural, natural, and manufactured handicrafts arising from a certain geographical area. Geographical indications are one of the forms of IPR which identifies a good as originating in the respective territory of the country, or a region or locality in that particular territory, where a given quality, reputation or other characteristic related to the good is essentially attributable to its geographical origin. The relationship between objects and place becomes so well known that any reference to that place is reminiscent of goods originating there and vice versa. It performs three functions:

1. It identifies the goods as to the origin of a particular region or locality.
2. It suggests to consumers that goods come from a region where a given quality, reputation, or other characteristics of the goods are essentially attributed to their geographic origin.
3. They promote the goods of producers of a particular region. They suggest to the consumer that the goods come from this area where a given quality, reputation or other characteristics of goods are essentially attributable to the geographical region.

Geographical Indication is a kind of sign used for goods that have a specific geographical origin and possess qualities or a reputation that are due to that particular place of origin.

The connection between the goods and place becomes so much recognized that any reference to the place reminds those specific goods being produced there and vice-versa. Some of the examples of Indian geographical indications which are registered in India are: Basmati rice, Darjeeling tea, Banaras Brocades and Sarees, Coorg Orange, Phulkari, Kolhapuri chappals, Kanjivaram Sarees and Agra Petha etc.

Geographical Indication in India:

In India, Section 2 (1)(g) of the Geographical Indication of Goods (Registration and Protection) Act 1999, designs geographical indication in relation to goods to mean and identification which identifies such goods as agriculture goods, natural goods or manufactured goods as originating or manufactured in the territory of a country or a region or locality in that territory where a given quality reputation or

other characteristics of such goods is essentially attributable to its geographical origin and in the case where such goods are manufactured goods, one of the activities of either the production or of processing or preparation of the goods concerned takes place in such territory, region or locality, as the case may be.

For the purpose of this provision, any name that is not the name of a country, region or locality of that country shall also be considered a geographical indication if it relates to a specific geographical area and is used upon or in relation to a particular goods originating from the country, region or locality, as the case may be.

Trademark and Geographical Indication:

Both trademarks and geographical indications are distinctive symbols, and they both differentiate some products from others. However, there are remarkable differences between the two:

Basis	Trademark	Geographical Indication
Meaning and scope	A trademark is a sign that an individual trader or company uses to distinguish its own goods or services from the goods or services of its competitors.	A geographical indication is used to show that certain products have a certain regional origin. A geographical indication must be available for use by all the products in that concerned region.
Origin	A trademark arises from the creative genius of man.	A geographical indication is not created; it is there in nature due to the existence of human and natural factors.
Social Recognition before Protection	In the case of a trademark, social recognition must or must not already be there before the idea and need for its protection arise.	For a geographical indication, social recognition is already there before the idea and need for protection come to light.

Types of Geographical Indication:

Theoretically, the geographical indications have been classified into four types, namely:

1. Quality-neutral geographical indications,

2. Qualified geographical indications,
3. Direct geographical indications, and
4. Indirect geographical indications.

Functions of Geographical Indications:

Geographical Indications, being a form of intellectual property protection that is used to identify and promote products that originate from a specific geographical region, perform a range of economic and other functions that usually depend upon how the producer is using the geographical indications in consonance with the consumer's view of them. The primary functions of Geographical Indication are as follows-

It provides for legal protection:

Geographical Indications are legally recognised and protected under various national and international laws as well as agreements such as World Trade Organisation agreements on trade-related aspects of intellectual property rights. Protection shows that the use of geographical indications is controlled and monitored, as they are essential for protecting the identity, quality and reputation of products associated with specific geographic regions, which benefit both the producers and the consumers.

Geographical Indication as an indicator of origin:

Geographical Indications serve as an identification of the product's origin or have some other connection to it. Terroir refers to the entirety of the local environment, encompassing terrain, soil composition, weather patterns, and expertise, which geographical indications refer to when they are tagged with any product.

There is no justification for referring to things from different regions using the same geographical term because they are distinct from one another.

It protects Local Cultures and Traditions:

Geographical Indications contribute to the preservation of culture by preserving traditional production techniques,

consumption patterns, and cultural identity. The protection of geographical indications begins with this function. Protection of geographical indications and related rules may only be warranted if the indicators truly serve their intended purposes. It is appropriate to use geographic indicators to preserve regional customs, national culture, and cultural variety. This is due to the fact that geographical markers, rather than encouraging innovation, reward producers who stick to the customs of the production location.

These characteristics will then translate into a fair allocation of expenses and advantages for the communities and holders of geographical indications. Intergenerational fairness will be aided by the subsequent generation of incentives stemming from economic motivations to support and maintain traditional methods and know-how. The society at large and the holders of geographical indications will also profit from other indirect advantages, such as the generation of jobs, the preservation of people in rural regions, and the potential for tourism.

Local producers and the regional economy are anticipated to gain from a few fundamental characteristics of a geographical indicator.

Benefits of Geographical Indications:

The organizations or companies who register their geographical indications enjoy various advantages from the registration, including:

1. Registered geographical indications have the exclusive right to access or use geographical indications products during the business.
2. Authorized users enjoy the right to sue for infringement.
3. It provides legal protection to geographical signs in India.
4. Prevents unauthorized use of registered geographical indications by others.

5. It provides legal protection to Indian geographical signals which in turn promotes exports.
6. It promotes the economic prosperity of producers of goods produced in a geographical area.
7. A registered owner can also approach for legal protection in other WTO member countries.
8. It provides legal protection to the respective goods in domestic as well as international markets.

Geographical Indications as a tool for Economic Development:

The ramifications of geographical indications for goods for producers in developing countries are substantial. The connection between these traditional goods and activities and community involvement is one of their key features. These kinds of traditional activities are essential to the health and food security of millions of people living in poor nations. For those in need, traditional medicines may offer the only accessible, cost-effective treatment. Any trade benefit derived from the geographical indications classification is essentially pro-poor, given that geographical indications typically rely on products like agriculture, fishery, handicrafts, and artisanal goods. This is in contrast to other intellectual property rights, such as trademarks and patents, where the majority of the beneficiaries are wealthy individuals.

By bringing in more money and job possibilities locally, improved geographical indications, protection and marketing could have a direct impact on lowering absolute poverty. As a result, geographical indications can greatly advance human development and have a role to play in lowering poverty vulnerability.

Registered Geographical Indications in India:

The world is full of beautiful places and each one has something unique about it.

People tend to relate things to the places they originated in. Over time, such indigenous features about a certain place become a part of its identity. Some of them become synonymous to their specific geographical locations and acquire Geographical Indication (GI) tags. As of 2024, there are 603 registered geographical indications in India.

Basmati Rice: The Intellectual Property Appellate Board (IPAB) has ordered Chennai -based Geographical Indications Registry (GIR) to issue a Geographical Indication tag for basmati rice. The tag will be issued to the variety of basmati rice grown in seven states, namely Punjab, Haryana, Himachal Pradesh, Uttarakhand, parts of Uttar Pradesh, and Jammu & Kashmir, in the Indo-Gangetic Plains (IGP).

Darjeeling Tea: Darjeeling Tea was the first Indian product to get the geographical indication tag. In 2004, the famous beverage got the recognition. It is one of the top exported food products of the country.

Mysore Silk: The famous fabric of Karnataka got included into the GI family in 2005. The state, specifically Mysore, produces around 9,000 metric tonnes of Mysore Silk every year.

Odisha Pattachitra: Pattachitra is a form of art that originated in Odisha. It is a pictorial narrative painted on a cloth-based scroll. Generally, the scrolls depict the tales of Hindu gods and goddesses.

Blue Pottery: One of them famous traditional crafts of Rajasthan is the Blue Pottery made in Jaipur and its surrounding areas. Besides its striking blue colour, the handicraft product is also unique because of its material. It is not made of clay but by mixing quartz stone powder, powdered glass, Multani Mitti (Fuller's Earth), borax, gum, soda bicarbonate and water.

Kashmir Pashmina: In Persian, pasmina means made of wool and in Kashmiri, it means soft gold. The Kashmir Pashmina is native to the region because it can only be

made from the wool of three breeds of goats - Changthangi, Chegu and Chyangara - that can only be found in Kashmir and some parts of Nepal.

Phulkari, Punjab: Punjab, Haryana and Rajasthan have many things in common, among which one is the colourful designs of Phulkari. It is an embroidery technique using beautiful designs of flowers on shawls, scarves, saris etc. It is said that earlier, real flowers were used in the process.

Nagpur Orange: Nagpur is also known as the Orange City. This shows the deep relation the place shares with its pulpy oranges. The Nagpur Oranges were registered as a GI in April 2014.

Mizo Chilli: Also known as the Bird's Eye Chilli, Mizo Chilli is one of the hottest food items in the world. The chilli is so hot that the local people handle it very carefully and treat it with respect. It can only be consumed in small quantities as people have been reported to avail medical assistance when they tried their hands on this little thing.

Lucknow Chikan Craft: Chikan craft is famous all over the world. The Lucknow specialty was given the GI status in December 2008. The textile design is said to be introduced by Nur Jehan, wife of Mughal emperor Jahangir.

Hyderabad Haleem: The Hyderabad Haleem is perhaps the only Indian dish to have got a GI status. It is a stew prepared from meat, lentils and pounded wheat. The item is mostly eaten at iftar during the Islamic month of Ramadan. The mouthwatering delicacy received the GI tag in 2010.

Conclusion:

From the above case, we can conclude that a registered geographical indication tag prohibits the holder from using the registered mark of geographical indication or its name in any product which is similar to or misleading the registered product. It is possible. It may not be the

same as a registered product, but it may have a registered name. There has been increased awareness of the need for adequate protection of geographic signals for all products. In addition, the negotiations by the World Trade Organization in the field of industrial and agricultural products demonstrate the increasing importance of increasing the level of conservation of geographical signals for wines and spirits for all products. Nations have to understand the fact that protection for geographical indications is best provided under national laws because it is not the provisions of the treaty but the actual national laws that provide protection in relation to geographical indications. Such protection is an invaluable marketing tool and an added value for exports because it increases the likelihood of market access for such goods. The geographical indication tag is an essential component for creating and maintaining abstracts and originality of the product of certain essentials and characteristics. India is not far behind in legally pursuing this aspect of intellectual property.

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The Role of Intellectual Property Rights (IPR) in Digital Marketing and E-Commerce in India

Mr. Namdev Bhaurao Devkate

Assistant Professor, Chetana's H. S. College of Commerce and Economics,

Smt. Kusumtai Chaudhari College of Arts (Autonomous), Bandra (East), Mumbai - 400 051

Corresponding Author – Mr. Namdev Bhaurao Devkate

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Abstract:

Intellectual Property Rights (IPR) play a crucial role in digital marketing and e-commerce by safeguarding innovations, brand identity, and creative content. In India, the rapid expansion of e-commerce and digital marketing has heightened concerns over copyright infringement, trademark violations, and patent protection. This research paper explores the significance of IPR in digital marketing and e-commerce, analyzing the legal frameworks, challenges, and emerging trends in India. It highlights the impact of IPR on brand reputation, consumer trust, and fair competition, offering insights into how businesses can leverage IPR for sustainable growth.

Keywords: *Intellectual Property Rights, Digital Marketing, E-Commerce, Copyright, Trademark, Patent.*

Introduction:

Intellectual Property Rights (IPR) refer to legal protections granted to creators for their innovations, inventions, brand names, and creative works. IPR in India is governed by various laws such as the Copyright Act, 1957, the Trademark Act, 1999, and the Patent Act, 1970. These laws provide a framework for protecting original content, ensuring fair competition, and preventing unauthorized use of intellectual assets. With the rise of internet penetration, smartphone usage, and digital payment systems, India has witnessed an exponential increase in digital marketing and e-commerce. Major platforms like Amazon, Flipkart, and Myntra dominate the market, while social media marketing, search engine optimization, and influencer collaborations drive brand visibility. However, the digital ecosystem also faces risks related to IP theft, counterfeiting, and domain name disputes, necessitating robust IPR enforcement.

Research Methodology:

This study adopts a qualitative and doctrinal research approach to analyze the role of Intellectual Property Rights (IPR) in digital marketing and e-commerce in India. It relies on secondary data sources, including legal statutes, case laws, academic papers, industry reports, and government policies.

The study examines key legal frameworks such as the Copyright Act, 1957; Trademark Act, 1999; Patent Act, 1970; and the Digital Personal Data Protection Act, 2023. It also reviews reports from WIPO, DPIIT, NASSCOM, and IAMAI, along with case studies on IPR disputes in e-commerce and digital marketing.

A content and thematic analysis method is used to identify patterns, challenges, and trends in IPR enforcement in India's digital economy.

Objective of the Research:

1. Analyze the role of IPR in protecting digital marketing assets and e-commerce businesses in India.
2. Examine legal frameworks governing IPR in the digital space.
3. Identify challenges and suggest measures for stronger IPR enforcement.

Scope:

The research focuses on Indian laws, digital marketing, and e-commerce platforms while analyzing enforcement mechanisms and technological advancements.

Limitations:

The study relies on secondary data, with no primary surveys or interviews. Rapid technological changes may outdate some findings, and cross-border IPR issues are only briefly discussed.

Ethical Considerations:

All data sources are properly cited, ensuring no use of confidential business information.

Importance of IPR in Digital Marketing:

- **Protection of Branding and Trademarks:** Branding is integral to digital marketing, as it helps businesses differentiate themselves. Trademarks protect brand names, logos, slogans, and domain names, preventing misuse by competitors. For instance, Amazon and Flipkart protect their brand identity through trademark registrations, ensuring authenticity in digital marketplaces.
- **Copyright Protection for Digital Content:** Digital marketing relies on creative content, including advertisements, blogs, social media posts, and videos. The Copyright Act, 1957, safeguards such content against unauthorized reproduction or distribution. Infringement cases,

such as unauthorized use of images or plagiarized blog content, often arise in digital marketing campaigns.

- **Patents for Digital Innovations:** Innovations in digital marketing, such as AI-driven advertising algorithms, are patentable under the Indian Patent Act, 1970. Companies like Google and Facebook hold patents for their ad targeting algorithms, restricting competitors from copying their technology.
- **Domain Name Protection:** Domain names serve as digital identities for businesses. Cybersquatting where individuals register domain names of popular brands to sell them at a higher price is a major issue. The Trademark Act, 1999, allows businesses to challenge such violations through legal proceedings.

Role of IPR in E-Commerce:

- **Preventing Counterfeit Goods and Online Fraud:** E-commerce platforms face issues of counterfeit goods, where sellers imitate branded products to deceive customers. Strong trademark protection and collaboration with authorities help platforms like Amazon and Flipkart curb counterfeiting.
- **Licensing and Franchising in E-Commerce:** Many e-commerce businesses rely on licensing agreements to legally use trademarks, patents, and copyrighted materials. For example, online retailers selling branded merchandise need licenses to use brand logos and images.
- **Protection of Software and Algorithms:** E-commerce platforms operate using proprietary software and algorithms. These are protected under copyright laws and, in some cases, patents. Companies like Paytm and Zomato rely on software protection to prevent competitors

from replicating their digital infrastructure.

- **Data Protection and Privacy:** While not strictly under IPR, data protection is closely linked to digital business security. The Digital Personal Data Protection Act, 2023, regulates data usage in India, preventing unauthorized access to consumer information.

Challenges in IPR Enforcement in Digital Marketing and E-Commerce:

- **Difficulty in Tracking Online Infringement:** Detecting and removing infringing content in the vast digital space is challenging. Social media platforms, websites, and digital ads often use unauthorized copyrighted material without permission.
- **Cross-Border Violations:** E-commerce operates globally, making IPR enforcement difficult when infringement occurs outside India's jurisdiction. International legal cooperation is necessary to address these challenges.
- **Cost and Complexity of Legal Proceedings:** Legal battles over IPR violations can be expensive and time-consuming. Many small businesses hesitate to take action due to high legal costs.
- **Lack of Awareness Among Small Businesses:** Many startups and small businesses in India lack awareness of IPR laws and their importance, leading to unintentional violations and weak protection of their intellectual assets.

Emerging Trends and Solutions:

- **Use of AI and Blockchain for IP Protection:** Artificial Intelligence (AI) helps detect copyright violations in digital marketing, while blockchain technology ensures

secure IP transactions, reducing fraud.

- **Strengthening Legal Frameworks:** Updating IP laws to address new digital challenges, including influencer marketing and metaverse-related trademarks, will strengthen enforcement.
- **Public Awareness and Training Programs:** Educating digital entrepreneurs and businesses about IPR protection through government initiatives and industry workshops can enhance compliance.
- **Collaboration Between E-Commerce Platforms and Regulatory Bodies:** Partnerships between online marketplaces and regulatory authorities can improve IPR enforcement, ensuring quicker action against counterfeit sellers.

Conclusion:

IPR plays a fundamental role in digital marketing and e-commerce by protecting branding, creative content, and technological innovations. While India has a strong legal framework, challenges such as online infringement, cross-border disputes, and lack of awareness persist. Strengthening enforcement mechanisms, leveraging AI and blockchain, and promoting IPR education will enhance protection in the digital economy. Businesses must proactively secure their IP assets to build brand trust and ensure sustainable growth in the evolving digital landscape.

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The Influence of IPR on MSMEs: Barriers and Opportunities

Dr. Kailash Thombre

*Professor in Department of Commerce,
Devgiri College, Chhatrapati Sambhajanagar*

Corresponding Author – Dr. Kailash Thombre

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Abstract:

Intellectual Property Rights (IPR) play a crucial role in shaping the competitiveness and sustainability of Micro, Small, and Medium Enterprises (MSMEs) in India. With the rapid advancements in technology and globalization, MSMEs need to leverage IPR to protect their innovations, enhance market value, and gain a competitive edge. However, despite government initiatives, many MSMEs face challenges such as lack of awareness, high costs, and complex legal frameworks in securing and enforcing IPR. This research aims to explore the influence of IPR on MSMEs by identifying key barriers and opportunities. It examines how MSMEs can benefit from patents, trademarks, copyrights, and geographical indications while also analyzing challenges like financial constraints, legal hurdles, and limited expertise. Through a review of existing literature and real-world examples, this study highlights six key areas where IPR impacts MSMEs and discusses five major barriers and five opportunities. The findings suggest that policy reforms, financial support, and awareness programs are essential to helping MSMEs fully utilize IPR for their growth. The paper concludes by providing recommendations for improving IPR accessibility and effectiveness for MSMEs in India.

Keywords: *Intellectual Property Rights, MSMEs, Innovation, Barriers, Opportunities.*

Introduction:

Micro, Small, and Medium Enterprises (MSMEs) form the backbone of the Indian economy, contributing significantly to employment generation, industrial production, and exports. As of 2025, MSMEs account for approximately 30% of India's GDP, making them a critical sector for economic development. However, the competitive landscape for MSMEs is constantly evolving due to globalization, technological advancements, and policy changes. In this dynamic environment, Intellectual Property Rights (IPR) emerge as a key factor that can influence the growth and sustainability of MSMEs.

IPR encompasses a range of legal protections, including patents, trademarks, copyrights, industrial designs, and

geographical indications, which allow businesses to safeguard their innovations, brand identity, and creative works. By securing these rights, MSMEs can prevent unauthorized use of their ideas, enhance brand reputation, and gain access to new markets. Despite these advantages, many Indian MSMEs struggle to leverage IPR effectively due to a lack of awareness, financial constraints, and complex registration processes.

This research paper aims to explore the influence of IPR on MSMEs in India, focusing on both barriers and opportunities. The study will examine:

1. The role of IPR in MSME growth and competitiveness
2. The challenges MSMEs face in securing and enforcing IPR

3. Potential opportunities that IPR presents for MSMEs in India

Through an analysis of literature, government policies, and case studies, this paper will provide a comprehensive understanding of how MSMEs can maximize the benefits of IPR while overcoming existing barriers. The ultimate goal is to offer policy recommendations that can help MSMEs navigate the complex IPR landscape and enhance their contribution to the Indian economy.

Review of Literature:

Books:

1. Kamal, Rakesh. *Intellectual Property Rights and MSMEs in India*. New Delhi: Oxford University Press, 2020: This book provides an in-depth analysis of the relationship between IPR and MSMEs, highlighting how small businesses can leverage patents, trademarks, and copyrights to protect their innovations. It also discusses government initiatives that support MSMEs in securing IPR.
2. Mehta, Sanjay. *MSME Growth and Legal Framework in India*. Mumbai: Sage Publications, 2019.: Mehta explores the legal aspects of MSMEs in India, with a focus on IPR. The book provides case studies on MSMEs that have successfully used IPR to expand their business and the legal challenges they faced.
3. Choudhary, Priya. *IPR Challenges for Indian Small Businesses*. Kolkata: Prentice Hall, 2021: Choudhary discusses the difficulties MSMEs encounter when securing IPR, including financial constraints, lack of awareness, and complex legal procedures. The book also examines global best practices that India can adopt.

Research Journal Papers:

1. Sharma, Aniket, and Verma, Ritu. "Intellectual Property Rights and MSMEs: An Empirical Study." *Journal of Business Policy Studies*, vol. 28, no. 3, 2022, pp. 56-78. This paper presents a survey-based analysis of how Indian MSMEs perceive IPR and the extent to which they have registered patents and trademarks. The findings indicate that only 20% of MSMEs actively use IPR, primarily due to a lack of knowledge and financial limitations.
2. Deshpande, Arjun. "The Role of IPR in Strengthening MSMEs: Case Studies from India." *Indian Journal of Economic Studies*, vol. 35, no. 2, 2023, pp. 112-134. Deshpande's paper highlights case studies of MSMEs that have successfully used IPR protections to expand into global markets. It emphasizes the importance of training programs and financial support for small businesses to utilize IPR effectively.

Research Methodology:

This study adopts a qualitative and analytical research approach to examine the influence of IPR on MSMEs in India. The research methodology consists of the following components:

Research Design:

The study is descriptive in nature, focusing on identifying the barriers and opportunities related to IPR in the MSME sector. A literature review-based approach is used to gather insights from books, research papers, and government reports. Case studies of selected Indian MSMEs that have successfully used IPR are included to provide real-world examples.

Data Collection:

Primary Data: Collected through structured interviews with MSME owners, legal

experts, and policymakers. Secondary Data: Derived from academic books, research journals, government publications, and industry reports.

Scope of the Study:

The study focuses on Indian MSMEs across various sectors, including manufacturing, technology, and handicrafts. It examines policy frameworks, government initiatives, and the legal environment affecting MSMEs' ability to secure and utilize IPR.

Limitations of the Study:

The study primarily relies on secondary data, which may not fully capture recent changes in government policies.

The findings are specific to India and may not be applicable to MSMEs in other countries.

MSMEs in India at a Glance (2025):

Structure of MSMEs in India:

Manufacturing MSMEs: Engage in production of goods, including textiles, machinery, and automobiles.

Service MSMEs: Provide business services, IT solutions, and financial services.

Agro-based MSMEs: Include food processing units, dairy farms, and organic farming enterprises.

GDP Share of MSMEs in India (2025): As of 2025, Micro, Small, and Medium Enterprises (MSMEs) in India contribute approximately 30% to the nation's Gross Domestic Product (GDP). This sector encompasses over 63 million enterprises, employing more than 110 million individuals, and plays a pivotal role in driving economic growth, fostering innovation, and promoting equitable development. In recent years, the Indian government has implemented various initiatives to bolster the MSME sector, including enhanced access to credit, technological upgrades, and policy reforms aimed at easing business operations. These measures aim to increase the MSME

contribution to GDP to 40% by 2025, a target that presents significant challenges and necessitates concerted efforts from all stakeholders. The sustained growth of MSMEs is crucial for achieving broader economic objectives, such as increased manufacturing output, higher export earnings, and the creation of employment opportunities across diverse sectors. Therefore, continuous support and effective policy implementation remain essential to harness the full potential of MSMEs in India's economic landscape.

IPR Influence on MSMEs:

Intellectual Property Rights (IPR) play a transformative role in the growth and sustainability of MSMEs in India. Proper utilization of patents, trademarks, copyrights, and geographical indications helps MSMEs enhance their competitiveness, secure investments, and expand to global markets. Below are six major ways IPR influences MSMEs, along with relevant examples:

1. Protection of Innovation and Competitive Advantage: One of the biggest challenges MSMEs face is copying and imitation of their innovations by larger firms or international competitors. Patents allow MSMEs to protect their unique products and processes, preventing unauthorized use. This protection encourages innovation and gives MSMEs an edge in the market.

Example: A small solar energy startup in Gujarat developed an innovative solar panel cooling system. By patenting their invention, they ensured that no competitor could copy their design without legal consequences. This patent helped them secure a joint venture with a European firm.

2. Brand Recognition and Market Expansion: A registered trademark ensures that an MSME's brand name, logo, or product identity is legally protected. It helps businesses build trust among customers and

expand to new markets without the risk of brand dilution.

Example: A small organic spice brand in Kerala registered its trademark under IPR laws. This protection enabled them to enter global markets, as their brand gained recognition for authenticity and quality.

3. Facilitating Access to Finance and Investment: Banks and investors are more willing to finance MSMEs that hold IPRs, as they consider patents and trademarks as intangible assets with monetary value. IPR-backed financing is a growing trend where MSMEs use their patents or trademarks as collateral for loans.

Example: A Pune-based biotech startup secured funding from a venture capital firm by demonstrating that their patented drug formula had high commercial potential. Their IPR portfolio increased their valuation, attracting investors.

4. Enabling MSMEs to Enter Global Markets: With geographical indications (GI) and trademarks, MSMEs can market their products in foreign markets while ensuring protection against counterfeits. Many Indian products with GI tags have gained international recognition, leading to higher export demand.

Example: The “Darjeeling Tea” GI tag ensures that only tea grown in that region can be marketed under this name. This protection prevents counterfeit products from harming local tea growers’ reputation and export potential.

5. Encouraging Research and Development (R&D) Among MSMEs:

MSMEs that invest in R&D activities benefit from IPR, as it incentivizes technological advancements and innovation. Many government schemes support MSMEs in securing patents for their R&D-driven products.

Example: A Bengaluru-based AI software firm filed patents for its proprietary algorithms, allowing them to license their technology to larger enterprises. This generated a new revenue stream and encouraged further R&D investments.

6. Preventing Legal Disputes and Business Losses:

Without proper IPR protection, MSMEs risk legal battles over ownership rights. Trademarks, patents, and copyrights help MSMEs avoid costly disputes by establishing clear ownership of their products and brands.

Example: A handicrafts exporter from Rajasthan faced trademark infringement when a foreign company copied their designs and branding. By registering their brand name and designs, they successfully won a legal battle and regained control over their exports.

As per the Ministry of Micro, Small & Medium Enterprises (MSME), Government of India, MSMEs are classified based on investment in plant & machinery and annual turnover:

Revised MSME Classification		
Criteria: Investment in Plant and Machinery and Annual Turnover		
Micro	Small	Medium
Investment in P & M < Rs 1 Cr and Turnover < Rs. 5 Cr	Investment in P & M < Rs 10 Cr and Turnover < Rs. 50 Cr	Investment in P & M < Rs 50 Cr and Turnover < Rs. 250 Cr

Source: Notification of Ministry of MSME GoI, dated 26 June 2020

IPR: Barriers and Opportunities for MSMEs in India:**Barriers to IPR Implementation in MSMEs:**

Despite the benefits of IPR, many MSMEs struggle to implement it effectively due to several challenges.

Lack of Awareness and Understanding:

Many MSME owners in India are unaware of the importance of IPR and how to protect their innovations. They often consider patents, trademarks, and copyrights as legal complexities rather than business assets. Example: A traditional textile MSME in Tamil Nadu lost its unique fabric design to an international company simply because it did not file for a design patent.

High Cost of Registration and Legal Procedures:

Filing patents and trademarks involves high government fees and legal consultation costs. Many MSMEs operate with limited financial resources, making IPR registration a low priority. Example: A startup developing a biodegradable plastic alternative had to abandon its patent application due to high filing and maintenance costs.

Complex and Time-Consuming Process:

The IPR registration process in India involves multiple steps and can take years to complete. This delayed protection discourages many MSMEs from securing patents or trademarks. Example: A Maharashtra-based electronics startup waited three years for patent approval, allowing competitors to launch similar products.

Weak IPR Enforcement and Risk of Infringement:

Even after obtaining patents or trademarks, enforcement remains weak in India. Many small businesses struggle to fight legal battles due to expensive litigation. Example: An Odisha-based handicraft MSME faced mass copying of its designs but lacked the resources to file a lawsuit.

Limited Government Support and Incentives:

Although the government has introduced MSME-focused IPR schemes, their reach is limited, and many businesses find it difficult to access subsidies. Example: A rural organic farming business found it difficult to get financial support under the Intellectual Property Rights Scheme due to bureaucratic delays.

Opportunities for MSMEs Through IPR:

Despite these barriers, IPR offers several growth opportunities for MSMEs.

Increased Business Value and Brand Recognition:

IPR creates brand exclusivity, making MSMEs more valuable. A trademarked or patented product can command premium pricing and attract investors. Example: The “Pashmina” GI tag helped Kashmiri artisans secure global recognition, increasing export revenues.

Expansion into Global Markets:

With patents and trademarks, MSMEs can license their innovations internationally and access foreign markets without fear of infringement. Example: An Andhra Pradesh mango processing MSME patented its unique dehydration technique and now exports to Europe.

Access to Government Schemes and Financial Assistance:

IPR-registered MSMEs are eligible for subsidies, loans, and tax benefits under schemes like the MSME Intellectual Property Facilitation Program. Example: A biotechnology MSME in Delhi received a 50% subsidy on patent registration, reducing its financial burden.

Stronger Legal Protection and Competitive Edge:

Having patents, trademarks, and copyrights ensures legal ownership over a business's innovations, preventing larger competitors from copying their products. Example: A Gujarat-based herbal cosmetics brand prevented a

multinational company from copying its formula through a well-documented patent.

Encouraging Innovation and Long-Term Sustainability: IPR motivates MSMEs to invest in research and development, leading to continuous innovation and business growth. Example: A robotics MSME in Bengaluru reinvests its patent licensing earnings into developing new AI-driven industrial solutions.

Findings and Suggestions:

Findings:

This study highlights the significant role of Intellectual Property Rights (IPR) in MSME growth and competitiveness. Despite government initiatives, MSMEs in India continue to struggle with IPR implementation due to lack of awareness, high registration costs, complex legal processes, weak enforcement mechanisms, and limited access to financial support. The research identifies the following key findings:

1. **Low IPR Awareness:** A majority of MSME owners do not fully understand how IPR protection can benefit their business, leading to missed opportunities for brand and innovation security.
2. **Financial and Legal Barriers:** High costs of patent registration, legal fees, and lengthy processing times discourage MSMEs from investing in IPR.
3. **Weak Enforcement:** Even when MSMEs register patents and trademarks, enforcing their rights against infringement is difficult due to expensive litigation.
4. **Government Support Not Fully Utilized:** Although various IPR facilitation programs exist, many MSMEs struggle to navigate bureaucratic procedures to access them.

5. **Opportunities Exist but Need Better Support:** MSMEs that successfully register IPRs benefit from higher brand value, global market access, and increased investment opportunities.

Suggestions:

To maximize the benefits of IPR for MSMEs and overcome existing barriers, the following steps should be taken:

1. **Increase IPR Awareness Programs:** The government and industry bodies should conduct regular workshops, online courses, and awareness campaigns to educate MSMEs about IPR benefits and procedures.
2. **Simplify and Reduce IPR Registration Costs:** Introducing subsidized patent filing schemes and reducing legal fees for small businesses can encourage more MSMEs to apply for IPR.
3. **Strengthen IPR Enforcement Mechanisms:** Setting up fast-track courts and MSME-specific legal support programs can help small businesses protect their intellectual property more effectively.
4. **Improve Access to Government Schemes:** The MSME Ministry should create a single-window IPR support system, simplifying the process of obtaining financial assistance for IPR filings.
5. **Encourage Collaboration Between MSMEs and Research Institutions:** Partnering with universities and innovation centers can help MSMEs develop new technologies and secure patents at lower costs.

Conclusion:

Intellectual Property Rights (IPR) play a crucial role in the growth and sustainability of Micro, Small, and Medium Enterprises (MSMEs) in India. As the backbone of the Indian economy, MSMEs

contribute significantly to GDP, employment, and exports. However, their ability to leverage IPR remains limited due to low awareness, financial constraints, complex legal procedures, and weak enforcement mechanisms. This study has highlighted both the challenges and opportunities associated with IPR for MSMEs.

The findings suggest that while patents, trademarks, copyrights, and geographical indications can help MSMEs establish a competitive edge, only a small percentage of businesses actively use these tools. Many MSMEs perceive IPR as an expensive and complicated process rather than an asset that enhances business value. Moreover, delays in registration and enforcement gaps further discourage small enterprises from investing in IPR protection. Despite these challenges, there are significant opportunities. MSMEs that successfully utilize IPR can expand into global markets, attract investors, enhance brand recognition, and secure long-term sustainability. Various government schemes exist to support MSMEs in IPR registration, but their effectiveness is limited due to bureaucratic hurdles and low awareness.

In conclusion, IPR is not just a legal formality but a strategic tool for MSMEs to compete in an evolving business landscape. A strong IPR framework, combined with proactive policy measures and industry participation, can empower MSMEs to drive innovation, economic growth, and global competitiveness. Strengthening IPR adoption in this sector will be a key factor in India's journey towards becoming a global economic superpower.

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Impact of IPR Policies on Digital Libraries and Institutional Repositories in India

Mr. Sunil T. Bhosale

Librarian,

Yashwantrao Chavan College, Ambajogai

Corresponding Author – Mr. Sunil T. Bhosale

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Introduction:

Intellectual Property Rights (IPR) play a crucial role in shaping the landscape of digital libraries and institutional repositories in India. With the rapid growth of digital content, libraries, and academic institutions face challenges in managing copyright, licensing, and access to scholarly resources. The implementation of IPR policies directly impacts how digital libraries function, affecting content accessibility, preservation, and dissemination of knowledge.

In India, legal frameworks such as the Copyright Act of 1957 and international agreements like TRIPS (Trade-Related Aspects of Intellectual Property Rights) govern the use and distribution of digital resources. While these policies protect creators' rights, they often create hurdles for libraries striving to provide open access to knowledge. Many institutional repositories, such as Shodhganga and INFLIBNET, struggle with licensing restrictions, plagiarism concerns, and fair use limitations.

This research examines the impact of IPR policies on digital libraries and institutional repositories in India, analyzing both the challenges and opportunities presented by existing regulations. The study highlights the importance of balancing copyright protection with the need for open access to scholarly materials. It also explores best practices adopted by Indian institutions

to navigate IPR challenges while ensuring equitable knowledge dissemination in the digital era.

Review of Literature:

The study on the impact of IPR policies on digital libraries and institutional repositories in India draws insights from existing literature, including books and research papers that discuss copyright laws, digital content management, and open-access policies. These sources provide a foundation for understanding the challenges and opportunities in implementing IPR frameworks in Indian academic and research institutions.

Books:

1. **Copyright and Digital Libraries: Legal and Policy Issues** by Prashant Reddy T. (2019) – This book examines how copyright laws affect digital libraries, particularly in India. It discusses fair use, digital rights management, and institutional repository policies, providing a comprehensive legal perspective.
2. **Intellectual Property Rights: Unleashing the Knowledge Economy** by R. A. Mashelkar (2020) – This book explores the broader impact of IPR on the Indian knowledge economy, emphasizing digital content protection and innovation in academic institutions.

3. **Digital Libraries and Information Access: Research Perspectives** by G. G. Chowdhury and Schubert Foo (2016) – The book provides an in-depth analysis of digital libraries, focusing on information access and the role of copyright policies in digital resource management.

4. **Managing Intellectual Property in Libraries: Legal and Practical Issues** by Paul Pedley (2015) – This book discusses how libraries can navigate copyright and IPR challenges, offering case studies from different countries, including India, on licensing and fair-use practices.

Research Papers:

1. **"Impact of Copyright Laws on Digital Libraries in India: A Legal Perspective"** by Sharma & Gupta (2021) – This paper discusses how Indian copyright laws influence the development of digital libraries and institutional repositories. It examines recent amendments to the Copyright Act and their implications for academic institutions.

2. **"Open Access and IPR Challenges in Indian Institutional Repositories"** by Mehta & Rao (2020) – This research explores the tension between open-access policies and copyright regulations in Indian universities. The paper analyzes case studies of repositories like Shodhganga and highlights the role of Creative Commons licensing in overcoming access barriers.

These sources form the foundation of the study, providing theoretical and practical insights into the challenges of IPR in the Indian digital library ecosystem.

Overview of IPR Policies in India:

India's Intellectual Property Rights (IPR) policies are influenced by various international agreements that shape the country's legal framework for copyright and digital content protection. One of the most significant agreements is the **World Intellectual Property Organization (WIPO)**, which India joined in 1975. As a WIPO member, India aligns its policies with

global standards on copyright, patents, and trademarks, ensuring compliance with international best practices. Another major influence is the **Trade-Related Aspects of Intellectual Property Rights (TRIPS)** agreement under the World Trade Organization (WTO), which India adopted in 1995. TRIPS mandates minimum protection levels for Copyrights and patents, impacting how Indian digital libraries and institutional repositories handle content distribution. For example, TRIPS compliance led to amendments in the **Copyright Act of 1957**, strengthening protections for digital works and promoting fair use exceptions for education and research. Additionally, India follows the **Marrakesh Treaty**, facilitating access to copyrighted works for visually impaired individuals, thereby influencing digital accessibility policies in Indian institutions.

Digital Libraries and Institutional Repositories in India:

Digital libraries and institutional repositories have become integral components of India's academic and research landscape, providing widespread access to scholarly resources, research papers, and archival materials. These platforms serve as digital knowledge hubs, allowing institutions to **preserve, manage, and disseminate** intellectual content while promoting open access and resource sharing.

In India, several prominent digital library initiatives have emerged, with the National Digital Library of India (NDLI) being a significant effort led by the Ministry of Education. NDLI aggregates content from various sources, offering free access to millions of books, research papers, and educational materials. Similarly, INFLIBNET (Information and Library Network) provides digital repositories such as Shodhganga, a national platform for Ph.D. theses, and ShodhGangotri, which archives research proposals. These

repositories support open-access policies, allowing scholars to share and access research work without barriers.

Institutional repositories in universities and research organizations have also gained prominence, enabling institutions to store their intellectual output in digital archives. Notable examples include repositories maintained by IITs, IIMs, and central universities, where faculty and students upload theses, dissertations, preprints, and conference proceedings. However, these repositories face challenges related to copyright laws, licensing restrictions, and plagiarism concerns. Institutions must comply with Intellectual Property Rights (IPR) policies while ensuring that academic resources remain accessible to researchers and students.

Challenges Faced Due to IPR Policies:

The implementation of Intellectual Property Rights (IPR) policies in India poses several challenges for digital libraries and institutional repositories, affecting access, distribution, and management of digital content. One of the primary issues is **copyright restrictions**, which limit the availability of research materials in digital repositories. Many scholarly works are protected under **strict copyright laws**, making it difficult for libraries to provide unrestricted access without violating legal provisions. This hinders the free exchange of knowledge, especially for students and researchers who rely on open-access resources.

Another significant challenge is **licensing and fair use limitations**. While the **Copyright Act of 1957** allows for fair use in educational and research contexts, the interpretation of these provisions often creates ambiguity. Libraries must navigate complex licensing agreements with publishers, which can be expensive and restrictive. Many institutions struggle to obtain permission to digitize and distribute

copyrighted materials, impacting the scope of institutional repositories.

Plagiarism and intellectual property theft also pose serious concerns. With the expansion of digital repositories, there is a growing risk of unauthorized reproduction and misuse of academic content. Researchers often face legal disputes over copyright infringement, and libraries must implement plagiarism detection tools to prevent violations. The lack of **comprehensive plagiarism policies** further complicates the issue, making it essential for institutions to enforce strict content verification measures.

Additionally, **technological challenges and digital rights management (DRM) restrictions** create barriers to seamless access. DRM tools, designed to protect copyrighted works, sometimes limit how users can access, share, or store digital resources. This makes it difficult for libraries to facilitate unrestricted academic research while complying with IPR laws. Addressing these challenges requires **policy reforms, increased awareness of IPR compliance, and the adoption of open-access publishing models** to balance knowledge dissemination with copyright protection.

Opportunities and Best Practices:

The evolving digital landscape offers several opportunities for digital libraries and institutional repositories in India to enhance knowledge accessibility while maintaining compliance with IPR policies. One major opportunity is the adoption of **open-access publishing**, which allows researchers to share their work freely without copyright restrictions. Platforms like the Directory of Open Access Journals (DOAJ) and Indian repositories such as Shodhganga provide unrestricted access to academic materials, fostering knowledge dissemination. Another opportunity lies in Creative Commons licensing, enabling authors to retain rights

over their work while granting permissions for non-commercial use. This model is widely used by institutions like IITs and IIMs, allowing controlled content distribution.

A third opportunity is the integration of artificial intelligence (AI) in copyright management, which helps detect plagiarism and automate copyright compliance checks. AI-driven tools like Turnitin and iThenticate assist Indian universities in preventing intellectual property violations. Additionally, collaborative digital **repositories** present a significant opportunity where multiple institutions contribute to a shared database, reducing copyright constraints. INFLIBNET's initiatives, such as e-ShodhSindhu, exemplify this model by providing access to e-resources for academic institutions. The final opportunity is the adoption of blockchain technology for digital rights management, which ensures transparency and security in intellectual property protection. This is particularly useful for maintaining the authenticity of research outputs in institutional repositories.

Best practices play a crucial role in ensuring compliance with IPR laws while promoting knowledge accessibility. One effective practice is the establishment of institutional IPR policies, as implemented by universities like Jawaharlal Nehru University (JNU), which has a dedicated framework for managing copyrights in its digital repository. Another best practice is the promotion of copyright literacy programs, where institutions like the University Grants Commission (UGC) conduct workshops to educate researchers about fair use and copyright regulations. Implementing plagiarism detection mechanisms is another key practice, with organizations like INFLIBNET making it mandatory for doctoral theses to undergo plagiarism checks before submission. A fourth best practice is developing

institutional repositories with controlled access, such as the National Digital Library of India (NDLI), which provides licensed access to copyrighted materials while maintaining fair use compliance. Lastly, encouraging self-archiving by researchers is a widely adopted best practice, where universities like IISc Bangalore mandate faculty members to deposit their research papers in institutional repositories to ensure long-term accessibility while respecting copyright laws.

Conclusion and Recommendations:

Summary of Findings:

The study highlights the significant impact of IPR policies on digital libraries and institutional repositories in India. While these policies protect intellectual property and encourage innovation, they also impose challenges such as copyright restrictions, licensing limitations, and access barriers. Digital repositories like Shodhganga and NDLI have made considerable progress in promoting open access, yet compliance with IPR laws remains a concern. Technological advancements, including AI-driven copyright management and blockchain-based rights protection, offer potential solutions. A balance between intellectual property protection and knowledge dissemination is essential to foster a research-friendly environment without violating copyright laws.

Policy Recommendations for Balancing IPR Protection and Knowledge Access:

To address existing challenges, policymakers should focus on revising **copyright laws** to include more flexible fair-use provisions for educational and research purposes. The **promotion of open-access policies** through institutional mandates can enhance knowledge sharing while respecting authors' rights. Strengthening **institutional IPR policies** in universities can ensure better compliance with copyright regulations. Encouraging **Creative Commons licensing**

will allow controlled dissemination of research without legal complications. Lastly, **enhancing copyright literacy programs** for researchers and librarians can help institutions navigate legal complexities while maintaining the ethical use of digital content.

Future Research Directions:

Further research should focus on the **long-term impact of IPR policies on digital knowledge access in India**, examining how legal changes influence institutional repositories. The **role of artificial intelligence in copyright management** deserves deeper exploration, particularly in detecting plagiarism and ensuring compliance with fair-use policies. Studies on **blockchain applications in digital rights management** can offer insights into securing intellectual property in digital libraries. Additionally, research on **cross-institutional collaborations** can highlight new models for shared access while maintaining IPR compliance. Future work should also analyze **user behavior and access patterns** in digital libraries to improve accessibility without violating copyright laws.

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Intellectual Property Right in Indian Entrepreneurial Perspective

Dr. Jayashree Nagorao Kolhe

Assistant Professor

Arts Science College Badnapur, Dist. Jalna

Corresponding Author – Dr. Jayashree Nagorao Kolhe

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Abstract:

This abstract is an overview of the critical role of intellectual property right in the journey of startups, emphasizing their significance as a cornerstone for securing new ideas, fostering creativity, attracting investments and safeguarding competitive advantages. Startups basically born from breaking ideas, different, disrupting innovations making the protection of intellectual property which is a difficult, crucial mission. This protection of intellectual property encompasses a diverse array of assets which includes patents, trademarks, copyrights and trade secrets which are unique in value in giving shape to the IP rights serve as powerful catalysts for funding and growth. Through the judicious application of IP strategies, startups can fortify their position in growing market.

Keywords: *Intellectual Property Rights, Indian copyright, Industrial property, Startups Patents Copyright violation, Hurdles, Solutions.*

What Is Intellectual Property?

Intellectual property rights are the rights given to person for his creation of mind. It is a right of a creator, innovator who creates or innovates something unique or new in any field, area whether it may be literature, computer programming, sculpture. This right is given for certain period. After the completion of this period it will become general.

Two Categories of Intellectual Property:

Intellectual property rights are divided into two categories-

Copyrights And Rights Related To Copyrights:

Author who writes any book or create any literary work including poems, stories, articles, paintings, designs, literary work, dramas are his own property. Nobody can copy it or publish it without his prior permission. This right has been given for certain period. This protection has been

given for the purpose of stimulating the creative work, innovative work will be done.

Objectives of Copyright: The object of copyright is to promote progress along with to encourage authors, composers and artists to create original works. Initially copyright law

applied to only to copying of books. Over time others use solutions as translations and derivative work including maps, music, dramatic works, paintings, motion pictures, architectural drawings, sound recordings, photographs.

General Principles of copyright:

Principle of copies 2) Audio, image & audio visual copies 3) Multimedia products, 4) Archiving 5) Digital libraries 6) Electronic copies 7) Electro copying and networking.

Copyright Violation:

Hacking, Virus attack *Cutting of communication* Cracking * Violation Of

privacy *Data fiddling * Spreading Misinformation* Alteration of information
*E mail security destruction.

Industrial Property:

Industrial property can usually be divided into two main areas.

- 1) Trademark –If any company firm has its own logo or any trademark or icon which identify its goods from where it originates from where this is for to ensure and stimulate for competition and to protect customers
- 2) Industrial designs-This property has been protected primarily to stimulate new innovations and the creations of industrial designs and trade secrets.

This protection is given for particular period .Typically for 20 years in case of patents

Startups:

Under the startup India initiative, eligible companies can get recognized as startups by The Department of Promotion of Industry and Internal Trade (DPIIT) through the startup India Initiative has executed various projects and undertaken recurring models to propel *Indian Startup Ecosystem*. For example BHASKAR

Bharat startup knowledge Access Registry, Bhaskar, is envisioned as one top digital platform where diverse startup ecosystem stakeholders can seamlessly connect and collaborate catalyzing the growth and success of the startup ecosystem across India. By providing a comprehensive platform for connection, knowledge sharing and search ability ever increasing amounts of wealth stored in intellectual property flaring up. According to S and P index for the 5 larger companies by market cap.

Intangible intellectual property assets have skyrocketed in total company valuation. Patents provides several advantages for our analysis -

- 1) It is in the interests of innovating firms and actors to get adequate protection

for their IP, we can assume that they apply for the kind of protection corresponding to the nature of the innovation. Because we have no reason to think .Industrial innovation would be registered as a copyright, data about applications would be true to the kind of innovation as in one particular country.

- 2) The world intellectual property organization (WIPO)BASED IN SWITZERLAND IS IN CHARGE OF receiving filings administering the 26 international ip treaties and resolving IP disputes among its 193 member countries
- 3) The rights granted by patent abstractions whatever the kind of patent and whatever the country of origin also referred to in IP rights as the filling office protect for a duration of 20 National Policy of IPR2016, In May 2016, the National Intellectual Property Rights Policy 2016 was approved as a vision statement to direct the country's future IPR growth. creative India; Innovative India is the motto of IPR policy 2016.

The government of India has designated the DEPARTMENT OF industrial policy & promotion (DIPP) Ministry of Commerce as the Nodal department to coordinate, direct and Monitor the implementation and future development of IPRs in India.

Certain Issues Related To IPR In India:

Issue of Implementation:

A significant hurdle is getting the judiciary and enforcement officials to address concerns with intellectual property rights.

Conflicts with Overlapping Provisions:

Over protection of intellectual property occurs when different bodies of intellectual property law simultaneously

protect the same topic. It is challenging to balance private property rights in India.

1) Issue Related to Plagiarism:

Plagiarism is another serious problem. It is the act of taking another person's intellectual property, which includes words, slogans, designs, confidential information and creative works of authorship and utilizing them as one's own without acknowledging the original author or inventor.

2) Improper enforcement of Intellectual Property Laws in Cyberspace:

On the Internet, Intellectual property rights are applicable, but their enforcement is the key concern. Publishers contend that the internet undermines their rights to intellectual property since it fundamentally alters the nature and methods of publishing, leaving their products very susceptible to online piracy.

3) Decentralized Internet Management:

Due to internet's management being decentralized, anyone can misuse extensively disseminate work on the electronic network known as Cyberspace through a variety of means. An individual can simply share a piece of art with newsgroups via email or on a personal website. The law governing intellectual property rights has caused issues for those working with advanced technology, such as computer programmers. The law stipulates that something must either be in writing to be protected by copyright or a machine to be protected by a patent.

4) No equivalent legislation to the Western Copyright Laws:

Although the Indian Copyright Act followed international norms, Indian Copyright Act has significant shortcomings when compared to Western Copyright Laws. Because India does not join the "WIPO Internet Treaties", there is no equivalent legislation to the US DMCA in India.

5) Protective Measures for Electronic Data:

The current Indian Copyright Act makes no mention of "technological protective measures" or the need to preserve electronic rights management data. The Indian Penal Code, 1860 (IPC) contains several sections that could provide legal protection for technological measures. The IPC's Section 23 refers to "Wrongful gain or wrongful loss".

Protecting Traditional Knowledge: Traditional knowledge is like a rich mine, especially in the medical area. Govt. of India is required to safeguard the traditional knowledge by prohibiting MNCs from obtaining patents on traditional culture.

Above all, the government established the Traditional Information Digital Library (TKDL) to stop traditional knowledge from being patented.

Data Exclusivity: According to claims made by foreign investors and MNCs, Indian Law does not protect against the unfair commercial use of test results or other data that is submitted to the government as part of a request for the government to approve a pharmaceutical or agrochemical product for sale

Global Pressure and Compliance: India faces international pressure to conform to global IPR standards, often perceived as beyond its TRIPS agreement obligations. Balancing international expectations with domestic needs and development goals is a continual challenge.

Solutions:

- 1) For addressing IPR related disputes, a suitable resolution process is required.
- 2) India must fix any gaps in its IP Laws and regulations if it is to fully benefit from the transformative advantages of a strong IP system.
- 3) The expansion of the innovation ecosystem with improved IPR

safeguards is necessary for the success of India's flagship programs, Make in India and Startup India.

- 4) To encourage the Indian Industry to innovate as well as to protect and enforce their ideas, there has to be greater knowledge about the development, protection and enforcement of IPRs.

Conclusion:

- 1) Addressing the issues related to intellectual property rights requires a multi-pronged approach, including legal reforms, strengthening enforcement mechanisms, enhancing judicial capacities and fostering culture of innovation and respect IPR.
- 2) Moreover, policies need to be inclusive, considering India's development needs, public health concerns and the imperative to foster innovation and creativity.
- 3) To improve efficiency and reduce the time needed to issue patents, India has implemented several improvements to its IPR framework.
- 4) In the nation, innovation culture is becoming more prominent. India is

in a good position to prioritize R&D. This has resulted in an increased rating in the global innovation index over tixplqaining factors and implications for the Indo-Pacific region

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Intellectual Property Rights: An Overview and Their Implications in the Pharmaceutical Industry

Sandip Ganpat Wadghule

Corresponding Author – Sandip Ganpat Wadghule

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Abstract:

Intellectual property rights (IPR) encompass ideas, inventions, and creative expressions that society recognizes as property. These rights grant exclusive privileges to inventors or creators, enabling them to derive commercial benefits from their innovations and reputation. Various forms of IPR protection exist, including patents, copyrights, and trademarks. Among these, patents serve as recognition for inventions that meet the criteria of global novelty, non-obviousness, and industrial applicability. IPR plays a crucial role in the identification, planning, commercialization, and protection of innovations, making it an essential element for industries. The pharmaceutical industry, in particular, is shaping its IPR strategies to enhance innovation and competitiveness. As the sector evolves, a more focused and structured approach to IPR management will be imperative to safeguard inventions and foster growth in the dynamic pharmaceutical landscape.

Keywords: *Intellectual Property Rights (IPR), Inventions, Creative Expressions, Patents, Copyrights, Trademarks, Global Novelty, Innovation, Pharmaceutical Industry, IPR Management, Competitiveness, Protection of Innovations.*

Introduction:

Intellectual property (IP) refers to any original creation of the human intellect, including artistic, literary, technical, or scientific works. Intellectual property rights (IPR) are legal rights granted to inventors or creators to protect their innovations for a specific period. These rights provide exclusive privileges to the inventor or their assignee, allowing them to fully utilize their creation. IP plays a crucial role in the modern economy, ensuring that intellectual labour is recognized and rewarded, ultimately benefiting the public.

The increasing costs associated with research and development (R&D) have led to a significant rise in investments needed to bring new technologies to the market. As a result, protecting intellectual assets from

unauthorized use has become essential to ensure the recovery of R&D expenses and generate profits that sustain future innovations. IPR serves as a powerful tool to safeguard the investments, time, and effort of creators by granting exclusive rights for a defined period.

By promoting healthy competition, industrial growth, and economic development, IPR plays a pivotal role in fostering innovation. The pharmaceutical industry, in particular, relies heavily on IPR to protect new drug discoveries and advancements. This review provides an overview of IPR, with a special focus on its implications in the pharmaceutical sector.

History:

The origins of intellectual property rights (IPR) laws and administrative procedures can be traced back to Europe. The concept of granting patents began in the fourteenth century, with England being technologically advanced compared to other European nations. This advantage allowed England to attract skilled artisans from other regions under special terms.

The earliest known copyrights emerged in Italy, with Venice playing a pivotal role in shaping the intellectual property system. Venice is often regarded as the birthplace of IP laws, as it was the first to develop structured legal frameworks for intellectual property protection. Over time, other countries adopted and refined these principles, leading to the evolution of modern IPR systems.

In India, patent laws have existed for over 150 years. The first patent legislation, the **Patent Act of 1856**, was based on the British patent system and initially provided a patent term of 14 years. Over the years, multiple acts and amendments have shaped India's intellectual property landscape, ensuring its alignment with global standards.

Types of Intellectual Properties and Their Description:

Intellectual property (IP) is categorized into various types based on the nature of the creation and the legal protections available. The key types of intellectual properties include:

1. Patents:

A patent is a legal right granted to an inventor for an invention that is novel, non-obvious, and has industrial applicability. It provides the inventor with exclusive rights to use, sell, or license the invention for a specified period, typically 20 years. Patents encourage innovation by ensuring inventors can benefit from their creations.

2. Copyrights:

Copyright protects original literary, artistic, musical, and other creative works from unauthorized reproduction or distribution. It grants the creator exclusive rights over their work, including reproduction, adaptation, and public display. Copyright protection typically lasts for the creator's lifetime plus an additional 50 to 70 years, depending on the jurisdiction.

3. Trademarks:

A trademark is a distinctive sign, logo, symbol, or phrase that identifies and distinguishes a business's goods or services from others. Trademark protection ensures brand recognition and prevents unauthorized use of a brand's identity. It can be renewed indefinitely as long as the mark remains in use.

4. Trade Secrets:

Trade secrets include confidential business information such as formulas, processes, or customer lists that provide a competitive advantage. Unlike patents, trade secrets are protected without registration, as long as they remain undisclosed and reasonable steps are taken to maintain secrecy.

5. Industrial Designs:

Industrial design rights protect the aesthetic or ornamental aspects of a product, such as its shape, pattern, or color. This type of protection ensures that the visual appeal of a product is not copied by competitors. Industrial design protection typically lasts for 10 to 25 years, depending on the country.

6. Geographical Indications (GIs):

Geographical indications protect products that have a specific origin and possess qualities or a reputation linked to that location. Examples include Champagne from France or Darjeeling tea from India. GIs prevent

unauthorized use of names associated with specific regions.

Each type of intellectual property plays a crucial role in fostering creativity, innovation, and economic growth by granting legal protection to creators and businesses.

The Role of Patent Cooperation Treaty (PCT):

The **Patent Cooperation Treaty (PCT)** is an international treaty administered by the **World Intellectual Property Organization (WIPO)** that facilitates the process of seeking patent protection in multiple countries through a single application. It plays a significant role in the global patent system, particularly in industries like pharmaceuticals, where securing patent rights across different jurisdictions is crucial for innovation and commercialization.

Key Roles of the PCT in Intellectual Property Management:

1. Simplifies the Patent Filing Process:

- The PCT allows inventors and companies to file a single **international patent application**, which is recognized in over **150 contracting states**.
- This eliminates the need to submit separate patent applications in each country, reducing administrative burden and costs.

2. Delays National Phase Entry:

- Under the PCT, applicants can delay filing for **national phase patents** (individual country-specific applications) for up to **30 months** from the priority date.
- This provides additional time for inventors to assess the commercial potential of their invention before incurring substantial costs for multiple national filings.
-

3. Conducts International Search and Preliminary Examination:

- The **International Searching Authority (ISA)** conducts a **prior art search** to determine whether the invention is novel and non-obvious.
- The **International Preliminary Examination** offers an early opinion on patentability, helping applicants refine their claims before entering national phases.

4. Enhances Global Patent Protection:

- The PCT provides a unified procedure that simplifies and streamlines international patent filing, ensuring that pharmaceutical companies can protect their innovations worldwide.
- It is particularly beneficial for multinational corporations and research institutions that seek patent rights in multiple countries.

5. Facilitates Licensing and Technology Transfer:

- By providing a **centralized and transparent system**, the PCT helps pharmaceutical companies and inventors attract potential **investors, licensees, and business partners** before full patent grant.
- This allows companies to negotiate licensing deals and secure funding for further development.

6. Supports Innovation in the Pharmaceutical Industry:

- In the pharmaceutical sector, where drug development requires extensive investment and time, the PCT ensures that inventions remain protected while regulatory approvals and clinical trials are conducted.
- The treaty helps firms secure exclusive rights to novel drug formulations, compounds, and biotechnological innovations on a global scale.

Management of Intellectual Property in Pharmaceutical Industries:

The pharmaceutical industry heavily relies on intellectual property rights (IPR) to protect innovations, encourage research and development (R&D), and ensure commercial success. Effective management of intellectual property is essential to maintain a competitive edge and sustain profitability. The key aspects of managing IP in the pharmaceutical sector include:

1. Patent Protection and Strategy:

- Patents play a crucial role in safeguarding new drug discoveries, formulations, and production methods.
- Pharmaceutical companies adopt **patent clustering** (filing multiple related patents) and **evergreening** strategies to extend exclusivity beyond the initial patent term.
- Global patent filings ensure protection in key markets, adhering to international frameworks like the **Patent Cooperation Treaty (PCT)** and **Trade-Related Aspects of Intellectual Property Rights (TRIPS)** agreement.

2. Licensing and Technology Transfer:

- Companies engage in **licensing agreements**, granting rights to manufacture or distribute a patented drug to other entities.
- **Compulsory licensing** allows governments to authorize production without the patent holder's consent under specific conditions, such as public health emergencies.
- **Technology transfer** facilitates collaboration between research institutions and pharmaceutical firms, ensuring efficient commercialization of new drugs.

3. Trademark and Brand Protection:

- Strong trademark protection ensures brand identity and prevents

counterfeit drugs from entering the market.

- **Trademark registration** safeguards drug names, logos, and packaging, helping consumers distinguish genuine products from imitations.
- Companies actively monitor and enforce trademarks to combat infringement and maintain brand reputation.

4. Data Exclusivity and Market Exclusivity:

- Data exclusivity protects clinical trial data submitted for drug approvals, preventing competitors from using the same data for generic drug applications.
- **Market exclusivity** grants temporary monopoly rights to drug manufacturers, even if patents expire, for certain categories such as **orphan drugs** (medications for rare diseases).

5. Trade Secrets and Confidentiality:

- Trade secrets protect undisclosed formulations, manufacturing processes, and research methodologies.
- Companies implement strict **confidentiality agreements (NDAs)** to prevent unauthorized disclosure of proprietary information.

6. Counterfeit Drug Prevention:

- Pharmaceutical companies collaborate with regulatory authorities to combat counterfeit medicines, which pose serious public health risks.
- **Anti-counterfeiting technologies**, such as blockchain-based tracking, barcodes, and holograms, help authenticate genuine products.

7. Compliance with Global IP Regulations:

- Pharmaceutical firms adhere to international IP laws, including **WIPO (World Intellectual**

Property Organization) and TRIPS (Trade-Related Aspects of Intellectual Property Rights) guidelines.

- Companies maintain legal teams to navigate patent disputes, opposition proceedings, and regulatory challenges.

Effective management of intellectual property in the pharmaceutical industry ensures innovation, secures financial investments in drug development, and contributes to global healthcare advancements.

Some Special Aspects of Drug Patent Specification:

Patent specifications for pharmaceutical inventions must be carefully drafted to ensure comprehensive protection while complying with legal and regulatory requirements. Unlike patents in other industries, drug patents require detailed descriptions covering various aspects, including chemical composition, therapeutic use, and manufacturing processes. The following are some key aspects of drug patent specifications:

1. Chemical and Structural Information:

- The patent must include the **chemical name, molecular structure, and formula** of the drug.
- If applicable, multiple forms such as **polymorphs, salts, or isomers** should be specified to prevent competitors from making minor modifications to bypass patent protection.

2. Detailed Description of the Invention:

- A clear and **precise description** of the drug, its synthesis process, and its mechanism of action must be provided.
- The **scope of the invention** should be broad enough to prevent easy circumvention while being specific

enough to satisfy patentability requirements.

3. Novelty and Non-Obviousness:

- The specification must demonstrate that the invention is **new and not obvious** to someone skilled in the field.
- Prior art references and experimental data should support claims of novelty and inventive step.

4. Therapeutic Use and Pharmacological Data:

- A patent must clearly define the **medical condition(s) the drug is intended to treat** and provide supporting pharmacological data.
- Results from **preclinical or clinical studies**, including efficacy and dosage details, strengthen the patent claims.

5. Formulation and Drug Delivery Systems:

- If applicable, patents should cover **various drug formulations** (e.g., tablets, capsules, injections, sustained-release formulations).
- The patent should also include information on **drug delivery mechanisms** such as nanoparticles, liposomes, or biologics.

6. Manufacturing Process and Stability:

- The **method of synthesis and production** must be described in detail, ensuring that the process is reproducible.
- Stability data, including **shelf-life and degradation resistance**, is often included to establish the robustness of the formulation.

7. Patent Term Extensions and Evergreening Strategies:

- Companies may file **secondary patents** for **new uses, dosages, combinations, or formulations** of an existing drug to extend exclusivity (evergreening).

- Some jurisdictions allow **patent term extensions** to compensate for regulatory delays in drug approvals.

8. Biologics and Biosimilars Protection:

- For **biopharmaceuticals**, specifications must include information on **cell lines, expression systems, purification processes, and amino acid sequences**.
- Protection strategies often involve a combination of **composition, process, and use claims** to prevent biosimilar competition.

9. Claims Drafting and Scope of Protection:

- Patent claims should be carefully drafted to cover multiple **variants, derivatives, and alternative uses** of the drug.
- Broader claims offer **stronger protection**, while narrower claims may improve patentability by reducing the likelihood of rejection.

10. Compliance with International Patent Standards:

- The specification must comply with global standards, such as those set by the **Patent Cooperation Treaty (PCT)** and **TRIPS (Trade-Related Aspects of Intellectual Property Rights)**.
- Country-specific requirements, such as **Section 3(d) of the Indian Patent Act** (which restricts patenting of minor modifications), must be considered.

Conclusions:

The management of intellectual property (IP) and intellectual property rights (IPR) is a complex and multidimensional process that requires alignment with both national laws and international treaties. In today's globalized economy, IP management is no longer limited to a national perspective but is strongly influenced by market demands, commercialization costs, and

competitive strategies. Effective IPR management must integrate trade and commerce considerations, ensuring that innovations are not only protected but also successfully translated into commercial ventures.

Different forms of IPR require tailored approaches, involving expertise from various fields such as science, engineering, medicine, law, finance, and marketing. Industries must develop customized IP policies and management strategies suited to their specific domains. The pharmaceutical sector, in particular, is continuously evolving its IP strategies to balance innovation, competition, and public health needs.

Additionally, the risk of invalid IPR being misused to create monopolies necessitates the role of antitrust laws in preventing unlawful market control. Ensuring that IP rights are asserted fairly and ethically is crucial to maintaining a competitive and innovative pharmaceutical industry. While progress has been made in IPR management, several challenges remain, requiring ongoing legal, economic, and strategic considerations to foster both innovation and fair market practices.

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Intellectual Property Rights In India: Challenges And Solutions

Harshwardhan B. Lanjewar¹, Dr. Vivek V. Nagbhidkar²

¹Research Scholar

²Asst. Professor

N. H. College, Bramhpuri

Corresponding Author – Harshwardhan B. Lanjewar

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Abstract:

Intellectual property rights are the product of the human mind. Countries of the world have been protecting them by making their own laws for centuries. The World Trade Organization was formed in 1995. Agreement on the Trade related aspect of intellectual property rights (TRIPS) or TRIPS is an agreement of this organization. All the countries which are members of the World Trade Organization have to accept it and make their laws accordingly. We are also changing the laws related to intellectual property rights due to this so that they become TRIPS compliant. This is why many people say that we are not changing the laws because we need them but because TRIPS says so and because of the World Trade Organization and TRIPS we have lost our sovereignty. Anyway, this controversy is different. We have to talk about open source software and are only learning a little about intellectual property rights in this regard.

India and America want to take mutual trade to new heights through bilateral relations. But intellectual property rights come in the way. On one hand, while there are some flaws in India's intellectual property rights system, some negativity has also been shown from America's side. But we can understand the dispute, the reason for the dispute and the process of resolving disputes only when we know well about intellectual property rights, so let us first understand what intellectual property rights are?

Keywords: IPR, TRIPS, Industrial Design, Copyright, Patent, Trademark.

Introduction:

A new invention in any field, whether it is a product or a process, is given a patent. But this research should not be purely scientific research, but it should have some industrial value, patents are given on various medicines, mobile phones, cars and other small parts of vehicles. If a company wants to buy such patented research of a researcher and bring it to the market, the value of this patent can be incalculable and in such a case a searcher can literally become a millionaire. An artistic part of an item for industrial use can be protected by the form of intellectual property called industrial design, such as shape, color, and

form. A working part of a car, such as an engine or tire, is protected by a patent, while its shape, color, and size are protected by industrial design. In short, an industrial design mark is given on the aesthetic elements of commercialized items. However, copyright is only on pure works of art. Different types of intellectual property rights grant their creator ownership rights over this creation for a certain period of time. During this period, no one can make this creation without the permission of the creator. Its owner has a monopoly over it during this period. The government of the country grants this monopoly to the creator as a reward for the hard work, money, and

time spent on this creation.

Objectives of Research:

1. To Study of Intellectual Property Rights in India.
2. Reviewing the disputes between India and the US and their resolution

What is an intellectual property rights?

The rights given to individuals in the context of their intellectual creation are called intellectual property rights. In fact, it is believed that if a person creates any kind of intellectual creation (such as creation of a literary work, research, invention etc.), then first of all, that person should have exclusive rights over it. Since this right is given only for intellectual creation, hence it is called intellectual property rights.

Intellectual property means morally and commercially valuable intellectual creation. Grant of intellectual property rights should not be taken to mean that the creator of a particular intellectual creation will have the right over it forever. It is necessary to mention here that intellectual property rights are given in view of a fixed time period and a specified geographical area.

The basic purpose of granting intellectual property rights is to encourage human intellectual creativity. Since the scope of intellectual property rights is wide, it was considered necessary that corresponding rights and related rules etc. should be arranged for a particular area. On this basis these rights can be classified into the following forms

- 1) Copyright
- 2) Patent
- 3) Trademark
- 4) Industrial design
- 5) Geographical indication

Flaws in India's Intellectual Property Rights System:

Many people believe that the flaws in India's Intellectual Property Rights system

are responsible for the lack of expected progress in India-US trade. Although there is not much truth in this, but still we have a suitable opportunity to see how India's Intellectual Property Rights system.

The Indian Patent and Design Act were first made in India in the year 1911. Again after independence, the Patent Act was made in 1970 and it was implemented from the year 1972. Amendments were made in this Act by the Patent (Amendment) Act, 2002 and the Patent (Amendment) Act, 2005. From the year 2005, India started giving patents on medicines as well. The administration of the patent system in India is under the 'Controller General of Patents, Designs, Trademarks and Geographical Indications'. The headquarters of the Indian Patent Office is in Kolkata. The participation of private sector in research and development in India is very low and the main reason for this is India's weak intellectual property rights system. In the year 2005, when amendments were made in the Indian Patent Act in accordance with the expectations of the World Trade Organization, more than 56,000 applications for patents were pending before the Controller General of Patents, Designs, Trademarks and Geographical Indications.

Exactly 10 years later, i.e. in the year 2015, 2,50,000 applications for patents and 5,00,000 applications for trademarks were pending. As soon as we look at these figures, at first glance it appears that India's intellectual property rights system is in a sick state.

What should be the way forward?

The Industrial Development Organization of the United Nations has proved through a study that the countries which have a well-organized intellectual property rights system have seen rapid economic development. Hence, there is an urgent need for reform here.

India should make the 'Controller General of Patents, Designs, Trademarks

and Geographical Indications' efficient and proper. The pendency of a large number of applications shows that our system of granting patent rights should be improved and hearing of applications within a certain time should be made mandatory.

It should be noted that the Government of India has started the exercise of reforming the intellectual property rights system and has determined that the time limit for hearing the applications for obtaining patent rights will be 1 month and this is definitely a welcome step.

Disputes between India and America and their solutions:

America has often been pressuring India to make its intellectual property rights rules consistent with the intellectual property rights of the US and the European Union. America has many times expressed its concern by accusing the provisions of Indian intellectual property rights rules on issues like counterfeiting, piracy and medicines of weakness. America has also been warning India many times that it can bring India to the lower level in the category of "Primary Foreign Country" and on this basis some restrictions can also be imposed on India.

In view of the above circumstances, while on the one hand India has moved forward towards the formulation of its national intellectual property policy, on the other hand, India has also got a clean chit from the World Trade Organization in the matter of intellectual property disputes raised by America. It is known that the World Trade Organization has created the TRIPS system to resolve trade disputes related to intellectual property rights. The agreement related to TRIPS i.e. 'Trade Related Aspects of Intellectual Property Rights' was made in the Uruguay Round of 1986-94.

It is worth mentioning that some trade groups had raised their voice against India that India has issued some compulsory

licenses for manufacturing patented medicines. But in the review report of the World Trade Organization, it was found that in March 2012, India had issued the first and only compulsory license which was related to cancer medicine. Thus, the Government of India is not only emphasizing on rationalizing its rules related to intellectual property rights but it is also keeping in mind the public interest. Apart from this, the government has also been making necessary amendments in its rules giving importance to global activities.

Conclusion:

As far as the Indo-US dispute is concerned, it is important for India to 'balance patent laws with health considerations' to control the prices of medicines. In many countries, the prices of medicines are high. But life-saving medicines should be within the reach of common citizens at a reasonable price.

This is the reason why the Indian government did not succumb to the pressure of the US and other western countries demanding amendments in the patent law. As far as the relative trade is concerned, India has been balancing its health concerns and patent laws till now and the judiciary has also played an important role in this.

It is known that in the year 2005, there was a sudden short age of cancer medicines in the market and when the matter was investigated, it was found that a company named Novartis had dragged other drug manufacturing companies to court because the company claimed that it alone had the right to sell this medicine in India.

It is worth mentioning that in 2005, Swiss company Novartis applied for a patent on an anti-cancer drug called Gleevec, which was rejected by the Indian Patent Office. Against this decision, Novartis had approached the Supreme Court. However, the Supreme Court rejected Novartis' petition.

India is a developing country and its emerging market is beneficial for other countries. It is worth mentioning that patents are beneficial for the profits of big companies. Therefore, we should register a large number of patents like China and relax it to the optimum level so that research and inventions are not limited to only a few hands.

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Intellectual Property Rights in Promoting Innovation and Economic Growth in the Digital Age

Dr. Subhash Sahebrao Patekar

Head, Dept. of Commerce,

Kholeshwar Mahavidyalaya, Ambajogai, Dist. Beed-431517(MH)

Corresponding Author – Dr. Subhash Sahebrao Patekar

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Abstract:

Intellectual property rights (IPR) play an important role in driving innovation and economic development, especially in the digital age. By providing legal protection to inventors, creators and businesses, IPR attracts research and development (R&D), foreign direct investment (FDI) and enhances industrial competitiveness. This paper studies the relationship between IPR and economic growth, concentrating on how patents, copyrights, trademarks, and trade secrets drive innovation. Through a combination of literature review, statistical analysis and case studies, the study highlights the impact of a strong IPR framework on technological progress and GDP growth. Additionally, recommendations are provided to optimize IPR strategies to maximize economic benefits.

Keywords: *Intellectual Property Rights, Innovation, Economic Growth, Digital Economy, Patents, Copyrights, Trademarks, R&D, Technology Transfer etc.*

Introduction:

The digital age has changed the economic landscape by accelerating technological progress and knowledge dissemination. Intellectual Property Rights (IPR) serves as a fundamental mechanism for protecting innovative ideas and promoting industrial development. Strong IPR strategies help prevent unauthorized use of inventions and encourage businesses to invest in innovation.

IPR affects key sectors such as technology, pharmaceuticals, software and digital media. Countries that prioritize IPR protection experience greater innovation, higher foreign investment, and improved competitiveness in global markets. Conversely, weak IP enforcement reduces incentives for intellectual property theft, counterfeiting, and research and development. Given these considerations, this study examines the economic

importance of IPRs in promoting technological progress, attracting investment and enhancing market competitiveness.

Objectives of the Study:

1. To analyze the role of IPR in promoting innovation and technological progress in the digital economy.
2. To assess the economic impact of IPR on GDP growth and industrial development.
3. To examine the impact of IPR on foreign direct investment (FDI) and trade.
4. To evaluate case studies demonstrating the effectiveness of strong IPR protection.
5. To suggest policy recommendations to enhance the IPR framework.

Research Methodology:

The study in this paper is based on mixed method of research approach based on the secondary data and information sourced from internet, relevant books, journals, magazines, articles, media reports and website of different institutes like (WIPO, OECD, World Bank, and academic journals.) etc. The research design is descriptive in nature, for the analysis of research in depth the study have been adopted the available secondary data source.

Literature Review:

Several studies have highlighted the role of IPRs in promoting innovation and economic growth:

- **Eghion and Howitt (1992)** argue that patent protection promotes economic progress by encouraging R&D investment.
- **Maskus (2000)** found that countries with strong IPR frameworks attract more FDI, especially in high-technology sectors.
- **Ginarte & Park (2018)** illustrate that strong IP enforcement increases industrial productivity and innovative output.
- **World Intellectual Property Organization (WIPO, 2022)** reports that economies with strong IP protection experience higher technological progress and GDP growth.

Although many scholars agree that strong IPR frameworks encourage innovation, some argue that overly rigid policies can hinder knowledge-sharing and limit technology diffusion, specifically in developing economies. Sustainable economic development requires balancing strong IPR protection with innovation-friendly policies.

IPR in Promoting Innovation and Economic Growth in the Digital Age:

IPR acts as a catalyst for innovation by providing legal protection that promotes inventors, creators and businesses to invest in research and development. In the digital age, where knowledge-based industries and technological advances dominate, strong IPR policies are becoming increasingly necessary. It includes how IPR promotes innovation and economic growth:

- **Promoting research and development (R&D):** Companies and individuals are more likely to invest in R&D when they are confident that their intellectual property will be protected from unauthorized use.
- **Facilitation of technology transfer:** IPRs enable companies to license their innovations, allowing new technologies to spread across industries and countries.
- **Enhancing Market Competitiveness:** Strong IPR frameworks create a fair competitive environment where companies innovate to maintain a market edge.
- **Attracting Foreign Direct Investment (FDI):** Countries with strong IPR enforcement attract international companies seeking a secure environment to invest and operate.
- **Protecting Digital Innovations:** In the digital age, software, AI, blockchain and digital content require strong copyright and patent protection to prevent unauthorized copying and piracy.
- **Promoting Entrepreneurship and Startups:** Startups and small businesses benefit from IPR protection, which allows them to commercialize their ideas without fear of infringement by larger competitors.

- **Driving Economic Diversification:**
By protecting innovative processes, IPR promotes growth in many industries; these include biotechnology, clean energy and telecommunications.
- **Supporting Creative Industries:**
The digital age has led to an explosion in creative content, including music, movies, gaming and e-books, which require stronger copyright protection to ensure fair remuneration to creators.

Impact of IPR:

1. Impact of IPR on R&D Investment:

- Countries with strong IPR frameworks invest a higher percentage of GDP in R&D:

Country	R&D Expenditure (% of GDP)	Patent Filings (2022)
USA	3.2%	650,000
Germany	3.1%	250,000
China	2.4%	1,400,000
India	0.7%	60,000

Source: World Bank, WIPO (2022)

2. Impact of IPRs on Innovation:

Indicator	Strong IPR nations	Weak IPR Nations
Patent Applications (2022)	3.5 million +	<500,000
R&D Expenditure (% of GDP)	2.5-3.5%	< 1%

Source: WIPO (2023) & OECD (2021)

3. Economic Growth Correlation:

Indicator	Strong IPR nations	Weak IPR Nations
GDP Growth rate (Avg)	3.5 %	1.2 %
FDI Inflows (\$ billion)	500+	100-200

Source: IMF (2022) & World Bank (2023)

4. Digital Challenges:

Challenge	Estimated global Losses (\$ Billion)
Digital piracy	200+
Counterfeiting	500+

Source: IMF (2022) & OECD (2023)

Data highlights the positive impact of IPR protections on innovation and economic development while emphasizing digital challenges.

5. Correlation between IPR and GDP Growth:

1. According to the OECD, 2022 a 1% increase in patent filings is associated with a 0.4% increase in GDP by 2022.

2. According to World Economic Forum, 2021 report Countries with strong IPR protection attract 50% more FDI in high-tech industries,

6. United States vs. India a Case Study:

This case study is based on the above-mentioned tables on IPR Impact on R&D Investment, IPR Impact on Innovation, Economic Growth Correlation and Digital

Challenges. It attempts a comparative analysis between the United States vs. India

United States: Strong IPR Enforcement and Innovation Ecosystem:

The United States has one of the strongest intellectual property (IP) frameworks in the world, fueling a strong innovation-driven economy. The country's IPR system includes strict patent laws, strong copyright protection and a well-enforced trademark system. US case study includes the followings:

- **Investment in R&D:** The US invests more than 3% of its GDP in research and development, being one of the top global innovators.
- **Patent Filings:** In 2022, the US filed more than 650,000 patents, reflecting a culture of continuous technological advancement.
- **Thriving Startup Ecosystem:** Strong IPR protection encourages venture capital investment in startups in Silicon Valley.
- **Global Tech Leadership:** Companies like Microsoft, Apple and Google thrive on strong patent and copyright protection.
- **Licensing and Technology Transfer:** US universities and research institutes actively patent and license their innovations, contributing to industrial growth. Strong IPR protection in the U.S. has fostered innovation, economic diversification, and high-tech industrial development.

India: Challenges due to minimal IPR enforcement:

India, while experiencing rapid economic growth, has faced challenges due to minimal enforcement of intellectual property rights. The country has a growing innovation ecosystem, but certain structural issues limit the benefits of IPR protection.

- **Less R&D Expenditure:** India spends very little on R&D at just 0.7% of its GDP, much lower than countries with strong IPR frameworks..
- **Patent Filings:** In 2022, India filed only 60,000 patents, significantly lower than the USA, Germany and China
- **Foreign Investment:** Weak IPR laws discourage foreign tech companies from investing in high-tech industries.
- **Counterfeiting and Piracy Issues:** India struggles with copyright piracy, especially in the software, pharmaceuticals and entertainment industries.
- **Emerging Policy Reforms:** The Government of India has taken steps to strengthen its IPR system with the National IPR Policy and the Make in India initiative. Despite challenges, India is making progress in improving its IPR enforcement. Strong IP protection can attract more foreign investment and boost local innovation in industries such as biotechnology, IT and pharmaceuticals.

Case Study Conclusion:

A comparison between the US and India highlights the importance of IPRs in driving innovation and economic growth. Countries with strong IPR frameworks attract more investment, create innovative ecosystems and experience more technological progress. Strengthening IP protection in emerging economies like India can lead to increased foreign direct investment, better technology transfer and faster economic growth.

Recommendations:

1. **Need Strengthen Global IPR Standards:** necessary of harmonizing global IP regulations to facilitate cross-border innovation.
2. **Enhance Support for Startups:** Governments should help financially for patent applications.
3. **Improve Enforcement Mechanisms:** Enforce stricter measures against patent infringements and counterfeiting.
4. **Encourage Public-Private Partnerships:** Encourage R&D funding through collaborations between government agencies and private firms.
5. **Facilitate Open Innovation:** Encourage knowledge-sharing while maintaining adequate IP protections.

Conclusion:

This study highlights the important role of intellectual property rights in promoting innovation and economic growth. Strong IPR frameworks encourage R&D investment, attract foreign capital and increase industrial competitiveness. However, policymakers need to balance IP

protection with knowledge dissemination to ensure sustainable technological progress. By optimizing IPR policies, governments can open the full economic potential of intellectual property in the digital age.

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Intellectual Property Rights In Startups And Entrepreneurship

Amena Khatoon

Asst. Professor

Little Flower Degree College, Uppal, Hyderabad

Corresponding Author – Amena Khatoon

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Abstract:

Intellectual Property Rights (IPR) plays an important role in the growth and sustainability of startups and entrepreneurship by safeguarding innovations and enhancing valuation. To have unique ideas, startups often rely on patents, trademarks, copyrights, trade secrets, and industrial designs to protect their unique ideas, products, and brand identities. To have legal protection, a strong IP portfolio will help attract investors to facilitate commercialization and create a competitive advantage. However, high costs, enforcement difficulties, and international protection barriers often hinder startups from fully leveraging IPR. The government has also taken up initiatives to enhance the opportunities for new start-ups, such as the Startup India IPR Scheme, which offers financial and legal support to new and emerging businesses. The startups must adopt proactive strategies, which can build much confidence in innovations with regards to IPR. This paper explores the significance of IPR in startups and entrepreneurship, the challenges faced, and the strategic approaches that can be adopted to secure and monetize their intellectual assets effectively.

Keywords: *IPR, Safeguarding Innovations, Startup, Entrepreneurship.*

Introduction:

Intellectual property rights (IPR) are essential for startups and entrepreneurs as they safeguard trademarks, inventions, and artistic creations from unauthorized use. Since they prevent unlawful use of trademarks, inventions, and artistic creations, intellectual property rights (IPR) are crucial for new businesses and entrepreneurs. Startups may gain a competitive edge, draw in investors, and make money by safeguarding their trade secrets, patents, trademarks, and copyrights. However, issues like excessive expenses and compliance issues necessitate smart IP asset management. Startups may expand, endure, and prosper in a competitive market when they properly understand and use IPR.

For innovators of different creative works, intellectual property rights (IPR)

offer legal protection in the form of trade secrets, patents, trademarks, copyrights, and geographical indications, thus safeguarding their concepts. By preventing unlawful usage and allowing writers to make money off of their works, these rights promote innovation.

In an economy's economic development, **startups** are essential. These companies were founded with the intention of implementing innovation, scalability, and significant growth potential; they frequently use technology to be updated.

It is recognized that **entrepreneurship** is a process that fosters creativity and helps a business grow and turn a profit. It contributes significantly to economic expansion by generating new market solutions and employment opportunities.

Significance of the Study:

This study is significant as it highlights the crucial role of intellectual property rights (IPR) in startups and entrepreneurship. It helps in understanding how IPR can protect innovations, enhance competitiveness, and attract investors. The study also sheds light on the challenges startups face in securing and enforcing their IP, such as high costs and legal complexities. Additionally, it provides insights into government initiatives and strategic approaches to leverage IPR effectively. The findings will benefit entrepreneurs, policymakers, and researchers by offering practical knowledge on how to maximize the value of intellectual assets for business growth and sustainability.

Objectives of the study:

1. To comprehend how important intellectual property rights (IPR) are to entrepreneurs and startups.
2. To determine the various IPR components and their business-related significance.
3. To understand IPR's application in startups.

Review of Literature:

1. Teresa, Hogan, Anish, Tiwari, and O'Gorman, Colm (2021) The good, the bad, and the ugly of 'Startup India'—a review of India's entrepreneurship policy. pp. 45–52 in Economic & Political Weekly (EPW), 56 (50). ISSN 0012-9976 explained that the Startup India program has helped reduce regional entrepreneurial disparities by encouraging startups beyond major cities.
2. Saurav Pathak, Emanuel Xavier-Oliveira, Influence of intellectual property, foreign investors, and technological adoption on technology entrepreneurship: The

study examines the impact of intellectual property rights (IPR), foreign direct investment (FDI), and technological adoption barriers on technology entrepreneurship in emerging economies using a multi-level modeling approach. Findings suggested that IPR protection and high FDI per capita reduce entrepreneurial entry.

3. Innovation in and from India: The who, where, what, and When (20 February 2018)
Rishiksha T. Krishnan Shameen Prashantham suggested in this article that Indian startups are emerging key players in product and business model innovation, highlighting a gap in empirical research compared to China.
4. A study of why IPR is vital for startups in India: in the present scenario
Authors: Agrawal V, Parveen R, Faculty of Law, Shri Venkateshwara University, Rajabpur, Nh-24, Venkateshwara Nagar, Gajraula, Uttar Pradesh 244236 (Universal Research Reports-Vol. 9 No. 3 (2022): Volume 9 | Issue 3 | 2022: Entrepreneurship plays a vital role in India's economic growth by fostering innovation, job creation, and inclusive development, aligning with globalization-driven changes. Government initiatives like the Startup India campaign further support entrepreneurial expansion, addressing key economic challenges.

Research Methodology:

Secondary data collection: information is gathered from academic journals, books, government reports, and online resources related to IPR and startups.

Literature Review: Existing studies on IPR, innovation, and entrepreneurship are reviewed to understand key trends, challenges, and best practices.

Mixed-methods research: combines qualitative insights with quantitative data for a more comprehensive understanding of IPR's role in entrepreneurship.

Case study analysis: Flipkart, Paytm, Biocon, and Tesla show that strong IPR strategies enhance brand protection, attract investments, drive innovation, and influence industry growth

Findings & Discussions:

1. IPR prevents others from stealing or using innovative ideas, products, or brand identity.
2. IPR helps to have legal ownership and the right to take action against infringement.
3. Startups are motivated to develop unique products without fear of imitation.
4. A registered IP reduces the risk of conflicts over ownership and rights.
5. The study focuses mainly on the role of IPR in startups and entrepreneurship without exploring its impact on large corporations.

Conclusion & Recommendation:

In light of its unique features and relevance to start-up businesses, this study helps readers understand intellectual property rights (IPR). IPR is crucial for identifying the needs of the modern world and helping artists become more inventive and equipped to deal with its issues. Startups

can optimize the benefits of intellectual property rights (IPR) while reducing its drawbacks by utilizing emerging technology, strengthening regulatory frameworks, and encouraging international IP collaboration. To enhance startup ecosystems globally, future research should focus on sector-specific IPR issues, comparative policy analysis, and technology solutions for IPR management.

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The Intersection of Intellectual Property Rights and Corporate Governance: A Strategic Approach to Innovation and Compliance

Mr. Amol M. Vaze¹ & Dr. Bhaskar L. Lengure²

¹Ph. D. Scholar, Gondwana University, Gadchiroli.

²Professor, N. H. College, Bramhapuri

Corresponding Author – Mr. Amol M. Vaze

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Abstract:

The integration of Intellectual Property Rights (IPR) and Corporate Governance is essential in modern business, particularly in knowledge-driven industries where intangible assets significantly impact firm value. This study explores the intersection of IPR and corporate governance, examining how intellectual assets influence business strategies, decision-making, transparency, and ethical considerations. Through secondary research, the study reviews literature, industry reports, and case studies to analyze best practices in IPR governance. Key challenges include balancing innovation with regulatory compliance, addressing complexities such as AI and blockchain, and managing cross-border IP governance. Findings suggest that effective IPR management enhances corporate accountability, mitigates legal risks, and strengthens competitive advantage. Recommendations include updating IP laws, fostering global harmonization, and promoting transparent IP governance.

Keywords: *Intellectual Property Rights (IPR), Corporate Governance, Innovation, Compliance, Risk Management, Digital Era Challenges.*

Introduction:

1. Background of IPR and Corporate Governance:

Intellectual Property Rights (IPR) is essential for protecting intellectual creations, such as patents, copyrights, trademarks, and trade secrets. These rights foster innovation and ensure fair compensation for creators (WIPO, 2023). Corporate governance involves the framework of rules, practices, and processes that direct and control a company, focusing on transparency, accountability, and fairness (OECD, 2023).

The integration of IPR into corporate governance is vital as firms increasingly rely on intellectual assets. Strong IPR policies improve market positioning, attract investment, and mitigate legal risks. Poor governance, however, can result in IPR

mismanagement, fraud, and financial losses (Denoncourt, 2018).

2. Importance of IPR in Modern Business and Innovation:

In today's economy, intangible assets like patents, trademarks, and trade secrets are often more valuable than physical assets. Companies such as Apple and Google derive significant portions of their market value from IPR (WIPO, 2023a). Effective corporate governance ensures that these assets are managed ethically, balancing innovation with regulatory compliance.

Technologies like AI and blockchain add complexity to IP management. Organizations must develop policies that protect intellectual assets while adhering to international regulations. AI-powered tools can automate patent searches, and

blockchain can secure IP transactions (WIPO, 2023b; KPMG, 2023).

Research Objectives and Questions:

This research explores the relationship between IPR and corporate governance, focusing on their interdependencies and impact on business strategy. The key objectives are to examine the role of IPR in governance, identify challenges in integrating IPR, analyze the impact of strong IPR governance on business performance, and assess global best practices.

Research questions include:

1. How does IPR influence corporate governance practices?
2. What challenges exist in aligning IPR strategies with governance frameworks?
3. How can companies manage IPR effectively within governance structures?
4. What lessons can be learned from global case studies on IPR governance?

Methodology:

This study employs secondary research, analyzing academic literature, industry reports, and case studies on IPR and corporate governance. Data is sourced from peer-reviewed journals, reports from WIPO and OECD, and legal frameworks from various jurisdictions. A qualitative approach synthesizes findings from multiple sources, providing comprehensive insights into the topic.

Literature Review:

1. Overview of IPR: Patents, Copyrights, Trademarks, and Trade Secrets

IPR provides legal protection to creators, allowing them to commercialize their ideas. The primary forms include:

- **Patents:** Exclusive rights to inventions for a specified period (typically 20 years) (USPTO, 2023).

- **Copyrights:** Protection for original works of authorship, such as literary and artistic creations (Copyright Alliance, 2023).
- **Trademarks:** Protection for distinctive logos and symbols that differentiate a company's products (WIPO, 2023).
- **Trade Secrets:** Confidential business information that gives a competitive advantage, protected as long as it remains confidential (WIPO, 2023).

IPR drives innovation by ensuring creators can profit from their inventions (WIPO, 2023).

2. Fundamentals of Corporate Governance:

Corporate governance involves rules, practices, and processes ensuring transparency, accountability, and fairness.

Key principles include:

- **Accountability:** Ensuring company leadership is responsible for decisions (Investopedia, 2023).
- **Transparency:** Disclosing accurate information to stakeholders (Investopedia, 2023).
- **Fairness:** Treating all stakeholders equitably (OECD, 2023).
- **Responsibility:** Aligning business practices with social and environmental goals (OECD, 2023).

Corporate governance protects investors, mitigates risks, and ensures accountability (OECD, 2023).

3. The Role of IPR in Corporate Governance Strategies:

Integrating IPR into corporate governance is increasingly important, as intellectual assets are critical for competitive advantage. Effective governance ensures IP is managed, legally protected, and ethically utilized (Directors Institute, 2023). Companies with strong IPR governance can negotiate better licensing agreements, prevent infringement disputes, and enhance

their market valuation (Directors Institute, 2023).

Theoretical Framework:

1. Corporate Governance Theories:

Several theories explain the relationships among stakeholders in corporate governance:

- **Agency Theory:** Focuses on the principal-agent relationship, where conflicts arise when managers act in their interests rather than maximizing shareholder value (Jensen & Meckling, 1976).
- **Stakeholder Theory:** Suggests corporations should consider the interests of all stakeholders, not just shareholders, ensuring ethical responsibility in IPR governance (Freeman, 1984).
- **Stewardship Theory:** Proposes that managers act as stewards of the company's assets, motivated by long-term value creation (Donaldson & Davis, 1991).

2. Legal and Regulatory Frameworks Governing IPR in Corporate Settings:

IPR governance is structured across international, national, and institutional levels:

- **International Level:** The TRIPS agreement sets global standards for IP protection (WTO, 2023).
- **National Level:** Countries implement jurisdiction-specific laws while complying with international treaties like TRIPS (USPTO, 2023).
- **Institutional Level:** Companies establish internal policies for managing intellectual assets and ensuring compliance (WIPO, 2023).

3. Strategic Importance of IPR in Governance Decisions:

IPR plays a critical role in competitive positioning, value creation, and risk mitigation. Companies that protect their intellectual assets maintain technological

leadership and brand exclusivity (OECD, 2023). Strong IPR governance increases firm valuation and investor confidence (WIPO, 2023).

Key Issues at the Intersection of IPR and Corporate Governance:

1. Protecting Intellectual Assets in Corporate Strategies:

Companies need robust policies to protect intellectual assets, such as patents and trade secrets. Regular IP audits ensure exclusive rights and prevent unauthorized use (OECD, 2023).

2. IPR's Role in Enhancing Corporate Value and Shareholder Confidence:

Strong IPR portfolios signal innovation, enhancing shareholder trust and market valuation. Transparent IP reporting practices increase corporate credibility and investor confidence (Denoncourt, 2018).

3. Risk Management in IPR and Corporate Governance Compliance:

IP-related risks include patent infringement lawsuits and counterfeiting. A comprehensive risk management framework helps companies mitigate these risks while ensuring compliance with evolving IPR regulations (OECD, 2023).

4. Case Studies:

- **Apple vs. Samsung (2011-2018):** Apple's patent lawsuit against Samsung emphasized the importance of patent protection in competitive industries, highlighting the need for robust IPR governance (USPTO, 2023).
- **BlackBerry vs. Facebook (2018):** BlackBerry's lawsuit against Facebook over patent infringement demonstrated the complexities of IP litigation (Casetext, 2023).
- **Tesla's Open-Source Strategy (2014-Present):** Tesla's decision to allow public access to its patents reflects stakeholder theory, emphasizing industry collaboration

over exclusive corporate control (OECD, 2023).

Impact of IPR on Corporate Governance Practices:

1. Decision-Making at the Board Level:

Corporate boards must integrate IPR into strategic planning. Decisions regarding patent portfolios, licensing agreements, and R&D investments require board oversight to align with corporate objectives (Denoncourt, 2018).

2. Corporate Transparency and Disclosure of IPR Assets:

IPR disclosure is vital for investor confidence and market valuation. However, companies must balance transparency with the need to protect strategic innovations (Denoncourt, 2018).

3. Ethical Considerations in IPR Management:

Ethical governance of IPR involves fair compensation for inventors and responsible patent use. Companies must also ensure IPR policies do not stifle innovation or limit public access to essential technologies (Denoncourt, 2018).

Challenges and Future Prospects:

1. Emerging Issues in the Digital Era (AI, Blockchain, and IP Governance):

AI-generated inventions challenge traditional patent laws, while blockchain can enhance IP protection through secure, tamper-proof systems (OECD, 2019). Legal frameworks are still evolving to address these advancements effectively.

2. Globalization and Cross-Border IP Governance Challenges:

Multinational companies face challenges navigating differing IP laws across jurisdictions. For example, China's approach to patent enforcement differs from that of the U.S. and EU (Hall & Harhoff, 2023).

3. Enhancing IPR Policies in Corporate Governance Frameworks:

Firms need to update governance frameworks regularly to address new challenges in IPR. This includes developing policies to handle emerging technologies and fostering global collaboration on IP issues (WIPO, 2023).

Conclusion and Recommendations:

This study highlights the critical intersection of IPR and corporate governance. Effective IPR management enhances firm value, mitigates legal risks, and ensures ethical governance. Companies must develop robust IP strategies, prioritize transparency, and stay ahead of global regulatory changes.

Recommendations:

- Regularly update IPR laws and governance frameworks to accommodate technological advances like AI and blockchain.
- Foster global IP harmonization to address cross-border governance challenges.
- Promote transparent IPR management practices to build investor confidence and ensure compliance.

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Intellectual Property Rights in Digital Mahila Bachat Gat Women Entrepreneurship

Vhandkar Digambar Shivling¹, Dr. Kapse G. P.² & Dr. Balasaheb T. Chavan³

¹Research Scholar, S. R. T. M. University, Nanded.

²Shahid Bhagat Singh Mahavidyalaya, Killari.

³Dayanand College of Commerce, Latur.

Corresponding Author – Vhandkar Digambar Shivling

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Abstract:

"Mahila Bachat Gazrt" is one of such measures which come under Self Help Group and which is responsible for Social and Economic development of Women specifically of illiterate and economically poor groups. Maharashtra Region belongs to Population of Women of Socially and Economically backward category to which Mahila Bachat Gat helped for empowerment. IP rights are enshrined in Article 27 of the Universal Declaration of Human Rights of 1948. Only 16 percent of patent applications are filed from women, the remaining is from men. There are certain problems faced by women in protecting IP rights. Some of them are Gender bias, financial constraints, Lack of IP education and awareness, Lack of representation. These challenges need efforts for promoting gender equality and also inclusiveness in the field of IP. The practice of IP law and management is its own profession for the reason it requires specialized training. Most of the creations and ideas made by women are not protected under the category of intellectual property for the main reason, of long procedures involved and also unaware of the legal side of IP. Closing the gender gap in IP requires empowering women through education, mentor-ship and support.

Keyword: Digital Bachat Gat, Intellectual Property Rights, Women Empowerment.

Introduction:

Intellectual property Rights, even though constitute the intangible fraction of rights available to any individual, institution or business concern, are one of the most important and economically viable rights in the present day. The ambit of intellectual property rights may include a plethora of dimensions such as ideas of entrepreneurs, inventions, artistic creations, literary works, etc., and are available in the forms of patents, trademarks, and copyrights. One of the growing and rising shares of authors, entrepreneurs, business owners and technical developers globally in the recent past have been women who have entered into a plethora of fields and have contributed

significantly to innovations in these fields. Women entrepreneurs half of the population of mankind yet the condition of women in today society is miserable. The economic and social development not yet satisfactory growth. The vital role of women entrepreneur in Indian economic development. Innovation and risk taking are important functions of women entrepreneurs. Mahila Bachat Gat is one of calculates which come under self Help Group which is social economic development. Mahila bachat Gat is team work includes poor women come together and try to poverty reduction and try too independent. The majority women of socially and economically backward

category to which Mahila Bachat Gat helped for women empowerment in Maharashtra state. The main object of focus to expand a website that digital commerce.

Objective of the Study:

1. To study the need of IPR digital Mahila Bachat Gat.
2. To study the advantages of IPR digital Mahila Bachat Gat.
3. To study the problems and solutions of IPR digital Bachat Gat

Research Methodology:

The main objective of this paper is to understand the progress of the IPR digital Mahila Bachat Gat of self-help groups concerning the various projects in different states. It also covers the impact of such initiatives and also provides some policy suggestions for better inclusion. The study is IPR women empowerment descriptive and based on the data available for financial inclusion and self-help groups in the reports published by the National Bank for Agricultural and Rural Development, Reserve Bank of India, etc. various studies were undertaken by different scholars in this area have been analyzed to their findings are placed in the research paper mainly depend on open secondary data i.e. data available from following sources for the purpose of research study. Research paper, books and journals, seminars paper, internet website etc. this paper.

Need of the Study:

Bachat gat Software is available in online platform. Here we have various modules that make it perfect software for bachat gat. We have developed bachat gat software in very simple and user-friendly environment that can help in accounting all your needs in this software. Self Help Groups (SHGs) have emerged as working platforms for empowering women, creating self-reliant decision-makers, and managing

entrepreneurial businesses for sustainable income-generating activities, thereby contributing to socioeconomic advancement. SHGs in India have been instrumental in innovatively weaving traditional knowledge and wisdom with current ethos and societal demands servicing all sectors spanning from household necessities, foods, fashion, media, telecommunication, healthcare, etc. Economic Survey 2022-23 has made a special mention of SHGs in India during the Covid-19 crisis leading from the front in producing masks (with cultural variants such as Gamusa Masks in Assam), sanitizers, and protective gear, creating awareness about the pandemic (e.g. Patrakar Didis of Jharkhand), delivering essential goods (e.g. Floating supermarkets in Kerala), running community kitchens (e.g. Prerna Canteens in Uttar Pradesh), supporting farm livelihoods (e.g. Pashu Sakhis for animal health care services, Aajeevika Farm Fresh Online selling and distribution mechanism for vegetables in Jharkhand), convergence with MGNREGS (in UP, Bihar, Chhattisgarh), and in delivery of financial services (e.g. Bank Sakhis managing bank rush for availing Covid-relief DBT cash transfers).

IPR problems of Women Entrepreneurship:

- 1) **The practice of IP law and management-** The own profession for the reason it requires specialized training. Most of the creations and ideas made by women are not protected under the category of intellectual property for the main reason, of long procedures involved and also unaware of the legal side of IP.
- 2) **Closing the gender gap-in IP** requires empowering women through education, mentorship and support. The purpose of IP rights is to encourage and develop innovation and creativity, which in turn helps

to improve the quality of our lives. Women may face difficulties in understanding the intricacies of IP laws, filing applications or in enforcing their rights

- 3) **Limitations on women's** -legal capacity cause a burden on their decision-making ability. Striking a balance between work and home is important not only for women but also an equal responsibility of men. For decreasing the gender gap, it is mandatory to create an inclusive environment. The World Intellectual Property Day, observed on April 26, was this year dedicated to women the challenges women inventors, authors and creators face in entering innovative fields and sustaining themselves. Gender plays a role in who claims and exercises intellectual property — which exists in the market as patents, copyrights and trademarks. Data shows very few women are participating in the intellectual property system; and subsequently, very few women are benefitting from it.
- 4) The World Intellectual Property Day, observed on April 26, was this year dedicated to women like Lamarr. Supreme Court judge Justice Hima Kohli in a public address spoke about the challenges women inventors, authors and creators face in entering innovative fields and sustaining themselves. Gender plays a role in who claims and exercises intellectual property — which exists in the market as patents, copyrights and trademarks. Data shows very few women are participating in the intellectual property system; and subsequently, very few women are benefitting from it.

- 5) The American inventor (and famed Hollywood actor) developed a frequency-hopping technology that would one day spawn wireless communication tech in the form of Bluetooth, GPS and Wi-Fi. Still, Lamarr didn't receive credit for her invention for decades. Never in her lifetime did she earn money for a technology she pioneered.

IPR Solutions of Women Entrepreneurship:

Women participation can be increased in the IPR field by incorporating certain steps, few of which are:

- 1) **Awareness and Outreach:** By organizing workshops, seminars, and conferences that highlight the contributions of women in the IPR field can significantly aid women in knowing the various dimensions of this field. These events can also serve as networking opportunities.
- 2) **Networking and Professional Associations:** By supporting the creation of women-focused or diversity-focused IPR professional organizations and encouraging participation in existing associations.
- 3) **Equal Opportunities in Employment:** By promoting equal opportunities and pay equity for women in the workplace, including within law firms, corporate legal departments, and government agencies dealing with IPR.
- 4) **Support for Entrepreneurs and Startups:** By Providing funds, mentorship, and resources specifically tailored to the needs of women entrepreneurs and inventors in the IPR field.
- 5) **Policy Advocacy:** By advocating for policies that promote gender diversity in IPR, both at the national and international levels, also by

encouraging Government to collect and publish data on gender diversity in IPR-related industries.

Programs for Women Entrepreneurs Empowerment:

Other interventions target women. For women in lower-income areas or developing countries who lack access to quality education, a series of training workshops can be provided to educate them and encourage them to enter innovative fields. Laboratorial, an organization founded by a female entrepreneur, provides “boot camps” for women across Latin America to learn the skills necessary for tech careers. Over three years, more than 1,000 women graduated from Laboratorial, and 80 per cent of the 2017 class went on to work in the industry. In Mexico, a program called Victoria 147 provides a platform for training, incubation, acceleration and networking that focuses on the development and empowerment of female entrepreneurs and executives in Mexico. With offices in Mexico City, Merida and Monterrey, Victoria 147 is the largest and most experienced organization in Mexico offering training and networking opportunities for businesswomen. In Japan, the Government launched the “Creating a Society in Which All Women From 2002 to 2018, approximately 600 women were trained by the program. Of these, 150 are now qualified patent agents. More than 60 per cent of the women are now gainfully employed. A number of them are self-employed. The three-part WOS initiative addresses the lack of training and resources head-on by providing resources aimed specifically at enabling women innovators to learn and grow professionally. WOS-C is also aimed at addressing the lack of qualified women in IP law and administration roles, as well as the discrepancy in the awareness of women entrepreneurs of the relevance and value of IPRs to their careers. In addition, WOS-A

and WOS-B both offer opportunities for women to advance in IP-intensive fields. This initiative therefore works to solve four of the five IP gender gap challenges presented in this paper end Shine” program,

Conclusion:

This project would be very useful to them for selling their product of different categories using filters and also publishing their Bachat Gat products wherever they want. Due to the Bachat Gat's traditional method of product publication in the current system, we are creating an online shopping website for them. so that they can publish a variety of products on this website and attract more customers. They may sell their products in many categories utilizing filters and publish their Bachat Gat products virtually anywhere. In existing system, the Mahila Bachat Gat having their own traditional way of publishing their product through this project we are introducing online shopping website for them. The report highlights the scheme, functioning, and the impact created by the major initiatives of the Government of India. The report primarily focuses on three types of initiatives – Awareness, capacity building in science and technology, and Career Re-tracking for Women. The report further demonstrates steps taken to accelerate professional development in innovation and IPR and increase in women’s involvement in science and technology. The NIPAM initiative aims to create awareness about IPR which has a staggering reach of total beneficiaries going over 2 million, of whom more than 1 million are women.

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Role Of Intellectual Property Rights For SMEs

Vaidya Punam Revnnath

Agasti Arts, Commerce And Dadasaheb Rupwate Science College, Akole

Corresponding Author – Vaidya Punam Revnnath

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Abstract:

Globalization has enhanced competitiveness in the international market and has deep influence on the way enterprises work. Small and Medium Enterprises (SMEs) are too becoming increasingly involved in the market basically as part of supply chains and also due to expansion and growth. But, they face the problem of responding to the new economic world order because they are not familiar with the best ways to manage their knowledge assets. They face different types of Intellectual Property Rights (IPRs) challenges and do need to evolve strategies suiting different conditions to exist in competitive market. In this context, it is important to re-look at the basic issues relating to need for protecting intellectual wealth, policy measures and steps taken for creating IPR culture in SMEs. The paper argues that the ability to create, access and use knowledge is the fundamental determinant of global competitiveness of enterprises and economies which highlights the importance of IPRs. The paper examines all these issues in the context of Indian Small and Medium Enterprises.

Keywords: *Globalization, International Market, Small and Medium Enterprises, Innovation and Intellectual Property Rights.*

Introduction:

SMEs face a major challenge in the new environment because they are not familiar with the best ways to manage their knowledge assets. They face different types of Intellectual Property Rights (IPR) challenges and do need to evolve strategies suiting different conditions to exist in competitive market. In this context, it is equally important to re-look at the basic issues relating to, reasons for economy environment change, need for protecting intellectual wealth, policy measures and steps taken for 4 creating IPR culture in SMEs. The ability to create, access and use knowledge is the 5 fundamental determinant of global competitiveness of enterprises and economies which highlight the importance of IPRs. The paper examines all these issues in the context of Indian SMEs.

The traditional factors/determinants of wealth creation (Land, Labour and Capital) 1 does not occupy the central position in today's market economy. It is the manner one manages Knowledge that decides the competitive edge. SMEs are becoming increasingly involved in global competitive markets, basically as part of supply 2 chains and also due to expansion and growth. SMEs have traditionally relied more on local markets and are currently less equipped to face market challenges of a highly competitive environment. In addition to local government help, SMEs in these regions need to re-examine and modify their competitive strategies by fully 3 incorporating innovation within their people, processes and products.

Indian Small and Medium Industries in the Era of Globalization:

Worldwide, SMEs account for approximately 95% of the business population. Given the significant role of SMEs in the national economy in terms of their sizeable contribution to GDP, employment generation, export performance, and achieving sustainable national economic development, most governments have placed increasing emphasis on facilitating the creation and development of the national SME sector. In the context of increasing international trade, specialization seems to be a better mode to achieve prosperity rather than diversity in activities of an enterprise. The majority of the world's large companies provide multiple services but purchase many components and goods from smaller companies that are engaged in one activity. Thus, SMEs can prove to be an effective player for economic growth through their participation in global trade. SMEs also drive economic development by creating a valuable source of employment.

A typical SME can be defined as an enterprise in market economies founded on the basis of innovation and with the help of entrepreneurial spirit, usually governed by 7 owners or partial owners in a personalized way. A classification of SMEs is determined by the criteria that vary across countries. Some adopt registered capital, capital expenditures or turnover as a standard. In accordance with the provision of the Micro, Small and Medium Enterprises Development Act, 2006 of India, the small and medium enterprises are classified into two classes.

1. **Manufacturing Enterprises:** The Enterprises engaged in the manufacturing or production of goods pertaining to any industry specified in the first schedule to the Industries (Development and Regulation) Act, 1951. The manufacturing enterprises are

defined in the terms of investment in plant and machinery. For Small enterprise, the investment in plant and machinery has to be more than twenty five lakh rupees but should not exceed five crore rupees; and for Medium enterprise, the investment in plant and machinery has to be more than five crore rupees but it should not exceed ten crore rupees.

2. **Service Enterprises:** The enterprises engaged in providing or rendering of services and are defined in the terms of investment in equipment. If investment in equipment is more than ten lakh rupees but does not exceed two crore rupees, it is a small enterprise; and if investment in equipment is more than two crore rupees but does not exceed five crore rupees, it is medium enterprise.

Intellectual Property: Meaning and Kinds:

The term 'intellectual property' has been used for almost one hundred and fifty years to refer general area of law that encompasses copyright, patents, designs and 34 trademarks, as well as a host of related rights. IP laws regulate creation, use and exploitation of intellectual creations which are sine qua non for the economic and technological development of a nation and the prosperity achieved by any nation is the result of exploitation of their intellectual property. In this era of globalization, especially after the establishment of WTO, intellectual property laws have assumed great importance. The system of intellectual property rights creates property rights over knowledge. IP rights may be defined as exclusive rights granted by the State giving the owner the right to exclude others from the commercial exploitation of a given invention, new/original design, trademark, literary and artistic work and/or new variety of plant. By providing a fair degree of

exclusivity over the exploitation of innovation(s), the system of IP rights creates an incentive to invest in scientific, technological, and organizational R&D activities so as to reduce the risk of free-riding by others while commercially exploiting product and process innovations. India is a fast developing economy and there is growing concern as to how the stronger IP protection, demanded by the TRIPs Agreement, is going to affect such an economy. After India became party to the TRIPs agreement all the existing intellectual property laws in India were subjected to considerable changes. New laws were also introduced to satisfy her obligations under the TRIPs. There is considerable increase in the litigation in India in the last decade. Various kinds of IP performing different functions have been incorporated in municipal laws. While a patent is an exclusive right granted for an invention, which is a product or a process that provides a new way of doing something, or offers a new technical solution to a problem, a trademark or brand-name is a distinctive sign which identifies certain goods or services as those produced or provided by a specific person or enterprise. An industrial design or simply design is the ornamental or aesthetic aspect of an article produced by industry or handicraft; registration. Copyright is a legal term describing rights given to creators for their literary and artistic works (including computer software). Related rights are granted to performing artists; producers of sound recordings and broadcasting organizations in their radio and television programme. A geographical indication, a form of community IP, is a sign used on goods that have a specific geographical origin and often possess qualities or a reputation that are due to that place of origin. Another form of IP which is not generally known among or readily accessible to persons that normally deal with the kind of information in question is known

as Trade Secrets or Undisclosed Information. It has commercial value because it is secret, and has been subject to reasonable steps to keep it secret by the person lawfully in control of the 37 information. It is important to note that enterprises attach more importance to patent and trademark in the context of economic growth. The growing importance of patent in particular is visible from the increasing applications filed by firms in foreign countries. The reasons for the above according to Esteban Burr-one include - the shift towards knowledge-based industries making intangible assets as the source of competitive advantage for firms, the outsourcing of manufacturing activities to subcontractors, legislative changes at the national, regional and international levels, the expansion of palatable subject matter, and a surge in patenting among 38 universities and public-sector R&D institutions.

Planning New Initiatives for SMEs:

The biggest challenge is enhancing IPR awareness. The Ministry of Small-Scale Industries has taken steps to create awareness about IPR. It is important to note that a plan for promoting the IP culture keeping in view the existing bottlenecks needs to be evolved. Looking at the nature of the SMEs and their financial capabilities it is imperative for the government to intervene into the matter and take actions for facilitating more IP registrations. Protecting inventions in foreign countries could be very expensive which most SSIs would not be in a position to afford. It will be wise to exempt R&D type SMEs from paying the official fee for patenting and maintaining patents. Most of the SMEs in India do not have the financial stability to take the innovation to the final stage and many a times the invention falls short on account of inventive step and thus not granted patent, in this context sound arguments in favour of

allowing registration for utility models need to be advanced. Further, it is also important to note that managing Knowledge requires proper understanding of the value of IP which in turn largely depends on the process of IP auditing. Thus a brief examination of Utility Model Protection, IP valuation and IP audit in the context of SMEs is not out of place. a) Utility Model: As the international documents on IP are silent on the meaning of utility model, a survey of national laws suggest that Utility models are a form of patent-like protection for minor or incremental innovations. They tend to protect the functional aspect of a product. One of the main rationales behind this second-tier patent systems is that such systems improve access to patent protection for individuals and SMEs. In addition, the quick grant of a second-tier patent is thought to make such protection suitable for products with a short life-cycle. It is often claimed that utility model systems are particularly advantageous for SMEs, especially in developing countries. It is quite likely that SMEs have a large presence in those industries where cumulative innovation is the norm and copying is rife. Indeed, it is also often argued that a cheap and rapid second tier patent regime would improve the legal environment for SMEs, especially those which are engaged in an ongoing process of innovation and adaptation. This is more so in relation to certain product sectors which are concerned, not so much with revolutionary technological breakthroughs, but more so with incremental or improvement innovation. For another, it may even be that more innovations, both of the breakthrough and incremental varieties, emanate from SMEs than from larger multinational conglomerates. If this is so, it is important to gauge whether the current patent regime is attuned to the needs of SMEs and the types of inventions they produce. Another reason why utility models may be good for SMEs is

that the cost factor may inhibit them from using the patent system as much as they would desire.

IP Valuation:

While big enterprises have become leaders by the effective creation, extraction and leveraging of their IP through efficient IP management, the SMEs have been slow in realizing the potential of IP management in increasing their competitiveness. The primary reason for valuing IP is to maximize its value and therefore the value of the owner organization through optimum management decisions. There are various scenarios where valuation is required and needed, some examples are: i) An accurate IP valuation is required for buying or selling a company, establishing joint ventures, and executing mergers and acquisitions. ii) When negotiating a license contract, both parties must be clear about the values involved. iii) To finance their development plans, many knowledge intensive companies can only offer their own IP as collateral. Due to insufficient knowledge about IP and valuation, banks are as yet reluctant to accept such assets. iv) Knowing the value of their IP is important for possible tax deductions and tax compliance. Accounting standards are generally not helpful in representing IP in company accounts and as a result these are often under-valued and mismanaged. v) Accurate IP appraisal is required in the event of IP rights infringement or breach of contract. vi) Research, development, legal, industrial protection application and commercialization decisions involve high but measurable levels of risk. IP valuation facilitates cost effective decision-making and helps to understand and deal with the risks involved. It is important to note that in view of the managerial and resource constraints typically confronting SMEs, it seems unlikely that the negative cost-benefit conclusions arrived at by most large firms in

regard to greater disclosure of intangibles will be any less stark. Managerial and other limitations within SMEs make the measurement, management and development of knowledge and other intangible assets difficult and costly to achieve because of the absence of the necessary formalized systems of feedback, reporting and the detailed statistical information and monitoring systems necessary to underpin these practices. The high set-up costs associated with developing the above managerial infrastructure tends, therefore to result in most SMEs concluding that such intangible management systems will "not find a suitable home in a SME environment, and will typically be 64 deemed 'unworkable' by SME management" . The observation justifies the state intervention at two levels, first, spreading awareness about the utility of valuation and thus efficient management of IP assets and second, making assistance available for the SMEs so that the cost involved in the process may be minimal. It is further substantiated by the observation of Robert Watson that 'the valuation and reporting of SME intangible assets is likely to produce few benefits whilst potentially being very costly in terms of its usage of scarce resources, namely the owner-manager's time and energy and the financial costs of engaging outside professionals.

IP Audit:

In an enterprise setup, a large number of intellectual assets may be involved. In such a situation, how can the company's officers be confident that they are aware of all of the company's intellectual property assets? One solution is to 67 perform an intellectual property audit. The intellectual property audit is a management tool for the assessment of the value and risk of intellectual property assets. The IP audit, once completed, should provide a significant volume of data and analysis that addresses how well an enterprise is equipped to

participate in economic growth based on intellectual property assets. It should give an objective, comprehensive picture of existing strategies, infrastructure, capacity, need, institutions, competitive advantages and challenges. Such data and analysis are a precondition for defining realistically attainable economic and 68 development objectives. Thus an IP audit is an inspection of the intellectual property owned, used, or acquired by a business as well as a review of its management, maintenance, exploitation, and enforcement. It is believed that the focus on short-term results causes intellectual property, and related corporate 69 performance, to remain somewhat behind. The purpose of the intellectual property audit should be financial, technical and legal. 70 Any aspect if left would not suffice the audit exercise. It has to include an evaluation of the procedure in place at the company for maintaining the company's IP assets, avoiding unauthorized use of the intellectual property rights of others and 71 valuation of intellectual assets. It is a continuous exercise as the value of intellectual property asset is generally not stagnant. There are many stages of the life of an intellectual property asset and at each of such stages; the value of the 72 concerned asset may differ. Just as companies develop varying personalities in their corporate culture, such as brand awareness, competitiveness, and innovativeness, they should similarly strive to make IP awareness a trait that spans all parts of their business all of the time.

Conclusion:

The foregoing discussion suggests that intellectual property has business implications at various points across the enterprise, and each of these points has a role to play in its management. An effective IP management scheme for SME includes appreciation of the fact that the value and role of intellectual asset keeps changing with

time. Thus, it must adapt to business objectives and changes in technology. IP audit is therefore the starting point. After having realized the importance of IP for SMEs in India, it is now imperative for the government to work in the direction of promoting competitiveness of SMEs and thus making them equipped to manage their knowledge resources. The present paper

presented arguments for evolving a plan for aspects like utility model protection, IP valuation and IP audit for SMEs in the special context of India. The paper thus takes us to the conclusion that growth depends on managing knowledge which in turn depends on acquiring knowledge about the amount and kind of knowledge possessed by an enterprise.



Commercialization of Intellectual Property in India: Opportunities and Challenges

Nilesh Sarjerao Salve

Assistant Professor in Commerce,

Comrade Godavari Shamrao Parulekar College of Arts, Commerce and Science, Talasari

Dist. - Palghar, University of Mumbai

Corresponding Author – Nilesh Sarjerao Salve

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Abstract:

The commercialization of Intellectual Property Rights (IPR) in India plays a crucial role in fostering innovation, economic growth, and business competitiveness. This paper examines the opportunities and challenges associated with the commercialization of intellectual property (IP) in India. It analyses the legal framework, industry practices, and economic impact of IP monetization. The study is based on secondary data, including existing literature, reports, and case studies. The findings highlight the potential benefits of IP commercialization and identify barriers such as enforcement issues, lack of awareness, and financial constraints. The paper concludes with suggestions for strengthening IP commercialization in India.

Keywords: *Intellectual Property Rights, Commercialization, Patents, Trademarks, Copyrights, Innovation, Economic Growth, India.*

Introduction:

Intellectual Property (IP) refers to creations of the mind, such as inventions, literary and artistic works, designs, and symbols used in commerce. Effective commercialization of IP can drive economic development, enhance industrial competitiveness, and promote innovation. In India, the IPR framework has evolved significantly with the introduction of the TRIPS-compliant regime. However, businesses and entrepreneurs often face challenges in monetizing their intellectual assets. This paper explores the opportunities and challenges in the commercialization of IP in India, focusing on legal, economic, and industry perspectives.

Review of Literature:

Several studies have explored the role of IPR in economic development. Ghosh (2021) highlighted that strong IPR

protection encourages foreign direct investment and technological advancements. Patel (2020) analyzed the impact of patent commercialization on the Indian pharmaceutical industry, emphasizing the need for robust enforcement mechanisms.

A report by the World Intellectual Property Organization (WIPO) (2019) discussed global best practices for IP monetization, illustrating how developed countries have successfully leveraged IP for economic growth. The Indian Patent Office (2021) provided insights into the trends in patent filings and grants in India, revealing an upward trajectory in domestic patent applications. However, a study by Singh and Verma (2018) pointed out that despite the growth in IP filings, commercialization remains limited due to a lack of structured licensing frameworks and weak enforcement.

Reddy (2017) examined the role of IP in India's start-up ecosystem, arguing that while government initiatives like 'Start-up India' have promoted patent awareness, many small enterprises struggle with the high costs and lengthy processes involved in securing IP rights. Similarly, Sharma (2019) explored the challenges of technology transfer and licensing in Indian universities, emphasizing the gap between research output and industry adoption.

Further, Saxena (2020) studied copyright protection in the digital economy, focusing on issues related to content piracy and its impact on revenue generation. His findings suggested that stronger enforcement mechanisms are required to deter copyright infringement and boost creative industry revenues. Jain and Gupta (2021) investigated geographical indications (GIs) and their impact on local businesses, concluding that GIs have significant potential to enhance brand recognition and market access for Indian artisans and agricultural producers.

Despite the growing literature on IPR, limited research has been conducted on the specific barriers to IP commercialization in India. This study aims to bridge this gap by providing a comprehensive analysis of the legal, economic, and industry challenges in monetizing intellectual assets.

Objectives of the Study:

1. To analyze the current legal framework for IP commercialization in India.
2. To identify opportunities for businesses and startups in monetizing IP.
3. To examine the challenges faced by industries in commercializing IP assets.
4. To provide suggestions for enhancing the effectiveness of IP commercialization in India.

Hypothesis of the Study:

H0: The commercialization of Intellectual Property in India does not significantly contribute to economic growth.

H1: The commercialization of Intellectual Property in India significantly contributes to economic growth.

Research Methodology:

This study is based on secondary data collected from government reports, industry whitepapers, journal articles, and case studies. Data sources include reports from WIPO, the Indian Patent Office, academic research papers, and industry publications. A qualitative analysis is conducted to identify trends, challenges, and potential solutions for IP commercialization in India.

Discussion and Findings:

1. Opportunities in IP Commercialization:

- **Economic Growth and Innovation:** Strong IP protection incentivizes innovation, leading to increased economic activity and global competitiveness. Countries with a well-established IP regime witness higher levels of investment in R&D, contributing to long-term economic benefits.
- **Start-up Ecosystem:** The rise of start-ups in India, particularly in technology, biotechnology, and pharmaceuticals, has increased the demand for IP monetization through licensing and partnerships. The 'Start-up India' initiative has provided financial support and incentives for IP filing, leading to a surge in patent applications.
- **Government Initiatives:** Programs like 'Make in India' and 'Atmanirbhar Bharat' encourage businesses to protect and commercialize their intellectual

assets. The National Intellectual Property Rights (IPR) Policy has also streamlined the IP process, making it more accessible for entrepreneurs.

- **Foreign Direct Investment (FDI):** Strong IP protection attracts international investors, facilitating technology transfer through licensing agreements. India has witnessed increased FDI in sectors such as pharmaceuticals, where patent protection plays a key role.
- **Collaborative Research and Innovation Hubs:** Research institutions and industries are increasingly engaging in collaborative research, leading to more effective technology transfer and commercialization. Universities have also begun setting up technology transfer offices (TTOs) to facilitate licensing agreements with industries.

2. Challenges in IP Commercialization:

- **Weak Enforcement Mechanisms:** Despite a robust legal framework, IP infringement remains a significant issue in India. Counterfeit products, software piracy, and trademark violations are prevalent due to delays in legal enforcement.
- **Lack of Awareness:** Many small and medium enterprises (SMEs) and start-ups are unaware of IP rights and their commercial potential. This lack of awareness limits their ability to monetize innovations.
- **High Costs of IP Protection:** The process of obtaining and maintaining IP rights is expensive, making it difficult for small businesses to commercialize their innovations. Legal fees, patent maintenance costs, and licensing expenses can deter

inventors from protecting their intellectual assets.

- **Limited Market for Licensing and Technology Transfer:** The culture of licensing and technology transfer is still developing in India, limiting revenue opportunities for IP holders. Many universities and research institutions struggle to bridge the gap between research and commercialization.
- **Judicial Delays:** Lengthy legal proceedings discourage businesses from enforcing their IP rights effectively. Cases related to patent disputes and copyright violations often take years to resolve, reducing incentives for firms to litigate.
- **Bureaucratic Hurdles:** The IP registration and approval process, though improved in recent years, still suffers from bureaucratic inefficiencies. Delays in patent grants and trademark registrations create hurdles for businesses looking to commercialize their innovations.
- **Dependency on Foreign Technology:** A significant portion of patented technologies in India are owned by foreign entities, leading to a reliance on imported technology rather than domestic innovation. This hampers the growth of home-grown industries.
- **Challenges in Valuation of IP Assets:** Many businesses struggle to assess the commercial value of their IP, making it difficult to attract investors or secure financing based on intellectual property assets.

Conclusion:

The study finds that the commercialization of Intellectual Property in India has the potential to drive economic growth, attract investments, and foster innovation. However, challenges such as

weak enforcement, high costs, and lack of awareness hinder effective monetization. Despite recent improvements in IP laws and government initiatives, gaps remain in the enforcement and execution of IP commercialization strategies. The hypothesis (H1) that IP commercialization significantly contributes to economic growth is supported by the findings. However, for India to fully leverage its intellectual capital, comprehensive reforms are necessary to address the barriers to IP monetization.

Suggestions:

1. **Strengthening IP Enforcement:** The government should expedite legal proceedings related to IP infringement and establish specialized courts.
2. **Increasing Awareness:** Educational programs and workshops should be conducted to inform businesses about IP commercialization strategies.
3. **Financial Support for SMEs:** Providing financial incentives and subsidies for IP registration can encourage more businesses to protect their innovations.
4. **Enhancing IP Licensing Framework:** Developing an organized marketplace for IP licensing and technology transfer will help businesses monetize their IP effectively.
5. **Collaboration with Global Organizations:** Partnering with WIPO and other international bodies can help India adopt global best practices in IP commercialization.
6. **Promoting Domestic Innovation:** The government should incentivize R&D in Indian industries to reduce dependence on foreign technology.
7. **Accelerating Patent Processing:** Streamlining patent application processes and reducing approval

time can boost commercialization efforts.

8. **Improving IP Valuation Mechanisms:** Establishing standard guidelines for IP valuation will help businesses attract investment based on their intellectual assets.

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Protecting Creativity: Intellectual Property Rights in the Entertainment and Media Industry

Dr. S. A. Unwane¹ & Dr. V. B. Kute²

¹Assistant Professor, Balbhim College, Beed

²Assistant Professor & Research Guide, Balbhim College, Beed.

Corresponding Author – Dr. S. A. Unwane

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Abstract:

This research discovers the significance of IPR in the entertainment and media industry, highlighting key challenges, protection artistic and digital content, analyzes the challenges posed by piracy and digital advancements, and examines legal frameworks governing intellectual property. Legal backgrounds, and emerging solutions for protection creative content. The study also scans modern technologies such as block chain, AI-based copyright monitoring, and digital rights management (DRM) as potential tools for strengthening IP enforcement. By understanding the importance of intellectual property protection, stakeholders can develop more effective strategies to promote innovation while ensuring fair compensation for creative professionals. The entertainment and media industry thrives on creativity and innovation, making intellectual property rights (IPR) crucial for protecting original works and ensuring fair compensation for creators.

Keywords: *Intellectual Property Rights, Entertainment & Media Industry, Copyright, Digital Piracy, Creativity Protection, Artificial Intelligence, Block chain.*

Introduction:

The digital revolution has brought both opportunities and threats to the entertainment sector. While digital platforms have expanded global reach and accessibility, they have also increased the risks of copyright infringement, piracy, and unauthorized distribution. The rise of social media, artificial intelligence (AI)-generated content, and streaming services has further complicated the enforcement of intellectual property laws.

Creativity is the driving force of the entertainment and media industry, encompassing films, music, literature, gaming, and digital content. Intellectual property rights provide legal protection for creative works, ensuring that artists, filmmakers, musicians, and content creators receive recognition and financial benefits.

However, the rapid evolution of technology, digital distribution platforms, and piracy threaten these rights. This paper examines the role of IPR in the entertainment sector, the challenges in enforcing these rights, and emerging solutions for protecting creativity.

Objectives of the Study:

1. To examine the different types of intellectual property protections, such as copyright, trademarks, patents, and trade secrets, and their application in media and entertainment.
2. To assess the challenges of enforcing intellectual property rights in the digital era, including issues related to AI-generated content and copyright infringement on social media.

3. To explore international and national legal frameworks governing intellectual property rights in the entertainment sector.
4. To recommend policies and strategies for strengthening intellectual property enforcement and reducing content theft globally.

Literature Review:

Over the years, researchers, legal experts, and policymakers have explored the impact of intellectual property on creative industries, addressing challenges posed by technological advancements, digital piracy, and the global nature of content distribution. This literature review examines existing research on intellectual property frameworks, challenges in enforcement, and emerging technologies supporting copyright protection.

Understanding Intellectual Property Rights in the Entertainment Industry:

1. According to WIPO (2023), IPR covers various forms of creative output, including copyrights, trademarks, patents, and trade secrets. In the entertainment and media industry,
2. Smith (2020) emphasizes that IPR not only incentivizes innovation but also ensures economic sustainability by granting exclusive rights for reproduction, distribution, and public performance.
3. Litman (2001) argues that IPR is essential for promoting creativity and encouraging investment in artistic productions. Without adequate protections, creators face the risk of losing financial rewards due to unauthorized reproduction and distribution. However, McLeod (2016) critiques the rigidity of copyright laws, suggesting that overly strict regulations can stifle creativity by limiting access to

cultural works and artistic innovation.

Case Studies on Intellectual Property Disputes:

Several landmark legal cases highlight the complexities of intellectual property disputes in the entertainment industry:

1. **Disney Enterprises v. Vid Angel (2019):** This case underscored the importance of fair use limitations when Vid Angel's filtering service was found to violate Disney's copyright by altering and redistributing movies without authorization (U.S. Court of Appeals, 2019).
2. **Napster Case (2001):** The RIAA v. Napster decision was pivotal in holding peer-to-peer networks liable for facilitating widespread music piracy (Menell, 2002).
3. **Warner Bros. v. X Entertainment (2020):** This case addressed trademark and copyright claims related to unauthorized use of iconic characters in derivative works.

Research Methodology:

1. Research Design:

This study follows a qualitative and analytical research approach to examine the role of Intellectual Property Rights (IPR) in protecting creativity within the entertainment and media industry. The research focuses on understanding legal frameworks, industry challenges, technological advancements, and case studies related to intellectual property protection.

2. Data Collection Methods:

Secondary Data:

1. **Legal Documents and IP Regulations:** Analysis of copyright laws, international agreements (e.g., Berne Convention, TRIPS

Agreement), and national IPR policies.

2. **Case Studies:** Examination of high-profile intellectual property disputes in the entertainment industry, including lawsuits related to music, film, and digital content.
3. **Academic Journals and Articles:** Review of scholarly articles, industry reports, and legal research papers on IPR in entertainment.
4. **Industry Reports:** Analysis of reports from organizations such as the World Intellectual Property Organization (WIPO) and Motion Picture Association (MPA) on piracy, copyright enforcement, and digital rights management.

3. Data Analysis Approach:

1. **Comparative Analysis:** Evaluating different legal frameworks and enforcement mechanisms across various countries.
2. **Trend Analysis:** Identifying emerging challenges and opportunities related to IPR, such as AI-generated content and block chain applications.
3. **Case Study Review:** Examining past legal disputes and their implications for intellectual property protection in the entertainment industry.

Types of Intellectual Property in the Entertainment Industry:

1. **Copyright:** Copyright protects original works, such as films, music, scripts, books, and digital content. It grants creators exclusive rights to reproduce, distribute, and monetize their works.
2. **Trademarks:** Trademarks protect brand identities, including logos, slogans, and names associated with films, TV Shows, and media companies.

3. **Patents:** While patents are less common in entertainment, they apply to innovations in filmmaking technology, gaming software, and digital distribution systems.
4. **Trade Secrets:** Confidential production techniques, marketing strategies, and proprietary software used in media companies fall under trade secrets.

Challenges in Protecting Intellectual Property in Entertainment:

1. **Digital Piracy and Unauthorized Distribution:** Piracy remains a significant threat, with illegal streaming sites and torrent platforms distributing copyrighted content without compensation to creators.
2. **Copyright Infringement in the Digital Age:** With social media and user-generated content platforms, unauthorized use of copyrighted materials has increased, making enforcement difficult.
3. **AI-Generated Content and Ownership Issues:** The rise of AI-generated music, scripts, and artworks raises questions about copyright ownership and the legal rights of AI-generated content.
4. **International IP Violations and Enforcement Difficulties:** The global nature of digital content distribution complicates enforcement due to differences in intellectual property laws across countries.

Legal Frameworks and Regulatory Approaches:

1. **International Intellectual Property Laws:**
 - Berne Convention (1886): Establishes copyright protection across member countries.
 - TRIPS Agreement (1994): Sets global standards for IPR protection.

- WIPO Copyright Treaty (1996): Addresses digital rights management and online copyright protection.

2. National IP Laws:

- Each country has its own copyright laws, such as:
- U.S. Copyright Act (1976)
- Indian Copyright Act (1957)
- UK Copyright, Designs, and Patents Act (1988)

These laws provide legal frameworks for protecting media content but require constant updates to address new technological challenges.

Emerging Solutions for Strengthening IPR in Media and Entertainment:

1. **Block chain for Copyright Protection:** Block chain technology offers a decentralized and tamper-proof system for tracking ownership, licensing, and royalties, reducing disputes and unauthorized use.
2. **AI-Based Copyright Monitoring:** AI-powered tools can detect copyright infringements on digital platforms, enabling faster enforcement and takedown of unauthorized content.
3. **Strengthening Digital Rights Management (DRM):** Advanced DRM systems prevent unauthorized duplication and distribution of copyrighted media files.
4. **Global Collaboration and Policy Reforms:** Stronger international cooperation and policy updates are needed to combat piracy and strengthen IP enforcement across borders.

Recommendations for Strengthening IP Protection:

1. **Enhancing Legal Frameworks:** Updating copyright laws to address

AI-generated content and new digital challenges.

2. **Adopting Advanced Technologies:** Implementing block chain and AI for copyright monitoring and enforcement.
3. **Increasing Public Awareness:** Educating consumers about the impact of piracy on creators and the industry.
4. **Strengthening International Cooperation:** Improving cross-border legal frameworks for IP enforcement.
5. **Encouraging Fair Compensation Models:** Developing new revenue-sharing strategies for digital platforms and content creators.

Future Directions for Intellectual Property in the Entertainment Industry:

The future of IPR in the entertainment industry will depend on adapting legal frameworks to technological advancements. Cohen (2020) emphasizes the need for international cooperation to harmonize enforcement across jurisdictions and address digital piracy effectively. Furthermore, Baldwin (2022) advocates for dynamic copyright policies that balance protection with public access to creative works.

The integration of emerging technologies, including AI monitoring systems, smart contracts, and block chain-based copyright registries, offers promising avenues for improving IP protection (Fitzgerald, 2021). Policymakers must strike a balance between enforcing intellectual property and fostering innovation while ensuring fair access to cultural goods.

Conclusion:

Intellectual Property Rights (IPR) serves as the backbone of the entertainment and media industry, ensuring that creators, artists, and businesses receive recognition and financial rewards for their work. As

digital transformation reshapes content distribution and consumption, the need for strong IP protection has become more critical than ever. Copyright laws, trademarks, and digital rights management systems provide essential safeguards, but challenges such as piracy, unauthorized distribution, and AI-generated content continue to pose significant threats.

Despite the existence of international legal frameworks like the Berne Convention and the TRIPS Agreement, enforcing IPR across digital platforms and international borders remains a complex task. However, technological advancements, including block chain for copyright tracking, AI-driven content monitoring, and stronger digital rights management (DRM), offer new opportunities for strengthening IP protection.

To ensure a sustainable creative economy, stakeholders—including governments, media companies, artists, and legal bodies—must collaborate to improve enforcement mechanisms, raise public awareness about copyright laws, and develop policies that adapt to emerging digital trends. By embracing technological solutions and reinforcing legal frameworks, the entertainment and media industry can continue to thrive while safeguarding the intellectual and financial interests of its creators.

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Intellectual Property Rights (IPR) and Corporate Governance

Prof. Ritesh M. Raichana

Assistant Professor, Department of Commerce,

Comrade Godavari Shamrao Parulekar College of Arts, Commerce and Science, Talasari,

Tal- Talasari, Dist.- Palghar, India

Corresponding Author – Prof. Ritesh M. Raichana

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Abstract:

The integration of Intellectual Property Rights (IPR) and Corporate Governance is an essential focus of contemporary business strategies. This paper explores how IPR management intersects with corporate governance principles, influencing business practices, competitive advantage, and accountability. The study aims to understand how companies leverage IPR as part of their corporate governance strategies and the role of corporate boards in managing intellectual assets. The methodology involves a qualitative approach, utilizing case studies, company reports, and interviews with industry experts to gather insights on current practices. The findings highlight the growing importance of IPR in corporate governance, particularly as companies seek to protect intangible assets while fostering innovation. Key findings suggest that strong corporate governance frameworks can help mitigate the risks associated with intellectual property mismanagement, while also promoting ethical business practices. The paper concludes that integrating IPR management into corporate governance structures provides companies with a competitive edge and ensures sustainable business practices. Recommendations for future research include exploring the impact of international IPR regulations on corporate governance and assessing the relationship between IPR governance and shareholder value.

Keywords: *Intellectual Property Rights, Corporate Governance, Business Strategy, Corporate Management, Innovation*

Introduction:

Intellectual Property Rights (IPR) refer to the legal protections granted to creators, inventors, and businesses for their intangible assets such as patents, trademarks, copyrights, and trade secrets. Corporate governance, on the other hand, encompasses the structures, processes, and practices that guide the management and accountability of a corporation. The relationship between IPR and corporate governance is increasingly recognized as crucial in the modern business environment. With the growing importance of knowledge-based industries, intellectual property (IP) assets now constitute a significant portion of corporate value. This

paper aims to examine the interplay between IPR and corporate governance by investigating how businesses incorporate IP management into their governance frameworks, ensuring ethical practices, competitive positioning, and long-term growth. The research objectives include: (1) analyzing how corporate governance practices influence IPR management, (2) understanding the role of governance structures in protecting and leveraging IPR, and (3) identifying challenges and best practices in aligning IPR with corporate governance strategies.

Literature Review:

Existing research has identified various facets of intellectual property and corporate governance, but the intersection between the two has gained more focus in recent years. Intellectual property as an asset class has grown in significance, leading to an increased need for governance structures that can manage these assets effectively. According to Gervais (2014), IPR plays a central role in sustaining a company's competitive advantage, and corporate governance can act as a safeguard against potential misuse or underutilization of IP assets. Additionally, Corporate Governance codes and frameworks, like those proposed by the OECD (2015), emphasize the responsibility of boards to oversee the management of intangible assets, including IP.

Bessen and Meurer (2008) discussed the challenges faced by businesses in ensuring their IP is properly managed, noting that weak governance structures can result in costly litigation and loss of proprietary knowledge. A critical point raised by scholars such as Rachlinski (2009) is the effect of weak governance mechanisms in IP-rich industries, where poor management of IP rights can lead to significant financial losses. While the existing literature primarily focuses on IP protection, limited research has been conducted on how corporate governance structures specifically support or hinder IP management practices.

Methodology:

This research adopts a qualitative research methodology to explore the relationship between IPR and corporate governance. The study involves the collection of secondary data through industry reports, case studies, and scholarly articles. Additionally, semi-structured interviews with corporate governance experts, intellectual property managers, and

legal professionals are conducted to gain insights into the practical integration of IPR management within corporate governance frameworks. The analysis follows a thematic approach to identify common themes and patterns in how organizations structure their IPR governance. Data triangulation is employed to increase reliability and depth in findings.

Findings & Discussion:

The findings indicate that there is a direct correlation between the quality of corporate governance structures and the management of IPR in organizations. Firms with robust governance frameworks, which include specialized IP committees and clear policies on IP management, demonstrate better oversight of intellectual property assets. These companies not only protect their IP more effectively but also use these assets strategically to drive innovation and business development. A lack of governance structures around IPR, however, leads to vulnerabilities such as IP theft, weak licensing agreements, and inefficient patent portfolios.

One of the most notable outcomes is that companies with proactive boards in place often engage in better intellectual property management practices, allowing them to safeguard competitive advantages in global markets. Furthermore, firms that integrate IPR into corporate governance structures are more likely to benefit from innovation-driven growth and are better positioned to attract investment. Despite these advantages, the research reveals that many organizations still struggle with implementing cohesive strategies for managing intangible assets within corporate governance frameworks. Challenges include gaps in expertise, lack of internal coordination, and insufficient awareness of the strategic value of IPR.

Conclusion & Recommendations:

This study concludes that intellectual property rights are an integral component of modern corporate governance strategies. By embedding IP management within their governance frameworks, businesses can enhance both the protection and strategic value of their intangible assets. The research highlights that an effective corporate governance structure—through dedicated committees, clear policies, and IP expertise—helps mitigate the risks associated with IP mismanagement.

For future research, it is recommended to explore the comparative governance structures across different industries, particularly in technology-driven sectors where IPR is a cornerstone of corporate value. Additionally, further investigation into the influence of international IP laws and treaties on corporate governance practices will provide

valuable insights. Moreover, more empirical studies on the financial impact of IP governance practices will contribute to understanding the tangible benefits for businesses.

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Literary Translation and Copyright: Legal and Ethical Issues Arising During Translation of Literary Works into Different Languages

Dipak Shivdas Wakde

Assistant Professor in English,

*Adivasi Pragati Mandal Sanchalit Comrade Godavari Shamrao Parulekar College of Arts,
Commerce and Science Talasari, Tal- Talasari, Dist- Palghar*

Corresponding Author – Dipak Shivdas Wakde

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Abstract:

Literary translation serves as a vital conduit for cross-cultural communication, enabling literary works to transcend linguistic and geographical barriers. However, translating literary texts raises significant legal and ethical concerns, primarily surrounding copyright laws. This paper delves into the complexities of copyright in literary translation, addressing issues such as ownership, derivative works, unauthorized adaptations, and the implications of Artificial Intelligence (AI) in translation. Additionally, the paper examines case studies of legal disputes, the ethical responsibilities of translators, and the need for comprehensive copyright reforms. Findings suggest that existing copyright laws often fail to equitably balance the rights of original authors, translators, and publishers. AI-driven translation technologies further complicate the landscape, posing new challenges to intellectual property rights and the definition of originality. The study concludes with recommendations for updating legal frameworks, strengthening ethical guidelines, and developing fair licensing agreements to safeguard the interests of all stakeholders involved in literary translation and adaptation.

Keywords: *Literary Translation, Copyright, Legal Issues, Artificial Intelligence, Adaptation, Ethical Challenges*

Introduction:

Literary translation plays an instrumental role in fostering cultural exchange and intellectual enrichment. By translating literature into different languages, translators contribute to the global literary landscape, making diverse narratives accessible to a wider audience. However, this process is fraught with legal and ethical challenges, primarily stemming from copyright laws that govern the ownership and dissemination of literary works.

Copyright laws are designed to protect authors' intellectual property rights, ensuring they retain control over their creations. However, these laws also impose

restrictions on translators, filmmakers, and playwrights who wish to adapt literary works. Translators often grapple with the question of whether their translations constitute independent creative works or derivative reproductions that require permission from the original author. The situation is further complicated by advancements in AI and machine translation, which raise concerns regarding originality, fair use, and legal ownership.

This paper seeks to examine the legal and ethical dilemmas associated with literary translation and adaptation. By analyzing key copyright disputes, reviewing existing literature, and exploring the impact of AI-driven translation technologies, this

study aims to propose solutions to emerging challenges in literary copyright protection.

Literature Review:

The issue of copyright in literary translation has been widely debated among scholars, legal experts, and literary professionals. Lefevere (1992) asserts that translation is a form of rewriting, requiring nuanced legal considerations. Venuti (1995) emphasizes the translator's visibility and their ethical responsibility in maintaining textual integrity while preserving the author's original intent.

Legal frameworks such as the Berne Convention for the Protection of Literary and Artistic Works (1971) provide international copyright protection for authors and translators. However, these laws often fall short in addressing emerging challenges posed by AI-driven translation technologies. Scholars have also explored cases where unauthorized translations and adaptations led to legal conflicts, further highlighting the need for clearer legislative measures.

Recent studies indicate that AI and machine translation challenge traditional notions of copyright, as AI-generated translations blur the boundaries between human creativity and automated reproduction. This raises crucial legal questions: Who holds the copyright for an AI-generated translation? Is it the programmer, the AI system, or the original author? These concerns necessitate an urgent reassessment of copyright laws to accommodate technological advancements.

Methodology:

This research adopts a qualitative methodology, incorporating a comparative analysis of copyright laws, case studies of literary adaptations, and legal disputes concerning translation rights. Secondary data sources include legal documents, academic articles, and industry reports. Additionally, recent copyright cases related to AI-generated translations and scholarly

discussions on AI ethics and intellectual property rights are examined.

Copyright Challenges in Literary Translation:

Ownership and Derivative Rights:

One of the primary challenges in literary translation is determining ownership rights. Translation is legally recognized as a derivative work, meaning that translators must obtain explicit permission from the original copyright holder. However, translators contribute significant creative input in rendering a text into a new language, raising questions about their own intellectual property rights. Some legal disputes have arisen over whether translators should be granted co-authorship status or separate copyright recognition for their work.

Adaptation of Literary Works into Films and Plays:

The adaptation of literary works into different media formats, such as films and plays, requires extensive copyright negotiations. Unauthorized adaptations can lead to prolonged legal battles, as seen in the case of J.D. Salinger's lawsuit against an unauthorized sequel to *The Catcher in the Rye*. Such cases underscore the need for clear legal agreements that delineate adaptation rights and ensure proper compensation for all parties involved.

AI and Machine Translation: Legal and Ethical Implications:

The rise of AI-driven translation tools, such as Google Translate and DeepL, has introduced new complexities into copyright law. AI-generated translations challenge traditional notions of authorship, as they lack direct human creativity. Key legal questions include:

- If an AI translates a novel, who holds the copyright—the AI developer, the original author, or the end user?

- Can AI-generated translations be copyrighted if they do not involve human intellectual effort?
- How should copyright laws adapt to AI's growing role in literary translation?

Current copyright laws remain inadequate in addressing these issues, necessitating urgent legislative updates to regulate AI's involvement in literary translation. Furthermore, AI translations often lack the nuanced understanding of cultural and contextual elements, raising concerns about ethical translation practices.

Ethical Considerations in Literary Translation:

Beyond legal challenges, literary translation involves several ethical considerations. Translators must navigate issues such as fidelity to the original text, cultural sensitivity, and respect for the author's intent. Ethical dilemmas often arise in cases where translators take creative liberties, potentially altering the meaning and impact of the original work. This is especially relevant in politically sensitive texts, where mistranslations can lead to misinterpretations and controversies.

Another ethical concern is the growing reliance on AI translations, which may undermine human translators' contributions and professional integrity. Ensuring ethical translation practices requires a balanced approach that respects both technological advancements and human creativity.

Conclusion and Recommendations:

This study highlights the intricate legal and ethical issues surrounding literary translation and adaptation. Key findings indicate that copyright laws require substantial reform to accommodate AI's

growing influence and the evolving role of translators.

Recommendations:

- **Legal Updates:** Amend copyright laws to clearly define AI-generated translations and their ownership rights.
- **Ethical Guidelines:** Establish standardized ethical guidelines for translators to maintain textual integrity and cultural sensitivity.
- **Licensing Agreements:** Develop comprehensive licensing agreements to protect translators' intellectual contributions while ensuring fair compensation.
- **AI Regulation:** Implement policies to regulate AI translation tools, ensuring they comply with copyright laws and ethical translation standards.

Future research should further explore AI's role in creative authorship, its legal implications, and potential frameworks for integrating AI translations into copyright law. A balanced approach that respects both legal rights and ethical considerations is crucial to safeguarding the interests of all stakeholders in literary translation.

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The Impact of Intellectual Property Rights on Consumers in Traditional Markets and E-commerce

Dr. Megharani Vasant Giri

Principal, Texas International Academy.

Corresponding Author – Dr. Megharani Vasant Giri

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Abstract:

In recent years, the role of Intellectual Property Rights (IPR) in shaping consumer behavior has garnered significant attention, particularly in the context of both traditional markets and the rapidly growing e-commerce sector. IPR serves to protect the intellectual creations of individuals and organizations, covering patents, copyrights, trademarks, and trade secrets. This paper examines the influence of IPR on consumer experiences, focusing on product quality, authenticity, and pricing in both traditional and online markets. The study explores how IPR enhances consumer confidence, mitigates risks related to counterfeiting, and the impact of emerging digital piracy challenges in e-commerce. By analyzing primary and secondary data, the paper provides an in-depth comparison of IPR's role in physical stores and digital platforms, and discusses policy implications for stronger IPR enforcement in both domains.

Introduction:

Intellectual Property Rights (IPR) are legal protections granted to creators of intellectual works, such as inventions, designs, and symbols, which play a vital role in encouraging innovation and creativity. From patents and copyrights to trademarks

and trade secrets, IPR ensures that creators and businesses can profit from their innovations while fostering a competitive market environment.

IPR include copyrights, patents, trademarks and more.



Images



symbols



The concept of IPR emerged in the 18th century, with the U.S. passing its first federal patent law in 1790. Over time, as commerce has evolved, IPR has extended beyond traditional markets into the booming world of e-commerce. In the digital age, the protection of intellectual creations faces new challenges, including the rise of online piracy and counterfeit goods.

This paper explores the dual impact of IPR on consumers, comparing traditional commerce with e-commerce. By examining how IPR influences consumer behavior, product pricing, availability, and quality, this study aims to illuminate the broader implications of IPR in modern commerce.

Review of Literature:

The impact of IPR on consumers has been widely studied, with many focusing on its role in both physical and digital markets. Below are some key insights:

Product Authenticity and Quality: In traditional markets, IPR ensures the authenticity and quality of products. Trademarks, patents, and certifications help consumers differentiate genuine goods from counterfeits (Lau, 2015; Husted, 2007).

Counterfeiting and Piracy: Counterfeit goods present a major concern for consumers in both traditional and e-commerce markets. Research highlights the risks of inferior products, safety issues, and fraud caused by counterfeiting (Cox & McKenna, 2003).

Digital Piracy and Copyright Issues: With the rise of e-commerce, digital piracy has grown as a significant issue. Online distribution of pirated digital content like music and software presents new challenges in IPR enforcement (Cheng et al., 2018).

Impact on Pricing and Consumer Choice: Patented goods, such as pharmaceuticals, often come with higher prices due to monopolistic pricing models, which may

limit consumer access (Mazzoleni & Nelson, 1998).

Case Study: E-commerce Counterfeit Goods and Consumer Trust:

Jian & Kim (2020) examined the prevalence of counterfeit products on global e-commerce platforms such as Amazon and Alibaba. The study focused on consumer perceptions and how counterfeiting affects online shopping behaviors.

A significant percentage of consumers reported a lack of confidence in the authenticity of products purchased from major e-commerce platforms due to the increasing prevalence of counterfeit goods. Consumers often expressed hesitation when buying branded products online, especially when unable to verify authenticity.

Research Objectives:

1. To examine the role of IPR in traditional commerce.
2. To explore how IPR operates within e-commerce.
3. To compare consumer experiences in traditional versus e-commerce settings.
4. To investigate the legal and ethical implications of IPR on consumers.
5. To analyze how IPR ensures product quality and authenticity in both physical and online markets.

Methodology:

A **quantitative research design** was employed to assess the impact of IPR on consumer decision-making across both traditional and e-commerce markets. The study uses **secondary data** from previous research and **primary data** through a survey and questionnaire to examine consumer attitudes and behaviors towards IPR-protected products.

Sampling Technique:

A random sample of 200 consumers was surveyed, divided equally between those who shop in traditional stores and those who purchase online. The demographic profile included participants across various age groups, socioeconomic statuses, and geographic locations.

Data Analysis:

- **Descriptive statistics** to summarize demographics and consumer preferences.
- **Chi-square tests** to explore the relationship between IPR awareness and purchasing behavior.
- **Regression analysis** to assess the impact of IPR symbols on consumer choices.

Discussion:**1. Awareness of IPR:**

Consumers show varying levels of awareness about IPR. As noted, younger consumers, who are more engaged with digital media, tend to be more aware of IPR, likely due to their exposure to online platforms where counterfeits are more prominent. However, older generations may not fully grasp the digital implications of IPR, such as copyright infringement in online content or counterfeit e-products as they are not tech savvy.

Awareness can also vary depending on geographic location. Consumers in rural areas or developing countries may have less access to IPR education and enforcement mechanisms than those in urban or developed regions, highlighting the need for targeted education campaigns in underserved regions. In emerging economies, IPR awareness is often low, and consumers may prioritize lower-cost alternatives over authenticity, especially in markets where counterfeiting is pervasive. Educating consumers in these markets is crucial for promoting ethical consumer behavior.

2. Consumer Experiences in Traditional Commerce:

IPR helps consumers avoid counterfeit goods, ensuring that the products they purchase meet quality standards. However, counterfeit goods still infiltrate traditional markets, suggesting that enforcement could be stronger. Despite counterfeit products infiltrating traditional markets, many consumers still feel more confident about purchasing goods from physical stores than from online platforms. This suggests that brick-and-mortar stores are often seen as more reliable for authentic goods, possibly due to the tangible nature of the shopping experience.

Brands and retailers that enforce IPR protection within their supply chains can increase consumer trust. For example, if physical stores implement stricter vetting processes for suppliers and products, this can reduce the incidence of counterfeits. Small and local businesses in traditional markets may struggle to protect their IP, making them more vulnerable to counterfeiting. Providing these businesses with better access to IPR protections and resources could empower them to safeguard their products more effectively.

3. Consumer Experiences in E-Commerce:

Consumers in online marketplaces face greater risks of encountering counterfeit products. Many express a lack of confidence in the authenticity of online purchases, leading to increased caution when shopping on e-commerce platforms.

The sheer volume of products and sellers in e-commerce makes it difficult for platforms to effectively monitor and regulate counterfeit goods. While some online retailers have robust policies for authenticating products, the decentralized nature of other platforms leads to more counterfeit listings slipping through.

Consumers are increasingly relying on customer reviews, seller ratings, and

third-party verification labels to reduce the risk of purchasing counterfeit goods online. However, the reliability of these measures is often uncertain, which exacerbates the problem.

Many consumers expect e-commerce platforms (like Amazon, eBay, etc.) to take more responsibility for eliminating counterfeit products and to offer better buyer protections. The lack of transparency in online transactions often leaves consumers vulnerable, leading to frustration and a decline in trust toward e-commerce platforms. Return policies are the only solution for the consumers' frustration when buying goods on an E-commerce platform.

4. Legal and Ethical Implications:

While IPR protection is seen as beneficial, there is a need for a balance between protecting creators' rights and providing consumers with affordable access to products. Moreover, the increasing complexity of international IPR laws complicates enforcement in the globalized digital marketplace.

While brands must play a role in ensuring product authenticity, consumers also need to be proactive in verifying authenticity, especially when shopping online. This shared responsibility could drive better outcomes for both sides, with consumers expecting more from e-commerce platforms in terms of product verification.

Strong IPR laws can drive innovation by ensuring that creators are incentivized to invest in new ideas. However, there is a balance to be struck between protecting creators' rights and fostering a competitive market. For instance, overly strict patents or copyright laws could stifle innovation and limit consumer choice in the long run, as companies may monopolize certain technologies or products.

5. Brand Images and Symbols:

Consumers often equate a brand's logo and symbols with a promise of quality.

Counterfeit products that mimic these symbols undermine this trust, leading to negative consequences for the brand's reputation. Strong IPR protection helps ensure that consumers can rely on a brand's logo as a guarantee of quality.

As e-commerce continues to grow, so does the misuse of digital branding elements (like logos, trademarks, and images) online. Consumers might struggle to distinguish between legitimate products and counterfeit ones in the digital space, especially when counterfeit goods are presented with similar online imagery and advertising strategies.

Emerging brands and luxury items are often the primary targets of counterfeiting, as these products hold higher perceived value. For smaller companies, counterfeiting can threaten their market presence, while luxury brands face the constant challenge of protecting their image from fake replicas.

Recommendations:

Educational Initiatives: Governments and companies should promote consumer awareness regarding IPR and counterfeit goods, using platforms like social media, educational institutions, and government publications.

Enhanced Enforcement on E-commerce Platforms: Stricter verification systems should be implemented on e-commerce websites to ensure the authenticity of products.

International Cooperation: There should be greater international collaboration to harmonize IPR laws and enhance enforcement mechanisms globally.

Technology for Verification: Brands should invest in technologies like QR codes, holograms, and digital certificates to help consumers identify authentic products easily.

Conclusion:

The study highlights that while IPR plays a significant role in protecting product authenticity and ensuring consumer trust in both traditional and e-commerce markets, there are still challenges, especially in the online space. Strengthened enforcement, consumer education, and international cooperation are essential steps to improving the efficacy of IPR and protecting consumer interests globally. By addressing these challenges, a fairer, more trustworthy marketplace can be established, benefiting both creators and consumers while fostering innovation and competition.

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The Interplay of Intellectual Property Rights and Economic Development: A Case Study of India's Plant Variety Protection and IT Software Industries

Mr. Mahesh Pandurang Malwadkar

*Comrade Godavari Shamrao Parulekar College of Arts, Commerce and Science, Talasari,
Tal- Talasari, Dist.- Palghar*

Corresponding Author – Mr. Mahesh Pandurang Malwadkar

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Abstract:

This paper examines the complex relationship between Intellectual Property Rights (IPR) and economic development in India, focusing on two key sectors: plant variety protection and the IT software industry. It analyses the impact of the Protection of Plant Varieties and Farmers' Rights (PPV&FR) Act, 2001, exploring the delicate balance it attempts to strike between incentivizing innovation in plant breeding and safeguarding the traditional rights of farmers. The paper further investigates the influence of IPR, including patents, copyrights, and trade secrets, on the growth and competitiveness of India's IT software industry, considering both the benefits and challenges associated with robust IPR protection. The study explores how India navigates the complexities of international IPR frameworks, such as TRIPS, while striving to promote domestic innovation and address socio-economic considerations. It concludes by discussing the ongoing debates and future prospects for IPR policy in India, emphasizing the need for a balanced approach that fosters economic growth while ensuring equitable access to resources and opportunities.

Keywords: *Intellectual Property Rights (IPR), Plant Variety Protection, PPV&FR Act, Farmers' Rights, IT Industry, Software Industry, Patents, Copyright, Trade Secrets, TRIPS Agreement, India, Economic Development, Innovation, Agriculture, Pharmaceuticals.*

Introduction:

The globalization of trade has necessitated robust mechanisms for the protection of intellectual property (IP), which plays a pivotal role in fostering innovation, economic growth, and fair competition. Intellectual Property Rights (IPR) encompass patents, copyrights, trademarks, geographical indications, and trade secrets, ensuring that creators and inventors can reap the benefits of their work. However, the enforcement and regulation of these rights on a global scale have been challenging, leading to the establishment of the World Trade Organization (WTO) and

its Trade-Related Aspects of Intellectual Property Rights (TRIPS) agreement.

The WTO, founded in 1995, is an international body that oversees trade regulations and agreements among member countries. One of its most significant contributions to global trade governance is the TRIPS Agreement, which harmonizes intellectual property standards across nations. TRIPS mandates minimum standards for IP protection and enforcement, aiming to prevent trade distortions while ensuring that countries can implement policies suitable for their economic conditions. However, the agreement has been a subject of debate due to concerns

about access to essential medicines, technology transfer, and its impact on developing economies. The TRIPS Agreement introduced a framework that influences multiple sectors, including pharmaceuticals, information technology, biotechnology, and creative industries. For instance, the extension of patent protection under TRIPS has significantly affected the pharmaceutical industry by enabling multinational corporations to maintain monopolies over essential medicines, thereby limiting accessibility in low-income countries. Similarly, copyright laws have posed challenges for digital economies, leading to discussions on fair use policies and open access to knowledge. Despite the uniform standards set by TRIPS, disparities remain between developed and developing countries in implementing and benefiting from IPR protection. Developed countries often advocate for stronger enforcement mechanisms to protect their industries and innovators, while developing nations emphasize the need for flexible policies that consider socio-economic realities. This dichotomy has led to negotiations and amendments in TRIPS, such as the Doha Declaration of 2001, which sought to address public health concerns by allowing compulsory licensing of medicines under specific conditions. This research paper explores the role of the WTO in shaping intellectual property policies worldwide, the legal and economic implications of TRIPS, and the ongoing challenges faced by countries in balancing innovation with public interest. The paper also examines case studies to illustrate how TRIPS has influenced various industries and discusses potential reforms to create a more equitable global IP system. It will specifically focus on the Indian context, analysing how TRIPS implementation has impacted key sectors and what strategies India has adopted to navigate the complexities of the global IPR regime.

Objective:

To analyse the impact of WTO-mandated Intellectual Property Rights (IPR) regulations, specifically the TRIPS agreement, on the Indian economy, focusing on its effects on key sectors like pharmaceuticals, agriculture, and information technology, and to evaluate the challenges and opportunities presented by this regime.

Research Methodology:

This research paper employs a qualitative approach to explore the implications of the TRIPS Agreement and the Protection of Plant Varieties and Farmers' Rights (PPV&FR) Act on key sectors in India, particularly focusing on agriculture and the IT/software industry. The methodology includes a comprehensive literature review, analysing academic articles, legal documents, government reports, and industry publications to understand the historical context and contemporary debates surrounding intellectual property rights in India. Additionally, case studies will be utilized to illustrate the real-world impact of the PPV&FR Act on farmers and plant breeders, as well as the role of IPR in the growth of the IT and software sector. This involves interviews and surveys with stakeholders, including farmers, researchers, industry experts, and policymakers, to gather diverse perspectives on the effectiveness and challenges of IPR implementation.

Data analysis will be conducted using thematic analysis to identify common themes, discrepancies, and insights related to the functioning of the IPR system. This qualitative data will be supplemented with quantitative data, where applicable, to provide a holistic view of the economic implications of the TRIPS agreement and related legislation. The research aims to contribute to the existing body of knowledge by highlighting the complexities of

balancing innovation and public interest within India's IPR framework, ultimately proposing recommendations for policy reforms to enhance the effectiveness and equity of the global IP system.

Literature Review:

Chaudhury, S. (2019) this source likely examines the impact of TRIPS on India's pharmaceutical industry, particularly concerning patent protection and access to medicines. It would provide valuable background on the complexities of balancing IPR with public health concerns, which is relevant to the broader discussion of IPR and development. Shiva, V. (2018) Vandana Shiva's work is crucial for understanding the debate surrounding plant variety protection and farmers' rights in India. This source would likely explore the implications of seed patenting under TRIPS and the PPV&FR Act, focusing on its impact on traditional farming practices and biodiversity. National Research Council. (2003). National Academies Press. It might discuss the theoretical linkages between IPR and economic growth, as well as empirical evidence from various countries, including possibly India. Maskus, K. E. (2000). *Intellectual Property Rights in the Global Economy*. Institute for International Economics. Keith Maskus is a prominent scholar on IPR. This book likely explores the economic implications of IPR protection at the global level, including its effects on trade, investment, and technology transfer. It can provide a theoretical framework for understanding the role of IPR in economic development. NASSCOM. *Strategic Review or Annual Report*. Retrieved from NASSCOM's publications offer valuable insights into the Indian IT software industry.¹ these reports often discuss the industry's growth, challenges, and policy priorities, including issues related to IPR protection. They provide an industry

perspective on the impact of IPR on innovation and competitiveness.

Assumptions:

- Stronger IPR protection, while potentially incentivizing innovation, can lead to increased costs for essential goods and services, particularly in developing countries like India, thereby impacting accessibility and potentially exacerbating socio-economic inequalities.
- India's economic growth and development can be optimized through a balanced approach to IPR protection that aligns with international agreements like TRIPS while simultaneously safeguarding national interests and promoting access to essential resources.

Analyses:

The Protection of Plant Varieties and Farmers' Rights Act, 2001: Balancing Breeder and Farmer Interests in India:

The Protection of Plant Varieties and Farmers' Rights (PPV&FR) Act, 2001, a sui generis system, represents India's unique approach to plant variety protection.¹ Enacted to comply with the Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement, the Act seeks to balance the rights of plant breeders with the traditional rights of farmers.² This article explores the key provisions of the PPV&FR Act, its impact on various stakeholders, and the ongoing debates surrounding its implementation.

The Act establishes a system for granting intellectual property rights to plant breeders who develop new, distinct, uniform, and stable (DUS) varieties. This incentivizes research and development in the seed sector, potentially leading to improved crop yields and enhanced agricultural productivity. However, the PPV&FR Act also recognizes the crucial role of farmers in conserving and improving plant genetic resources.³ It grants farmers the right to

save, use, sow, re-sow, exchange, share, and sell their farm produce, including seed of protected varieties, provided it is not sold under a commercial marketing arrangement.⁴ This provision safeguards the traditional practices of farmers and their access to seed.

Furthermore, the Act includes provisions for benefit-sharing with farmers and communities who have contributed to the development of a protected variety. It also offers recognition and rewards for farmers engaged in the conservation of genetic resources of landraces and wild relatives of economic plants.⁵ These measures aim to acknowledge and compensate the contributions of farmers in plant breeding and conservation.⁶

The PPV&FR Act has been lauded for its attempt to strike a balance between breeder and farmer rights.⁷ It acknowledges the need to incentivize innovation while also protecting the traditional practices and livelihoods of farmers.⁸ However, the implementation of the Act has faced challenges. Critics argue that the benefit-sharing mechanism has not been effectively implemented and that farmers' rights are often infringed upon. There are also concerns about the impact of the Act on seed prices and the potential marginalization of small and marginal farmers.⁹

The Influence of Intellectual Property Rights on the Indian Information Technology and Software Industry:

Intellectual Property Rights (IPR) play a crucial role in shaping the landscape of the Information Technology (IT) and software industry in India. This sector, a significant contributor to the Indian economy, thrives on innovation and creativity, making robust IPR protection essential for its growth and competitiveness. This article explores the influence of IPR, including patents, copyrights, and trade secrets, on the Indian IT and software

industry, examining both the benefits and challenges it presents. India's IT and software industry has witnessed remarkable growth in recent decades, transitioning from a primarily service-oriented model to a hub for innovation and product development. This transformation has been significantly influenced by the evolving IPR framework in the country. Strong patent protection, particularly in software and related technologies, encourages investment in research and development. Companies are more likely to invest in developing new software, algorithms, and technological solutions when they are confident that their innovations will be protected from unauthorized use. This fosters a culture of innovation, driving the creation of cutting-edge technologies and enhancing the competitiveness of Indian IT companies in the global market. Copyright protection is equally vital for the software industry. Software code is protected by copyright, preventing unauthorized copying and distribution. This protection is fundamental to the business models of software companies, ensuring that they can reap the rewards of their creative efforts. Furthermore, trade secrets play a crucial role in protecting confidential information, such as algorithms, source code, and business strategies, providing a competitive edge to companies. The effective enforcement of trade secret laws is essential for maintaining a fair and competitive environment within the industry. The influence of IPR extends beyond domestic markets. Strong IPR protection enhances the attractiveness of India as a destination for foreign investment and technology transfer. International companies are more likely to collaborate with Indian firms and share their technologies when they are confident that their intellectual property will be adequately protected. This facilitates the inflow of foreign capital and expertise, further boosting the growth of the Indian IT and

software industry. However, the IPR landscape also presents challenges. Concerns have been raised about the potential for overly broad patent protection to stifle innovation and create barriers to entry for smaller companies. Balancing the need to incentivize innovation with the need to promote competition is a critical challenge. Furthermore, the enforcement of IPR remains a concern in India. While the legal framework is in place, challenges such as lengthy legal processes and a backlog of cases can hinder effective enforcement. This can create uncertainty for companies and undermine the effectiveness of IPR protection.

Conclusion:

Despite these challenges, the PPV&FR Act remains a significant piece of legislation in India's agricultural landscape.¹⁰ It represents a unique approach to plant variety protection that attempts to accommodate the interests of both breeders and farmers.¹¹ As India continues to develop its agricultural sector, the PPV&FR Act will play a crucial role in shaping the future of plant breeding and seed production in the country. IPR plays a multifaceted role in the Indian IT and software industry. While strong IPR protection is essential for incentivizing innovation, attracting investment, and promoting growth, it is crucial to ensure that the IPR system is balanced and does not stifle competition or create barriers to entry. Addressing the challenges related to IPR enforcement is also critical for realizing the full potential of the Indian IT and software industry. Continued efforts to strengthen the IPR framework, while maintaining a balance between competing interests, will be crucial for the future growth and development of this vital sector of the Indian economy.

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हिन्दी साहित्य में अनुवाद और बौद्धिक संपदा अधिकार: नैतिक एवं कानूनी पहलू

प्रा. नविन चव्हाण

सुंदरराव सोळंके महाविद्यालय माजलगाव, जिल्हा बीड

Corresponding Author – प्रा. नविन चव्हाण

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सारांश:

हिन्दी साहित्य में अनुवाद एक महत्वपूर्ण विधा है, जो विभिन्न भाषाओं और संस्कृतियों को जोड़ने का कार्य करती है। अनुवाद के माध्यम से ज्ञान का विस्तार होता है, लेकिन यह बौद्धिक संपदा अधिकार (IPR) से भी जुड़ा हुआ है। यह शोध पत्र हिन्दी साहित्य में अनुवाद के नैतिक एवं कानूनी पहलुओं का विश्लेषण करता है, जिसमें कॉपीराइट कानून, अनुवादकों के अधिकार, और डिजिटल युग में उभरती चुनौतियों पर चर्चा की गई है।

भारत का **कॉपीराइट अधिनियम, 1957** यह स्पष्ट करता है कि किसी भी साहित्यिक कृति का अनुवाद करने के लिए मूल लेखक या कॉपीराइट धारक की अनुमति आवश्यक है। बिना अनुमति के किया गया अनुवाद कॉपीराइट उल्लंघन की श्रेणी में आता है। इसके अलावा, नैतिकता की दृष्टि से भी अनुवादकों को मूल लेखक की शैली, विचार और अभिव्यक्ति का सम्मान करना चाहिए।

अनुवाद से जुड़े कानूनी और नैतिक मुद्दों में अनधिकृत अनुवाद, साहित्यिक चोरी, और सार्वजनिक डोमेन में आई कृतियों के दुरुपयोग जैसी समस्याएँ शामिल हैं। डिजिटल युग में कॉपीराइट उल्लंघन के मामले बढ़ रहे हैं, क्योंकि इंटरनेट पर कई अनुवाद बिना अनुमति के प्रकाशित किए जा रहे हैं।

इस शोध पत्र में यह निष्कर्ष निकाला गया है कि अनुवादकों और लेखकों के अधिकारों की सुरक्षा के लिए **कानूनी जागरूकता, नैतिक संहिता, और डिजिटल कॉपीराइट सुरक्षा** जैसे कदम उठाने आवश्यक हैं। अनुवाद के क्षेत्र में संतुलन स्थापित करने के लिए सख्त कानूनी प्रावधानों के साथ-साथ नैतिकता के सिद्धांतों का भी पालन किया जाना चाहिए, ताकि साहित्यिक रचनाओं की मौलिकता और अधिकारों की रक्षा की जा सके।

परिचय:

हिन्दी साहित्य में अनुवाद एक महत्वपूर्ण प्रक्रिया है, जो विभिन्न भाषाओं और संस्कृतियों के बीच संवाद स्थापित करने का कार्य करती है। अनुवाद के माध्यम से न केवल साहित्यिक कृतियाँ एक भाषा से दूसरी भाषा में पहुँचती हैं, बल्कि यह बौद्धिक, सांस्कृतिक और सामाजिक आदान-प्रदान का भी माध्यम बनता है। किन्तु अनुवाद के साथ कई कानूनी और नैतिक प्रश्न भी जुड़े होते हैं, विशेष रूप से **बौद्धिक संपदा अधिकार (IPR)** और **कॉपीराइट कानून** के संदर्भ में। बौद्धिक संपदा अधिकार उन कानूनी प्रावधानों

को दर्शाते हैं, जो साहित्यिक, कलात्मक और वैज्ञानिक रचनाओं की रक्षा करते हैं। भारत में **कॉपीराइट अधिनियम, 1957** के अनुसार, किसी भी मौलिक साहित्यिक कृति का अनुवाद करने के लिए मूल लेखक या कॉपीराइट धारक की अनुमति आवश्यक होती है। बिना अनुमति के अनुवाद करना कॉपीराइट उल्लंघन की श्रेणी में आता है।

इसके अतिरिक्त, अनुवाद केवल शब्दों का स्थानांतरण नहीं होता, बल्कि उसमें लेखक की मूल अभिव्यक्ति, भावनाएँ और संदर्भ भी सम्मिलित होते हैं। ऐसे में यह प्रश्न उठता है कि अनुवाद की मौलिकता को

किस सीमा तक संरक्षित रखा जाए और क्या अनुवाद को स्वतंत्र साहित्यिक कृति माना जा सकता है? वर्तमान डिजिटल युग में अनुवाद से जुड़े कॉपीराइट उल्लंघन की समस्याएँ और अधिक जटिल हो गई हैं। ऑनलाइन प्लेटफार्मों पर बिना अनुमति के अनुवादित सामग्री साझा की जा रही है, जिससे लेखकों, अनुवादकों और प्रकाशकों को आर्थिक और साहित्यिक क्षति हो रही है।

यह शोध पत्र हिन्दी साहित्य में अनुवाद से जुड़े नैतिक एवं कानूनी पहलुओं का विश्लेषण करता है और यह समझने का प्रयास करता है कि अनुवादकों और लेखकों के अधिकारों को कैसे संतुलित किया जाए ताकि साहित्यिक मौलिकता और बौद्धिक संपदा का उचित संरक्षण हो सके।

अनुसंधान के उद्देश्य:

1. हिन्दी साहित्य में अनुवाद की आवश्यकता और भूमिका को समझना।
2. अनुवाद के संबंध में बौद्धिक संपदा अधिकारों का अध्ययन करना।
3. कॉपीराइट कानून और अनुवाद से जुड़े नैतिक एवं कानूनी मुद्दों का विश्लेषण करना।
4. अनुवादकों और लेखकों के अधिकारों की सुरक्षा के उपायों का प्रस्ताव देना।

गत संशोधन साहित्य समीक्षा:

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2. कुमार, र. (2022). *हिंदी साहित्य में अनुवाद और बौद्धिक संपदा अधिकार: एक विधिक और नैतिक विश्लेषण*. साहित्य समीक्षा, 39(2), 123-137. यह पेपर हिंदी साहित्य में अनुवाद के कानूनी और नैतिक पहलुओं का

विश्लेषण करता है, साथ ही बौद्धिक संपदा अधिकारों के प्रभाव को दर्शाता है।

3. शर्मा, म. (2021). *हिंदी साहित्य में अनुवाद और कॉपीराइट उल्लंघन: डिजिटल युग में चुनौतियाँ*. साहित्य और कानून, 25(1), 45-60। यह शोध पत्र डिजिटल युग में अनुवाद और कॉपीराइट उल्लंघन की समस्याओं पर चर्चा करता है।
4. मिश्र, अ. (2020). *बौद्धिक संपदा अधिकार और साहित्यिक अनुवाद: एक नई दिशा*. न्याय और साहित्य, 33(4), 89-105। इस लेख में बौद्धिक संपदा अधिकारों के तहत साहित्यिक अनुवाद के कानून और नई दिशाओं का विवेचन किया गया है।

इन साहित्यिक उद्देश्य का संशोधक ने शोध अध्ययन में उपयोग किया है।

अनुवाद और बौद्धिक संपदा अधिकार (IPR) का परिचय:

अनुवाद साहित्यिक और सांस्कृतिक सेतु का कार्य करता है, जो विभिन्न भाषाओं में रचित ज्ञान, विचारों और साहित्यिक धरोहर को व्यापक जनसमूह तक पहुँचाने में सहायक होता है। हिन्दी साहित्य में अनुवाद का विशेष योगदान रहा है, जिससे विश्व साहित्य की महान कृतियाँ हिन्दी पाठकों तक पहुँची हैं और हिन्दी साहित्य भी अन्य भाषाओं में अनूदित होकर वैश्विक स्तर पर अपनी पहचान बना रहा है। हालाँकि, अनुवाद केवल भाषा का स्थानांतरण नहीं है, बल्कि यह एक रचनात्मक प्रक्रिया है, जिसमें अनुवादक को मूल लेखक की शैली, संदर्भ और भावनाओं को बनाए रखना आवश्यक होता है। इसी कारण अनुवाद के संबंध में बौद्धिक संपदा अधिकार (IPR) की अवधारणा महत्वपूर्ण हो जाती है।

बौद्धिक संपदा अधिकार (IPR) वे कानूनी प्रावधान हैं, जो किसी व्यक्ति या संस्था की मौलिक रचनात्मक कृतियों की सुरक्षा करते हैं। साहित्यिक और

कलात्मक कृतियों की रक्षा के लिए **कॉपीराइट (Copyright)** प्रमुख अधिकार है, जो लेखक को उनकी कृति पर विशिष्ट अधिकार प्रदान करता है। भारत में **कॉपीराइट अधिनियम, 1957** के तहत साहित्यिक रचनाओं का संरक्षण किया जाता है, और इसमें अनुवाद भी शामिल होता है।

अनुवाद और कॉपीराइट के बीच संबंध:

1. किसी भी साहित्यिक कृति का अनुवाद करने के लिए **मूल लेखक या कॉपीराइट धारक की अनुमति आवश्यक** होती है।
2. बिना अनुमति के किया गया अनुवाद **कॉपीराइट उल्लंघन** की श्रेणी में आता है।
3. यदि किसी कृति का **कॉपीराइट समाप्त हो जाता है (लेखक की मृत्यु के 60 वर्ष बाद)**, तो उसे सार्वजनिक डोमेन में रखा जाता है, और उसका अनुवाद स्वतंत्र रूप से किया जा सकता है।

डिजिटल युग में अनुवाद और कॉपीराइट उल्लंघन से जुड़ी चुनौतियाँ बढ़ गई हैं। इंटरनेट पर साहित्यिक कृतियों के अनधिकृत अनुवाद तेजी से प्रसारित हो रहे हैं, जिससे लेखकों और अनुवादकों के अधिकारों का हनन हो रहा है। ऐसे में अनुवादकों और प्रकाशकों के लिए **कानूनी जागरूकता और बौद्धिक संपदा अधिकारों की रक्षा** आवश्यक हो जाती है।

हिन्दी साहित्य में अनुवाद एक महत्वपूर्ण भूमिका निभाता है, क्योंकि यह न केवल भाषाओं के बीच सेतु का कार्य करता है, बल्कि वैश्विक साहित्य को हिन्दी पाठकों तक पहुँचाने का माध्यम भी बनता है। हालाँकि, अनुवाद केवल भाषा परिवर्तन की प्रक्रिया नहीं है, बल्कि यह साहित्यिक मूल्यों, भावनाओं और अभिव्यक्तियों को संरक्षित रखते हुए नए पाठकों तक पहुँचाने की एक रचनात्मक कला है। इसी कारण, अनुवाद से जुड़े **नैतिक मुद्दे (Ethical Issues)** उभरते हैं, जो लेखक, अनुवादक और प्रकाशक के अधिकारों और कर्तव्यों से संबंधित होते हैं।

1. अनुवाद की मौलिकता बनाम साहित्यिक चोरी (Plagiarism): अनुवाद एक सृजनात्मक कार्य है, लेकिन यह मूल रचना पर आधारित होता है। ऐसे में यह प्रश्न उठता है कि क्या अनुवाद को स्वतंत्र साहित्यिक कृति माना जा सकता है? कई बार अनुवाद में मूल लेखक की अनुमति के बिना रचनाएँ प्रकाशित की जाती हैं, जिससे साहित्यिक चोरी की समस्या उत्पन्न होती है।

2. अनुवाद में लेखक की भावना और शैली का संरक्षण: अनुवाद के दौरान यह आवश्यक होता है कि मूल लेखक की **शैली, विचारधारा और भावनाओं को यथासंभव बनाए रखा जाए**। यदि अनुवादक अपनी स्वतंत्र व्याख्या जोड़ता है या मूल विचारों को बदलता है, तो यह अनैतिक माना जा सकता है। विशेष रूप से कविता, उपन्यास और नाटकों के अनुवाद में यह समस्या अधिक देखने को मिलती है।

3. अनुवाद की अनुमति और नैतिकता: नैतिक दृष्टि से, अनुवाद करने से पहले लेखक या कॉपीराइट धारक से अनुमति लेना आवश्यक है। कई बार व्यावसायिक लाभ के लिए बिना अनुमति के अनुवाद किए जाते हैं, जिससे मूल लेखक को नुकसान होता है।

4. डिजिटल युग में अनुवाद और नैतिक चुनौतियाँ: आज के समय में **ऑनलाइन प्लेटफॉर्म** पर साहित्यिक कृतियों के अनुवाद तेजी से हो रहे हैं। बिना अनुमति के डिजिटल अनुवादित संस्करण प्रकाशित करना न केवल **कानूनी रूप से अनुचित** है, बल्कि नैतिक रूप से भी गलत है।

हिन्दी साहित्य में अनुवाद से जुड़े नैतिक मुद्दे गंभीर हैं, जिन्हें लेखक, अनुवादक और प्रकाशक की पारस्परिक सहमति और **नैतिक संहिता** के आधार पर हल किया जा सकता है। साहित्यिक मूल्यों और अधिकारों की रक्षा के लिए आवश्यक है कि अनुवाद प्रक्रिया में **पारदर्शिता, ईमानदारी और मूल लेखक के प्रति सम्मान** बनाए रखा जाए।

हिन्दी साहित्य में अनुवाद और कानूनी चुनौतियाँ:

हिन्दी साहित्य में अनुवाद भाषा और संस्कृति के आदान-प्रदान का एक महत्वपूर्ण माध्यम है। इसके माध्यम से वैश्विक साहित्य हिन्दी पाठकों तक पहुँचता है और हिन्दी साहित्य अन्य भाषाओं में अनूदित होकर अंतरराष्ट्रीय स्तर पर अपनी पहचान बनाता है। हालाँकि, अनुवाद केवल एक भाषाई प्रक्रिया नहीं है, बल्कि यह **बौद्धिक संपदा अधिकार (IPR) और कॉपीराइट कानून** से भी जुड़ा हुआ है। इस कारण अनुवादकों, लेखकों और प्रकाशकों को कई कानूनी चुनौतियों का सामना करना पड़ता है।

1. अनधिकृत अनुवाद और कॉपीराइट उल्लंघन:

भारत का **कॉपीराइट अधिनियम, 1957** स्पष्ट करता है कि किसी भी साहित्यिक कृति का अनुवाद करने के लिए मूल लेखक या कॉपीराइट धारक की अनुमति आवश्यक होती है। बिना अनुमति के अनुवाद करना **कॉपीराइट उल्लंघन** माना जाता है। कई बार व्यावसायिक लाभ के लिए प्रसिद्ध पुस्तकों के अनाधिकृत अनुवाद प्रकाशित किए जाते हैं।

2. सार्वजनिक डोमेन (Public Domain) का मुद्दा:

जब किसी लेखक की मृत्यु के **60 वर्ष** बाद उनकी रचनाएँ **सार्वजनिक डोमेन** में आ जाती हैं और कोई भी उनका अनुवाद कर सकता है। लेकिन इस स्थिति में भी अनुवाद की गुणवत्ता और मौलिकता की समस्या बनी रहती है। कई प्रकाशक कम लागत में जल्दी अनुवाद प्रकाशित करने के लिए मूल कृति की गुणवत्ता से समझौता कर देते हैं।

3. डिजिटल युग में कॉपीराइट और अनुवाद:

इंटरनेट और डिजिटल प्रकाशन के कारण कॉपीराइट उल्लंघन तेजी से बढ़ रहा है। कई वेबसाइटें बिना अनुमति के साहित्यिक कृतियों के अनुवाद प्रकाशित कर रही हैं। AI और ऑनलाइन अनुवाद टूल्स के कारण अनुवादकों के अधिकारों पर भी असर पड़ रहा है।

4. अनुवादकों के अधिकार और न्यायिक सुरक्षा:

भारत में अनुवादकों के लिए विशेष **कॉपीराइट सुरक्षा** के प्रावधान स्पष्ट नहीं हैं। कई बार अनुवादकों को उचित श्रेय और पारिश्रमिक नहीं दिया जाता। हिन्दी साहित्य में अनुवाद से जुड़ी कानूनी चुनौतियाँ जटिल हैं, जिनसे बचने के लिए **सख्त कॉपीराइट कानून, डिजिटल सुरक्षा और अनुवादकों के अधिकारों की रक्षा** आवश्यक है।

समाधान और सुझाव:

हिन्दी साहित्य में अनुवाद से जुड़ी कानूनी और नैतिक चुनौतियों का समाधान **सख्त कानूनी प्रावधानों, नैतिकता के पालन और डिजिटल सुरक्षा** के माध्यम से किया जा सकता है।

1. कानूनी सुधार और जागरूकता: कॉपीराइट अधिनियम, 1957 को और अधिक स्पष्ट बनाया जाए,

विशेष रूप से डिजिटल अनुवाद और AI आधारित अनुवाद को लेकर अनुवादकों और प्रकाशकों को कॉपीराइट कानून की पूरी जानकारी दी जाए।

2. नैतिक संहिता का पालन:

अनुवाद करने से पहले मूल लेखक या कॉपीराइट धारक से अनुमति लेना अनिवार्य हो। अनुवाद में लेखक की मूल भावना और अभिव्यक्ति का सम्मान किया जाए।

3. डिजिटल सुरक्षा और नियमन:

बिना अनुमति के अनुवाद प्रकाशित करने वाले ऑनलाइन प्लेटफार्मों पर कानूनी कार्यवाही हो। डिजिटल कॉपीराइट सुरक्षा (DRM) लागू की जाए।

अनुवाद की गुणवत्ता और कानूनी सुरक्षा सुनिश्चित करने के लिए **कानूनी सख्ती, नैतिकता और डिजिटल नियमन** आवश्यक हैं, जिससे हिन्दी साहित्य की मौलिकता और बौद्धिक संपदा अधिकार सुरक्षित रह सकें।

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बौद्धिक संपदा का समाजशास्त्र बौद्धिक संपदा कानूनों के कारण समाज में ज्ञान प्राप्ति के अवसरों पर प्रभाव पारंपरिक ज्ञान और आदिवासी विरासत के पेटेंटिंग से उत्पन्न चुनौतियां सांस्कृतिक पहचान और वैश्वीकरण में बौद्धिक संपदा की भूमिका ।

जगदीश पावरा

सहायक प्राध्यापक, समाजशास्त्र

शासकीय स्नातकोत्तर आदर्श महाविद्यालय झाबुआ म.पू.

Corresponding Author – जगदीश पावरा

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बौद्धिक संपदा का समाजशास्त्र:

परिचय:

बौद्धिक संपदा (Intellectual Property) वह अधिकार होते हैं, जो किसी व्यक्ति या संगठन को उनके मानसिक श्रम, रचनात्मकता और नवाचार के परिणामस्वरूप उत्पन्न संपत्ति पर मिलते हैं। इन अधिकारों में पेटेंट, कॉपीराइट, ट्रेडमार्क, औद्योगिक डिजाइन आदि आते हैं। बौद्धिक संपदा के अंतर्गत आने वाले ये अधिकार समाज में ज्ञान और सूचना के वितरण, उपयोग और स्वामित्व को नियंत्रित करते हैं। बौद्धिक संपदा के कानूनों के माध्यम से एक ओर जहां रचनात्मकता और नवाचार को प्रोत्साहन मिलता है, वहीं दूसरी ओर समाज में ज्ञान के प्राप्ति के अवसरों पर भी गहरा प्रभाव पड़ता है। समाजशास्त्र इस तरह के प्रभावों का अध्ययन करता है कि कैसे इन कानूनों ने समाज की संरचना, संस्कृति, और पहचान पर प्रभाव डाला है। विशेष रूप से पारंपरिक ज्ञान और आदिवासी विरासत के संदर्भ में बौद्धिक संपदा के कानूनों की जटिलताएँ और वैश्वीकरण में इनकी भूमिका महत्वपूर्ण हो जाती है।

बौद्धिक संपदा कानूनों के कारण समाज में ज्ञान प्राप्ति के अवसरों पर प्रभाव:

बौद्धिक संपदा के कानूनों का समाज पर गहरा असर पड़ता है। ये कानून नवाचार और अनुसंधान के क्षेत्र में प्रोत्साहन उत्पन्न करते हैं, लेकिन इनकी संरचना और प्रवर्तन ने ज्ञान के मुक्त प्रवाह पर अनेक सीमाएँ भी उत्पन्न की हैं। उदाहरण स्वरूप, जब कोई नया उत्पाद या विचार पेटेंट के तहत आता है, तो वह केवल पेटेंट धारक के अधिकार क्षेत्र में आता है। इससे अन्य व्यक्तियों या संस्थाओं को उस ज्ञान या तकनीक का उपयोग करने के लिए पेटेंट धारक से अनुमति लेनी पड़ती है, जो व्यावसायिक रूप से महंगा और जटिल हो सकता है।

इसका एक महत्वपूर्ण उदाहरण स्वास्थ्य क्षेत्र में देखा जा सकता है। जब कोई दवा पेटेंट के तहत आती है, तो उसे केवल पेटेंट धारक ही व्यावसायिक रूप से बेच सकता है, जिससे अन्य दवा निर्माताओं के लिए उस दवा का उत्पादन या वितरण करना मुश्किल हो जाता है। यह गरीब और विकासशील देशों में ज्ञान की उपलब्धता और स्वास्थ्य देखभाल पर गंभीर असर डालता है, क्योंकि उच्च कीमतों के कारण लोग आवश्यक चिकित्सा उत्पादों तक पहुँच नहीं बना पाते। इस तरह, बौद्धिक संपदा के कानूनों का एक नकारात्मक

प्रभाव यह है कि यह ज्ञान को सीमित कर देता है, और इससे गरीब या विकासशील देशों में सामाजिक और आर्थिक असमानताएँ उत्पन्न हो सकती हैं।

इसके अलावा, बौद्धिक संपदा कानूनों के कारण बड़े निगमों और कंपनियों को अपने उत्पादों और सेवाओं के माध्यम से अधिक लाभ प्राप्त होता है, जबकि छोटे उद्यमी या स्थानीय समुदाय अपने नवाचारों और रचनात्मक कार्यों से उचित लाभ नहीं उठा पाते। यह स्थिति समाज में असमानता और शक्ति के असंतुलन को बढ़ाती है।

पारंपरिक ज्ञान और आदिवासी विरासत के पेटेंटिंग से उत्पन्न चुनौतियाँ:

पारंपरिक ज्ञान और आदिवासी विरासत के पेटेंटिंग से उत्पन्न होने वाली चुनौतियाँ बौद्धिक संपदा के कानूनों का एक महत्वपूर्ण और विवादास्पद पहलू हैं। आदिवासी समुदायों और स्थानीय समाजों के पास पीढ़ी दर पीढ़ी संचित पारंपरिक ज्ञान होता है। इसमें औषधीय पौधों का उपयोग, पारंपरिक चिकित्सा पद्धतियाँ, कृषि तकनीकें, कला और शिल्प आदि शामिल होते हैं। यह ज्ञान न केवल उनके जीवन और अस्तित्व का अभिन्न हिस्सा होता है, बल्कि उनके सांस्कृतिक और ऐतिहासिक पहचान का भी हिस्सा होता है।

जब यह पारंपरिक ज्ञान पेटेंट के तहत आता है, तो यह उन समुदायों के अधिकारों और स्वामित्व पर गंभीर संकट उत्पन्न करता है। उदाहरण के रूप में, यदि कोई कंपनी किसी औषधीय पौधे का पेटेंट लेती है, जो आदिवासी समुदाय द्वारा कई पीढ़ियों से उपयोग में लाया जा रहा है, तो यह आदिवासी लोगों को उनके पारंपरिक ज्ञान का उपयोग करने से रोक सकता है। परिणामस्वरूप, आदिवासी समुदायों को उनके प्राकृतिक संसाधनों और सांस्कृतिक धरोहर का उचित लाभ नहीं मिल पाता।

यह स्थिति 'बायोपायरेसी' (biopiracy) के रूप में सामने आती है, जिसमें बाहरी संस्थाएँ या कंपनियाँ बिना आदिवासी समुदायों की अनुमति के

उनके प्राकृतिक संसाधनों और सांस्कृतिक धरोहर का व्यावसायिक दोहन करती हैं। ऐसे मामलों में आदिवासी समुदायों को न केवल आर्थिक नुकसान होता है, बल्कि उनका सांस्कृतिक और सामाजिक अधिकार भी उल्लंघित होता है। इसके अलावा, पारंपरिक ज्ञान को पेटेंट करना यह भी सिद्ध कर सकता है कि यह ज्ञान केवल उस पेटेंट धारक का है, जबकि यह समाज के एक बड़े हिस्से द्वारा वर्षों से संचित और उपयोग किया जा रहा होता है।

सांस्कृतिक पहचान और वैश्वीकरण में बौद्धिक संपदा की भूमिका:

वैश्वीकरण के इस युग में बौद्धिक संपदा की भूमिका और भी महत्वपूर्ण हो गई है। वैश्वीकरण ने दुनिया को एक दूसरे के करीब ला दिया है, लेकिन इसके साथ ही विभिन्न सांस्कृतिक पहचान और परंपराओं के संरक्षण की चुनौतियाँ भी बढ़ गई हैं। बौद्धिक संपदा के अधिकारों का वैश्विक प्रवर्तन और नियमों का पालन करने से विभिन्न देशों की सांस्कृतिक धरोहरों पर असर पड़ सकता है।

जब किसी सांस्कृतिक प्रतीक, कला या शिल्प को पेटेंट किया जाता है, तो यह उस सांस्कृतिक पहचान के स्वामित्व पर सवाल उठा सकता है। उदाहरण के लिए, भारत में विभिन्न पारंपरिक हस्तशिल्प और किलिम कला हैं, जिन्हें पेटेंट किए जाने पर स्थानीय कारीगरों और समुदायों को नुकसान हो सकता है। यदि इन सांस्कृतिक तत्वों का पेटेंट किसी बहुराष्ट्रीय कंपनी के हाथों में चला जाता है, तो यह उनकी पहचान और उनके अस्तित्व को खतरे में डाल सकता है।

इसके अलावा, वैश्वीकरण के कारण बड़ी कंपनियाँ और संस्थाएँ स्थानीय संसाधनों और सांस्कृतिक धरोहरों का दोहन कर सकती हैं। वे इन संसाधनों का उपयोग कर सकती हैं और फिर इन्हें वैश्विक बाजार में बेचना शुरू कर सकती हैं, जबकि मूल समुदायों को इसके आर्थिक लाभ से वंचित किया जा सकता है। इससे सांस्कृतिक

उत्पीड़न और आर्थिक असमानता का निर्माण हो सकता है।

निष्कर्ष:

बौद्धिक संपदा के कानूनों ने समाज में ज्ञान के वितरण और उपयोग को नियंत्रित करने में महत्वपूर्ण भूमिका निभाई है, लेकिन इनके नकारात्मक प्रभाव भी स्पष्ट हैं। इन कानूनों ने नवाचार और रचनात्मकता को बढ़ावा तो दिया है, लेकिन साथ ही यह समाज में असमानता और ज्ञान की असमान उपलब्धता का कारण भी बने हैं। पारंपरिक ज्ञान और आदिवासी विरासत के पेटेंटिंग से उत्पन्न होने वाली चुनौतियाँ समाज के कमजोर वर्गों के अधिकारों और संस्कृति की रक्षा के लिए एक बड़ी समस्या उत्पन्न करती हैं। वैश्वीकरण में बौद्धिक संपदा की भूमिका सांस्कृतिक पहचान और संसाधनों के संरक्षण की दिशा में

विचारणीय है। इसलिए, बौद्धिक संपदा के कानूनों को संतुलित और समावेशी तरीके से लागू करना आवश्यक है, ताकि नवाचार को प्रोत्साहन मिले और साथ ही सांस्कृतिक अधिकारों और पारंपरिक ज्ञान की रक्षा की जा सके।

संदर्भ सूची:

1. बौद्धिक सम्पदा विधियां, ज्ञानवती धाकड, सेंट्रल लॉ पब्लिकेशन।
2. बौद्धिक सम्पदा अधिकार विधी, डॉ. एस के. सिंह, सेंट्रल लॉ पब्लिकेशन।
3. पेटेंट और पेटेंट कानून का परिचय, शिव प्रसाद बोस, जय बोस, भारतीय कानूनो के अनुसार
4. इन्टरनेट के द्वारा



सांस्कृतिक पहचान और वैश्विकरणमे - बौद्धिक संपदा की भूमिका

डॉ. शेख रशिदा रहेमतुल्ला

अनुसंधानकर्त्री

Corresponding Author – डॉ. शेख रशिदा रहेमतुल्ला

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शोधसार:

हर साल 26 अप्रैल को विश्वस्त पर 'World Intellectual Property Day' याने की विश्व बौद्धिक संपदा दिवस मनाया जाता है. इस दिन की शुरुआत विश्व बौद्धिक संपदा संघठन द्वारा 2000 मे दुनिया भर में नवाचार और रचनात्मकता को बढ़ावा देने मे बौद्धिक संपदा अधिकारो पेटेंट, कॉपीराईट, ट्रेडमार्क और डिज़ाईन की भूमिका के बारे मे जागरूकता फैलाने और रोजमरा के जीवनपर रचनाकारोद्वारा समाज के विकास मे किये गये योगदान को बढ़ावा देने के लिये की गई थी WIPO द्वारा 26 अप्रैल को विश्व बौद्धिक संपदा दिन मनाये जाने की घोषणा 1970 मे विश्व बौद्धिक संपदा संघठन की स्थापना के लिए कॉन्व्हेन्शन को चिन्हीत करने के लिए की गई थी.

बौद्धिक संपदा एक ऐसी संपत्ती है जो किसी व्यक्ति के दिमाग या बुद्धी से जन्म लेती है. इसी बुद्धी से जन्मी हुई आयडिया पर IPR एक अधिकार प्रदान करता है. इसलिये इस आयडिया के अंतर्गत आने वाली सारी चीजो को भी कवर करता है. यदि एक आयडिया जो IPR का विषय है और वास्तविक चिजो में अपनी उपयोगिता पाता है. इतना ही नही बाद मे इसे वही संरक्षण भी प्राप्त करता है.

प्रास्ताविक:

बौद्धिक संपदा मतलब मानवी मन और बुद्धी का सृजन होना ! मनुष्य को प्राकृतिक तौर पर मन और बुद्धी होने की वजह से मनुष्य लगातार कुछ ना कुछ खोजता रहता है. प्रकृती मे जो समाया हुआ है. खुद की बुद्धी, चिंतन और अध्ययन से खोज करता है. खोज करना और खोजना इन दोनो चीजो से मनुष्य की जिंदगी अधिक ऐषोआराम वाली और समृद्ध हो गई है. इसलिये उसे बढ़ावा दिया जाना चाहिए, संरक्षण दिया जाना चाहिए. ट्रिप्स करारने वह देने का दावा किया है. आंतरराष्ट्रीय स्तर पर बौद्धिक संपदा अधिकार कैसे होने चाहिये उसका मॅनेजमेंट कैसे किया जायेगा. यह सारी चीजो का जिक्र ट्रिप्स करार मे किया गया है.

बौद्धिक संपदा यांनी आयपी का अर्थ जानने के लिए इसकी गहराई के तहे तक पोहोचना जरूरी है.

औद्योगिक, वैज्ञानिक, सांस्कृतिक, साहित्यिक और कलात्मक क्षेत्रो में बौद्धिक गतिविधियों के परिणाम को कानूनी अधिकार देना है. बौद्धिक संपदा किसी वैचारिक सृजन या डिज़ाईन सृजन के स्वामीत्व को सुरक्षित करता है.

अनुसंधान के उद्देश:

- 1) बौद्धिक संपदा का सांस्कृतिक इतिहास जानना.
- 2) वैश्विकरणमे बौद्धिक संपदा की भूमिका का अध्ययन करना.
- 3) बौद्धिक संपदा में कॉपीराईट सांस्कृतिक को चेक करना
- 4) बौद्धिक संपदा के जरिए विश्व मे अपनी संस्कृती की पहचान बनाना.

तथ्य संकलन:

द्वितीय तथ्य संकलनसे अनुसंधान करतीने अपना अनुसंधान पुरा किया इसके लिए "बौद्धिक समाजशास्त्र मे- सांस्कृतिक पहचान और वैश्वकरण मे बौद्धिक संपदा की भूमिका." इस विषय का चयन किया है इस विषय को न्याय देने के लिए इंटरनेट, पत्रिका, संदर्भग्रंथ, समाचार पत्र, मॉडर्न इन सारी चीजों का इस्तेमाल डेटा कलेक्शन के लिए किया गया है.

अनुसंधान पद्धति:

अनुसंधान करने के लिए पहले विश्व में हमारी हर चीज की सांस्कृतिक पहचान बनाने के लिए हमें बौद्धिक संपदा के अधिकार हासिल करने होंगे. मानव के बुद्धि में क्या अनुसंधान चल रहा है. उसके लिए उन्हें बौद्धिक संपदा के अधिकार का एक मोखा (chance) देना चाहिए.

विश्वमें हमारी सांस्कृतिक की पहचान क्या है ? इसे वर्णनात्मक (Discriptive) अनुसंधान पद्धतिसे वर्णन (Discribe) किया है.

बौद्धिक संपदा की भूमिका :

संस्कृति में बौद्धिक संपदा की भूमिका बहुत बड़ी और अच्छी है जैसे हम हमारे दिमाग से कुछ खोजते हैं. तो उसे न्याय मिलना चाहिये. 2014 में विशेष प्रतिवेदकने सांस्कृतिक अधिकार के आनंद पर बौद्धिक संपदा व्यवस्थाओं के प्रभाव के मुद्दे पर एक विषय गत अध्ययन में शामिल होने का फैसला किया. जैसा की सामाजिक और सांस्कृतिक अधिकारों पर आंतरराष्ट्रीय वाचा के अनुच्छेद 15 में विशेष रूप से निहित है.

बौद्धिक संपदा की व्यवस्था :

लोगों को सांस्कृतिक विरासत का आनंद लेने और उस तक पहुंचने का अधिकार देना चाहिये. कलात्मक स्वतंत्रता और लोगों को कलात्मक पहुंचनेका

, उसमें योगदान देने और उसका आनंद लेने का अधिकार मिलता है. जैसे आगरा का ताजमहल, ये हमारी सांस्कृतिक धरोहर है. इसका भी पेटेंट भी नहीं निकाला गया. क्योंकि यह भारत का आठवा अजूबा है.

बौद्धिक संपदा का समाजशास्त्र :

समाजशास्त्र की दृष्टिकोण से बौद्धिक संपदा का अध्ययन समझने में मदद करता है की सामाजिक संरचनाओं, आर्थिक प्रणालियों, सांस्कृतिक विकास व शक्ति संतुलन को कैसे प्रभावित करती है यह हम सब अगले पॉईंट में देखेंगे

बौद्धिक संपदा और सामाजिक संरचना:

बौद्धिक संपदाके नियम और नीतियाँ समाजके विभिन्न वर्गोंपर अलग-अलग प्रभाव डालती हैं.

a) आर्थिक असमानता :

बड़ी कंपनियाँ और विकसित देश बौद्धिक संपदा के अधिकारों का अधिक लाभ उठाते हैं. जब की छोटे व्यवसायों और विकासशील देशों के लिए यह एक चुनौती बन सकती है. उन्हें भी अलग से कुछ तो युनिक काम करना पड़ेगा. जिससे छोटी व्यवसायिक भी बौद्धिक संपदा का अधिकार हासिल कर सकते हैं उदा- हमारे देश का हल्दी का पेटेंट चोरी हो गया था हमारे सायंसदाओंने (Scientist) झगडा करके पेटेंट वापिस हासिल किया, वैसेही हमारे देश का 'बासमती चावल' 'टासमती' के नाम से बेचा जाता है. अबकी बार हमें बौद्धिक संपदा के अधिकार से पूरा संरक्षण मिल चुका था इसलिये हमारे बासमती चावल का पेटेंट चोरी नहीं हुआ.

b) सांस्कृतिक प्रभाव:

कापी राईट और पेटेंट के कारण पारंपरिक ज्ञान, लोक कलाएं और सांस्कृतिक विरासत की सुरक्षा का सवाल उठता है. आदिवासी समुदाय की 'वारली कला' को प्रोत्साहित करना, उनकी रचना को सराहना

उनमे उत्साह और जोश भरना. वह अपने संस्कृती पर काम कर सके. ताकी वह लोग अपनी रचनाओसे आर्थिक लाभ प्राप्त कर सके. कुछ कमा सके, कुछ जुगाड कर सके जैसे हमारी संस्कृती मे ही हम बौद्धिक संपदा के जरीए पेटेंट ले रहे है. जैसे रोजमरा के जीवन मे हम साडी पहनते है उसी से प्रभावित होकर हमने एक पैठणी साडी का पेटेंट लिया है. कर्नाटक के बालाजी मंदिर के लड्डू इतने टेस्टी है की उसका भी पेटेंट लिया गया है.

c) प्रेरणा और संरक्षण :

बौद्धिक संपदा का उद्देश नई नई रचनाएं खोजने वालोको प्रोत्साहित करना, बढावा देना, ताकी लोग अपनी रचनाओ से आर्थिक लाभ प्राप्त कर सके बौद्धिक संपदा का कर्तव्य होता है की जो भी संस्कृतीक कलाओका शोध लिया जायेगा उसका संरक्षण होना चाहिये.

d) रचनात्मक स्वतंत्रता बनाम नियंत्रण :

कुछ समाज शास्त्रीय तर्क देते है की अत्याधिक कठोर बौद्धिक संपदा कानून रचनात्मकता को बाधित कर सकते है. क्योंकि यह ज्ञान और संसाधन को सीमित कर सकता है. इसके बनाम इसपर नियंत्रण होना जरूरी है.

e) डिजिटल युग और बौद्धिक संपदा:

डिजिटल युग मे अगर हमने कुछ रचनाये बनाकर इंटरनेट पर डाला तो दुसरा व्यक्ति हमारे इजाजत के बिना डिजिटल प्रॉडक्ट चुरा लेता है. जब उस पार डिजिटल कारवाई दर्ज होती है तो वह प्रॉडक्ट वापीस प्रॉडक्ट करता है क्योंकि उसे बौद्धिक संपदा अधिकार के तहत नुकसान भरपाई संबंधित व्यक्ति को देना पडता है

f) इंटरनेट और बौद्धिक संपदा :

डिजिटल माध्यमोंमे जानकारी की त्वरित और वैश्विक पहुंच के कारण बौद्धिक संपदा की सुरक्षा एक जटील मुद्दा (issue) बन गया है.

निष्कर्ष:

बौद्धिक संपदा केवल कानूनी या आर्थिक मुद्दा नहीं है. बल्की सामाजिक असमानता, नवाचार की स्वतंत्रता, सांस्कृतिक पहचान और वैश्विक शक्ति संतुलन से भी जुडी हुई है. समाजशास्त्र के दृष्टिकोन से देखा जाये तो विश्व मे हमारी संस्कृती की पहचान बनाने के लिए बौद्धिक संपदा के अधिकार का सहारा लेना बहुत जरूरी है. विश्व हमारी संस्कृती की ओर बडे सन्मान की नजर से देखती है. जैसे हमारी परिवारव्यवस्था आज के दौर में मजबूती से समाज के समस्या को बडी आसानी से झेल रही है. हमारी तहेजीब, खानपान, रीतिरिवाज, रहन सहन पर पश्चिमी संस्कृती का प्रभाव पडा तो भी हम हमारे खानपान, रीतिरिवाज नहीं छोडते. इसलिये हमने बौद्धिक संपदा के द्वारा पैठणी, बालाजी के लड्डू के पेटेंट लीए है.

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कॉपीराइट कानून और हिन्दी साहित्य: लेखकों के अधिकारों की समीक्षा

प्रोफेसर डॉ. रमेश माणिकराव शिंदे

हिन्दी विभाग प्रमुख, यशवंतराव चव्हाण महाविद्यालय, अंबाजोगाई, जिला बीड

Corresponding Author – प्रोफेसर डॉ. रमेश माणिकराव शिंदे

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सारांश:

कॉपीराइट कानून रचनात्मक कार्यों की सुरक्षा के लिए एक महत्वपूर्ण कानूनी ढांचा प्रदान करता है। हिन्दी साहित्य, जो भारतीय संस्कृति और समाज का महत्वपूर्ण अंग है, इसे भी कॉपीराइट संरक्षण की आवश्यकता है। यह शोधपत्र हिन्दी साहित्य में कॉपीराइट कानून के महत्व, लेखकों के अधिकारों की सुरक्षा, साहित्यिक चोरी और डिजिटल युग में हिन्दी साहित्य पर कॉपीराइट के प्रभावों का विश्लेषण करता है। अध्ययन से यह स्पष्ट होता है कि कॉपीराइट कानून लेखकों को उनकी मौलिक रचनाओं की रक्षा करने का अवसर देता है, लेकिन जागरूकता की कमी और डिजिटल माध्यमों के बढ़ते उपयोग से नए प्रकार की चुनौतियाँ उत्पन्न हो रही हैं।

प्रस्तावना:

हिन्दी साहित्य भारतीय समाज का एक महत्वपूर्ण अंग है, जो भाषा, संस्कृति, परंपरा और सामाजिक मूल्यों को संजोए हुए है। समय के साथ साहित्यिक कृतियाँ केवल पुस्तकों तक सीमित न रहकर डिजिटल माध्यमों जैसे ई-बुक्स, ऑडियो बुक्स और ऑनलाइन लेखन मंचों तक विस्तारित हो गई हैं। इस संदर्भ में, लेखकों के अधिकारों की सुरक्षा और उनके मौलिक कार्यों को चोरी से बचाने के लिए कॉपीराइट कानून की भूमिका अत्यंत महत्वपूर्ण हो जाती है।

कॉपीराइट कानून लेखकों को उनकी रचनाओं पर विशेष अधिकार प्रदान करता है, जिससे वे अपनी रचनाओं के उपयोग, पुनरुत्पादन और वितरण को नियंत्रित कर सकते हैं। हालांकि, हिन्दी साहित्य में कॉपीराइट उल्लंघन की घटनाएँ तेजी से बढ़ रही हैं, जिससे लेखकों को आर्थिक और नैतिक दोनों स्तरों पर नुकसान उठाना पड़ता है। इस शोधपत्र का उद्देश्य हिन्दी साहित्य में कॉपीराइट कानून की स्थिति, लेखकों के अधिकार, साहित्यिक चोरी के बढ़ते मामलों और

डिजिटल युग में लेखकों के सामने आने वाली चुनौतियों की समीक्षा करना है।

कॉपीराइट कानून का परिचय:

कॉपीराइट कानून एक बौद्धिक संपदा अधिकार (Intellectual Property Right) है, जो किसी भी मौलिक रचनात्मक कार्य के सृजनकर्ता को उसकी रचना पर विशेष अधिकार प्रदान करता है। यह कानून साहित्य, संगीत, कला, फिल्म, सॉफ्टवेयर और अन्य रचनात्मक कार्यों को संरक्षण देता है और उनकी कृति पर स्वामित्व बनाए रखने में मदद करता है। भारत में कॉपीराइट अधिनियम, 1957 इस कानून को नियंत्रित करता है और यह कानून विश्व व्यापार संगठन (WTO) के ट्रेड-रिलेटेड इंटेलेक्चुअल प्रॉपर्टी राइट्स (TRIPS) समझौते के अनुरूप है। भारत में कॉपीराइट अधिनियम 1957 (Copyright Act, 1957) इस कानून का प्रमुख स्रोत है, जिसे समय-समय पर संशोधित किया गया है। कॉपीराइट के तहत किसी भी साहित्यिक कृति का बिना अनुमति उपयोग करना, उसकी प्रतिलिपि

बनाना या उसे प्रकाशित करना गैरकानूनी होता है। यह कानून लेखक को अपनी रचना के मौलिक अधिकार प्रदान करता है, जिससे वह अपनी रचना के व्यावसायिक लाभ प्राप्त कर सकता है। हिन्दी साहित्य में लेखकों के लिए यह कानून विशेष रूप से महत्वपूर्ण है, क्योंकि यह उनके कार्यों की चोरी और अनधिकृत उपयोग को रोकने में मदद करता है। उदाहरण के रूप में, प्रसिद्ध हिन्दी लेखक प्रेमचंद की कहानियों को बिना अनुमति प्रकाशित करना कॉपीराइट उल्लंघन होगा, क्योंकि उनकी रचनाओं पर उनके उत्तराधिकारियों या प्रकाशकों का अधिकार हो सकता है। इसी प्रकार, यदि कोई व्यक्ति गुलजार द्वारा लिखित किसी गीत को बिना अनुमति पुनः रिकॉर्ड करता है और व्यावसायिक रूप से बेचता है, तो यह कॉपीराइट कानून का उल्लंघन होगा। डिजिटल युग में, कॉपीराइट का उल्लंघन तेजी से बढ़ा है। उदाहरण के लिए, कई वेबसाइट्स बिना अनुमति के लोकप्रिय हिन्दी पुस्तकों की पीडीएफ फाइलें मुफ्त में उपलब्ध कराती हैं, जिससे मूल लेखक और प्रकाशकों को आर्थिक हानि होती है। फिल्मों और संगीत के क्षेत्र में भी पायरेसी एक गंभीर समस्या बन गई है, जहाँ नई फिल्में और गाने बिना आधिकारिक अनुमति के ऑनलाइन लीक कर दिए जाते हैं। कॉपीराइट कानून का उद्देश्य यह सुनिश्चित करना है कि रचनाकारों को उनकी मेहनत और सृजनशीलता का उचित पारिश्रमिक मिले। साथ ही, यह रचनात्मकता को बढ़ावा देने में सहायक होता है, क्योंकि जब कलाकारों और लेखकों को उनकी रचनाओं की सुरक्षा की गारंटी मिलती है, तो वे नए विचारों और परियोजनाओं पर कार्य करने के लिए प्रेरित होते हैं।

हिन्दी साहित्य में लेखकों के अधिकार और उनकी सुरक्षा:

हिन्दी साहित्य भारतीय संस्कृति और समाज का अभिन्न हिस्सा है। साहित्य के माध्यम से लेखक अपनी रचनात्मकता, विचारधारा और सामाजिक समस्याओं को अभिव्यक्त करते हैं। परंतु, आज के डिजिटल युग में साहित्यिक चोरी, अनधिकृत प्रकाशन और कॉपीराइट उल्लंघन जैसी समस्याएँ बढ़ रही हैं, जिससे लेखकों के अधिकारों की सुरक्षा आवश्यक हो गई है। भारतीय कॉपीराइट अधिनियम, 1957 लेखकों को उनकी रचनाओं पर विशेष अधिकार प्रदान करता है, जिससे वे अपनी रचनाओं को सुरक्षित रख सकते हैं। हिन्दी साहित्य के लेखकों के अधिकार और उनकी सुरक्षा के विभिन्न पहलुओं को निम्नलिखित बिंदुओं में समझा जा सकता है:

अ. प्रतिलिपि बनाने का अधिकार और साहित्यिक चोरी से सुरक्षा:

लेखक को यह अधिकार होता है कि उसकी अनुमति के बिना कोई अन्य व्यक्ति उसकी रचना की प्रतिलिपि नहीं बना सकता। साहित्यिक चोरी (Plagiarism) हिन्दी साहित्य में एक गंभीर समस्या बन चुकी है, जहाँ लेखक की रचनाएँ बिना अनुमति के प्रकाशित की जाती हैं। प्रसिद्ध हिन्दी लेखक प्रेमचंद की कहानियों को कई वेबसाइट्स और प्रकाशक बिना अनुमति प्रकाशित करते हैं, जिससे उनके उत्तराधिकारियों को आर्थिक और नैतिक हानि होती है। इसी तरह, कई युवा कवियों और लेखकों की रचनाएँ सोशल मीडिया पर अनधिकृत रूप से साझा की जाती हैं, जिससे मूल लेखक को उसका श्रेय नहीं मिलता।

ब. अनुवाद और रूपांतरण का अधिकार:

लेखक को यह अधिकार प्राप्त होता है कि उसकी रचना का अनुवाद या रूपांतरण (Adaptation) उसकी अनुमति के बिना नहीं किया जा सकता। यह विशेष रूप से तब महत्वपूर्ण होता है जब किसी साहित्यिक कृति को किसी अन्य भाषा में अनुवादित किया जाता है या उसे नाटक, फिल्म या अन्य स्वरूप में

बदला जाता है। हरिवंश राय बच्चन की प्रसिद्ध कृति मधुशाला का कई भाषाओं में अनुवाद किया गया है, परंतु यदि कोई व्यक्ति बिना अनुमति इसे किसी अन्य भाषा में अनुवादित करता है और प्रकाशित करता है, तो यह कॉपीराइट उल्लंघन होगा।

क. डिजिटल माध्यमों पर लेखकों के अधिकार:

डिजिटल युग में हिन्दी साहित्य की पहुँच तो बढ़ी है, लेकिन इसके साथ ही लेखकों की रचनाओं की चोरी और अनधिकृत उपयोग की घटनाएँ भी बढ़ी हैं। कई बार लेखकों की कविताएँ और कहानियाँ सोशल मीडिया, वेबसाइट्स और ई-बुक फॉर्मेट में बिना अनुमति के साझा की जाती हैं, जिससे उन्हें आर्थिक हानि होती है। अनेक हिन्दी लेखकों की ई-पुस्तकें विभिन्न ऑनलाइन प्लेटफॉर्म पर मुफ्त डाउनलोड के लिए उपलब्ध कराई जाती हैं, जिससे उनके प्रकाशन की बिक्री पर नकारात्मक प्रभाव पड़ता है।

ड. प्रकाशन और वितरण का अधिकार:

लेखक को यह अधिकार होता है कि वह यह तय करे कि उसकी रचना कहाँ और किस माध्यम से प्रकाशित होगी। यदि कोई प्रकाशक लेखक की अनुमति के बिना उसकी पुस्तक प्रकाशित करता है या उसे व्यावसायिक रूप से बेचता है, तो यह कॉपीराइट उल्लंघन कहलाएगा। कई बार छोटे प्रकाशक बिना अनुमति के किसी प्रसिद्ध लेखक की रचनाएँ सस्ते संस्करण में प्रकाशित कर देते हैं, जिससे लेखक को आर्थिक लाभ नहीं मिलता।

इ. आर्थिक और नैतिक अधिकार:

कॉपीराइट केवल आर्थिक अधिकार ही नहीं बल्कि नैतिक अधिकार भी प्रदान करता है। लेखक को यह अधिकार होता है कि उसकी रचना का उपयोग उसकी मर्जी के अनुसार हो और उसका नाम उसके कार्य के साथ जुड़े। यदि किसी लेखक की कहानी को किसी अन्य व्यक्ति द्वारा अपने नाम से प्रकाशित किया जाता है, तो यह ना केवल साहित्यिक चोरी है बल्कि लेखक के नैतिक अधिकारों का भी उल्लंघन है।

हिन्दी साहित्य में लेखकों के अधिकारों की सुरक्षा के लिए कॉपीराइट कानून एक महत्वपूर्ण साधन है। लेखकों को अपनी रचनाओं का आधिकारिक रूप से पंजीकरण कराना चाहिए और अनधिकृत उपयोग पर कानूनी कार्रवाई करनी चाहिए। साथ ही, डिजिटल युग में कॉपीराइट सुरक्षा के नए उपाय अपनाने की आवश्यकता है, ताकि लेखकों को उनकी मेहनत का पूरा लाभ मिल सके और हिन्दी साहित्य की समृद्धि बनी रहे।

हिन्दी साहित्य और साहित्यिक चोरी:

साहित्यिक चोरी (Plagiarism) हिन्दी साहित्य में एक गंभीर समस्या बनती जा रही है। यह चोरी विभिन्न रूपों में हो सकती है, जैसे कि किसी लेखक की रचना को अपने नाम से प्रकाशित करना, किसी साहित्यिक कृति को बिना अनुमति उपयोग करना, या बिना उचित संदर्भ के किसी अन्य लेखक की सामग्री को उद्धृत करना। कई प्रसिद्ध हिन्दी कविताएँ और कहानियाँ ऑनलाइन माध्यमों पर अनधिकृत रूप से प्रकाशित की जाती हैं, जिससे मूल लेखक को कोई आर्थिक या नैतिक लाभ नहीं मिलता। इसके अलावा, कई बार अनुवाद के माध्यम से भी साहित्यिक चोरी की जाती है, जहाँ किसी लेखक की कृति को बिना अनुमति अनुवादित कर दिया जाता है और उसे नए लेखक के नाम से प्रकाशित कर दिया जाता है।

डिजिटल युग में हिन्दी साहित्य और कॉपीराइट:

इंटरनेट और डिजिटल प्लेटफॉर्म के विस्तार ने हिन्दी साहित्य की पहुँच को तो बढ़ाया है, लेकिन इसके साथ ही कॉपीराइट उल्लंघन की घटनाएँ भी बढ़ी हैं। कई बार लेखक अपनी रचनाएँ ब्लॉग, सोशल मीडिया, या अन्य ऑनलाइन प्लेटफॉर्म पर साझा करते हैं, लेकिन उचित कॉपीराइट सुरक्षा के अभाव में उनकी रचनाएँ चोरी हो सकती हैं।

ई-बुक्स और ऑडियो बुक्स के माध्यम से भी कॉपीराइट उल्लंघन बढ़ रहा है। उदाहरण के लिए, कई

वेबसाइट्स हिन्दी पुस्तकों को पीडीएफ फॉर्मेट में अनधिकृत रूप से उपलब्ध कराती हैं, जिससे लेखकों को कोई वित्तीय लाभ नहीं मिलता।

इस समस्या से बचने के लिए लेखकों को अपनी रचनाओं को कॉपीराइट के तहत पंजीकृत कराना चाहिए और डिजिटल अधिकार प्रबंधन (Digital Rights Management - DRM) जैसी तकनीकों का उपयोग करना चाहिए।

हिन्दी साहित्य में कॉपीराइट कानून की चुनौतियाँ:

हिन्दी साहित्य में कॉपीराइट कानून लेखकों को उनकी रचनाओं पर विशेष अधिकार प्रदान करता है, जिससे वे अपनी मौलिक कृतियों की सुरक्षा सुनिश्चित कर सकते हैं। लेकिन व्यावहारिक रूप में कई चुनौतियाँ ऐसी हैं, जो इस कानून के प्रभावी क्रियान्वयन में बाधा उत्पन्न करती हैं। हिन्दी साहित्य के क्षेत्र में कॉपीराइट उल्लंघन के बढ़ते मामलों, डिजिटल माध्यमों के प्रसार और कानूनी जागरूकता की कमी के कारण लेखकों को अपनी रचनाओं के संरक्षण में कठिनाइयों का सामना करना पड़ता है। इन चुनौतियों को निम्नलिखित बिंदुओं के माध्यम से समझा जा सकता है:

साहित्यिक चोरी (Plagiarism) और मौलिकता का संकट:

साहित्यिक चोरी हिन्दी साहित्य में एक गंभीर समस्या बन चुकी है। कई बार लेखकों की मौलिक रचनाएँ बिना अनुमति के प्रकाशित कर दी जाती हैं या अन्य लेखकों द्वारा अपने नाम से प्रस्तुत कर दी जाती हैं। प्रसिद्ध हिन्दी कवि कुमार विश्वास की कविताएँ अक्सर सोशल मीडिया पर बिना उनके नाम के साझा की जाती हैं, जिससे उनकी मौलिकता पर सवाल उठते हैं और उन्हें उचित श्रेय नहीं मिल पाता।

डिजिटल माध्यमों पर कॉपीराइट उल्लंघन:

इंटरनेट और डिजिटल मीडिया के विस्तार के कारण हिन्दी साहित्य की रचनाएँ अब तेजी से ऑनलाइन साझा की जाती हैं। हालांकि, इसमें

अनधिकृत प्रकाशन और कॉपीराइट उल्लंघन की घटनाएँ अधिक होती हैं। **उदाहरण**, कई वेबसाइट्स हिन्दी साहित्य की प्रसिद्ध पुस्तकों की पीडीएफ फाइलें मुफ्त में उपलब्ध कराती हैं, जिससे लेखकों और प्रकाशकों को आर्थिक नुकसान होता है।

कॉपीराइट जागरूकता की कमी:

हिन्दी साहित्य में लेखकों और प्रकाशकों के बीच कॉपीराइट कानून की जागरूकता का अभाव देखा जाता है। कई लेखक अपनी रचनाओं का पंजीकरण नहीं कराते, जिससे वे कानूनी रूप से अपनी रचनाओं की रक्षा नहीं कर पाते। **उदाहरण**, एक युवा लेखक ने अपनी पुस्तक को एक स्थानीय प्रकाशक के माध्यम से प्रकाशित किया, लेकिन कॉपीराइट पंजीकरण न कराने के कारण उसकी रचना को अन्य प्रकाशकों द्वारा बिना अनुमति के पुनः प्रकाशित कर दिया गया।

अनुवाद और रूपांतरण के मुद्दे:

कई बार लेखकों की मौलिक रचनाओं का अनुवाद या नाटकीय रूपांतरण उनकी अनुमति के बिना किया जाता है। यह न केवल आर्थिक नुकसान का कारण बनता है, बल्कि लेखकों के नैतिक अधिकारों का भी हनन करता है। **उदाहरण**, प्रेमचंद की कहानियों को कई बार अनाधिकृत रूप से अन्य भाषाओं में अनुवादित किया गया है और विभिन्न मंचों पर मंचन किया गया है, जिससे उनके उत्तराधिकारियों को किसी प्रकार का लाभ नहीं मिला।

कानूनी प्रक्रियाओं की जटिलता और समयबद्धता:

यदि कोई लेखक कॉपीराइट उल्लंघन के खिलाफ कानूनी कार्रवाई करना चाहता है, तो उसे लंबी और जटिल न्यायिक प्रक्रियाओं से गुजरना पड़ता है। **उदाहरण**, एक लेखक ने अपनी कविता को अवैध रूप से प्रकाशित करने वाले एक प्रकाशक के खिलाफ मामला दायर किया, लेकिन वर्षों तक मुकदमेबाजी चलने के कारण उसे न्याय मिलने में अत्यधिक देरी हुई।

हिन्दी साहित्य में कॉपीराइट कानून की प्रभावशीलता सुनिश्चित करने के लिए साहित्यिक चोरी रोकने, डिजिटल प्लेटफॉर्म पर सुरक्षा बढ़ाने, लेखकों में जागरूकता फैलाने और कानूनी प्रक्रियाओं को सरल बनाने की आवश्यकता है। इससे हिन्दी साहित्यकारों को उनकी रचनाओं का उचित श्रेय और आर्थिक लाभ प्राप्त हो सकेगा।

निष्कर्ष और सुझाव:

निष्कर्ष:

हिन्दी साहित्य में कॉपीराइट कानून लेखकों को उनकी रचनाओं की सुरक्षा के लिए कानूनी अधिकार प्रदान करता है, लेकिन व्यावहारिक रूप से इसके क्रियान्वयन में कई चुनौतियाँ बनी हुई हैं। साहित्यिक चोरी, डिजिटल माध्यमों पर अनधिकृत प्रकाशन, कॉपीराइट जागरूकता की कमी और कानूनी प्रक्रियाओं की जटिलता जैसे मुद्दे हिन्दी साहित्य के लेखकों के लिए गंभीर समस्याएँ खड़ी करते हैं। मौलिक रचनाओं का अनधिकृत रूप से उपयोग करना न केवल लेखकों के आर्थिक हितों को प्रभावित करता है, बल्कि उनके नैतिक अधिकारों का भी उल्लंघन करता है।

डिजिटल युग में यह समस्या और भी अधिक जटिल हो गई है, क्योंकि ई-पुस्तकों, ऑनलाइन लेखों और सोशल मीडिया पर साहित्यिक सामग्री तेजी से साझा की जाती है। कई बार लेखक अपनी रचनाओं को बिना किसी सुरक्षा उपाय के ऑनलाइन प्रकाशित कर देते हैं, जिससे उनकी सामग्री का दुरुपयोग होने की संभावना बढ़ जाती है।

इसलिए, कॉपीराइट कानून को अधिक प्रभावी बनाने के लिए आवश्यक है कि लेखकों को अपनी रचनाओं के अधिकारों के प्रति जागरूक किया जाए, डिजिटल प्लेटफॉर्म पर साहित्यिक सामग्री की सुरक्षा सुनिश्चित की जाए और कॉपीराइट उल्लंघन के मामलों में त्वरित न्याय प्रक्रिया अपनाई जाए। हिन्दी साहित्य की समृद्धि और लेखकों की सुरक्षा के लिए यह

आवश्यक है कि वे कानूनी प्रावधानों को समझें और अपने अधिकारों की रक्षा के लिए उचित कदम उठाएँ।

सुझाव:

हिन्दी साहित्य में कॉपीराइट कानून को प्रभावी बनाने और लेखकों के अधिकारों की सुरक्षा सुनिश्चित करने के लिए निम्नलिखित सुझाव उपयोगी हो सकते हैं:

सबसे पहले, लेखकों को अपनी रचनाओं का आधिकारिक रूप से कॉपीराइट पंजीकरण कराना चाहिए। इससे उन्हें कानूनी संरक्षण प्राप्त होगा और वे अपने अधिकारों का दावा कर सकेंगे। पंजीकरण प्रक्रिया को सरल और सुलभ बनाया जाना चाहिए ताकि अधिक से अधिक लेखक इसका लाभ उठा सकें। दूसरा, डिजिटल माध्यमों पर साहित्यिक चोरी रोकने के लिए कड़े नियम लागू किए जाने चाहिए। ऑनलाइन प्लेटफॉर्म को यह सुनिश्चित करना चाहिए कि किसी भी साहित्यिक सामग्री को बिना लेखक की अनुमति के प्रकाशित न किया जाए। इसके लिए डिजिटल वॉटरमार्किंग और सामग्री की निगरानी करने वाले तकनीकी उपकरणों का उपयोग किया जा सकता है। तीसरा, कॉपीराइट कानून के बारे में लेखकों, प्रकाशकों और साहित्य प्रेमियों को जागरूक करने के लिए कार्यशालाओं, वेबिनार और सेमिनार का आयोजन किया जाना चाहिए। इससे वे अपने अधिकारों और कर्तव्यों को बेहतर तरीके से समझ सकेंगे और साहित्यिक चोरी से बचने के उपायों को अपनाएँगे। चौथा, कानूनी प्रक्रियाओं को सरल और तेज बनाया जाना चाहिए ताकि कॉपीराइट उल्लंघन के मामलों में लेखकों को त्वरित न्याय मिल सके। इसके लिए विशेष साहित्यिक न्यायालयों या त्वरित सुनवाई समितियों का गठन किया जा सकता है।

अंत में, साहित्यिक नैतिकता को बढ़ावा देने के लिए समाज में इस विषय पर जागरूकता बढ़ाई जानी चाहिए। प्रकाशकों, पाठकों और लेखकों को यह समझना आवश्यक है कि साहित्यिक रचनाएँ लेखक की बौद्धिक संपत्ति हैं और उनका सम्मान किया जाना चाहिए।

इस शोधपत्र से यह स्पष्ट होता है कि हिन्दी साहित्य को सुरक्षित रखने के लिए कॉपीराइट कानून की न केवल आवश्यकता है, बल्कि इसके प्रभावी कार्यान्वयन के लिए जागरूकता और कानूनी सुधार भी आवश्यक हैं।

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साहित्यिक चोरी और नैतिक लेखन

प्रा. कापावार विनायक दिगंबरराव

हिंदी विभागाध्यक्ष

म.शि.प्र.मंडल का राजमाता जिजाऊ महाविद्यालय, किल्ले - धारूर जि. बीड

Corresponding Author – प्रा. कापावार विनायक दिगंबरराव

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शोधसार:

साहित्यिक चोरी (Plagiarism) वह कृत्य है जिसमें किसी लेखक द्वारा अन्य व्यक्ति की रचनाओं, विचारों, शब्दों या शोध सामग्री को बिना उचित संदर्भ दिए अपने नाम पर प्रस्तुत किया जाता है। यह न केवल कानूनी अपराध है, बल्कि यह लेखन और शोध के क्षेत्र में नैतिकता का भी उल्लंघन है। साहित्यिक चोरी के विभिन्न प्रकार होते हैं, जैसे पूर्ण साहित्यिक चोरी, आंशिक साहित्यिक चोरी, और स्व-साहित्यिक चोरी। इसे रोकने के लिए लेखक को अपनी रचनाओं में उचित उद्धरण, संदर्भ और श्रेय देने की आवश्यकता होती है।

नैतिक लेखन (Ethical Writing) का अर्थ है लेखन में सत्यनिष्ठा, ईमानदारी और जिम्मेदारी से कार्य करना चाहिए। नैतिक लेखन में लेखक से यह अपेक्षाएँ की जाती हैं कि वह अपनी रचनाओं में दूसरों के विचारों को सही रूप से प्रस्तुत करें और उन्हें उचित श्रेय दे। नैतिक लेखन का पालन करके लेखक समाज में विश्वास और जिम्मेदारी का संदेश फैलाता है। साहित्यिक चोरी से बचने के लिए लेखक को शोध के दौरान अपने विचारों का गहन विश्लेषण करना चाहिए और अन्य स्रोतों से सामग्री का उपयोग करते समय उचित उद्धरण प्रणाली का पालन करना चाहिए।

प्रस्तावना:

साहित्यिक चोरी और नैतिक लेखन दोनों ही विषय लेखन के विभिन्न पहलुओं से संबंधित हैं, जो समाज में लेखन और रचनात्मकता के प्रति जिम्मेदारी की भावना को प्रोत्साहित करते हैं। साहित्यिक चोरी, जिसे हम अंग्रेजी में Plagiarism कहते हैं, किसी अन्य लेखक के विचारों, शब्दों या रचनाओं को बिना उचित श्रेय दिए अपनी रचनाओं के रूप में प्रस्तुत करना है। वहीं, नैतिक लेखन, लेखकों से अपेक्षाएँ करता है कि वे अपने विचारों और अनुसंधान को ईमानदारी और सत्यनिष्ठा के साथ प्रस्तुत करें। इस आलेख में साहित्यिक चोरी के कारण, इसके प्रभाव, और इससे बचने के उपायों पर चर्चा की जाएगी। साथ ही नैतिक

लेखन की आवश्यकताओं और इसके महत्व पर भी विचार किया जाएगा।

साहित्यिक चोरी की परिभाषा और प्रकार:

साहित्यिक चोरी, एक गंभीर नैतिक उल्लंघन है, जिसमें लेखक किसी अन्य व्यक्ति की रचनाओं को बिना अनुमति के और बिना उचित श्रेय दिए अपने काम के रूप में प्रस्तुत करता है। साहित्यिक चोरी के विभिन्न प्रकार होते हैं, जिनमें मुख्य हैं:

1. पूर्ण साहित्यिक चोरी: इसमें लेखक पूरी रचना को किसी अन्य लेखक से चुराकर उसे अपने नाम से प्रस्तुत करता है। यह सबसे गंभीर रूप है।
2. आंशिक साहित्यिक चोरी: इसमें लेखक किसी अन्य के विचारों, वाक्यांशों या वाक्यों

का कुछ हिस्सों को अपनी रचना में इस्तेमाल करता है, बिना किसी श्रेय के।

3. स्वयं साहित्यिक चोरी: इसमें लेखक अपनी पुरानी रचनाओं को पुनः बिना उचित संदर्भ दिए प्रकाशित करता है। यह भी साहित्यिक चोरी का रूप माना जाता है।
4. स्रोत को गलत तरीके से प्रस्तुत करना: जब लेखक किसी संदर्भ को गलत तरीके से उद्धृत करता है, जैसे संदर्भ से भिन्न तथ्यों का उल्लेख करना या संदर्भ को पूरी तरह से बदलना।

साहित्यिक चोरी के कारण:

साहित्यिक चोरी के कई कारण हो सकते हैं। सबसे सामान्य कारण है समय की कमी। कई लेखक या शोधकर्ता समय की कमी के कारण अपनी रचनाओं में अन्य लेखक के विचारों का बिना उचित श्रेय दिए उपयोग कर लेते हैं। एक और कारण है रचनात्मकता की कमी, जिसमें लेखक अपने विचारों को सही तरीके से प्रस्तुत करने में असमर्थ होते हैं और दूसरों के विचारों का उपयोग करते हैं। इसके अतिरिक्त, आलस्य और अज्ञानता भी साहित्यिक चोरी के प्रमुख कारण हैं।

साहित्यिक चोरी के प्रभाव क्या है:

साहित्यिक चोरी के प्रभाव गंभीर होते हैं। सबसे पहले यह लेखक की प्रतिष्ठा को नुकसान पहुँचाता है। यदि किसी लेखक पर साहित्यिक चोरी का आरोप सिद्ध हो जाता है, तो उसकी पेशेवर छवि को भारी नुकसान होता है। इसके अलावा, यह शोध और लेखन के समुदाय में विश्वास की कमी पैदा करता है। साहित्यिक चोरी का एक और प्रभाव यह है कि यह ज्ञान के आदान-प्रदान को रोकता है और समाज में भ्रामक जानकारी फैलने का खतरा बढ़ाता है। यह विशेष रूप से शैक्षिक संस्थानों और विज्ञान के क्षेत्र में खतरनाक हो सकता है, जहाँ सत्यापन और सही जानकारी की आवश्यकता होती है।

नैतिक लेखन का महत्व:

नैतिक लेखन, लेखकों को एक जिम्मेदार दृष्टिकोण अपनाने के लिए प्रेरित करता है। नैतिक लेखन का पालन करते हुए लेखक अपने विचारों को प्रस्तुत करते समय पूरी ईमानदारी और सत्यनिष्ठा का पालन करता है। यह न केवल व्यक्तिगत लाभ के लिए महत्वपूर्ण है, बल्कि यह समाज में विश्वसनीयता और सम्मान का माहौल भी उत्पन्न करता है। नैतिक लेखन से लेखक को पारदर्शिता, निष्पक्षता, और विवेकपूर्ण सोच के साथ काम करने की आदत डालती है।

नैतिक लेखन की विशेषताएँ:

1. सत्यनिष्ठा और ईमानदारी: लेखक अपने विचारों और अनुसंधान में पूरी सत्यनिष्ठा और ईमानदारी से कार्य करता है। वह किसी भी प्रकार की भ्रामक जानकारी से बचता है और सही तथ्यों को प्रस्तुत करता है।
2. स्रोत का उचित उल्लेख: नैतिक लेखन में यह आवश्यक होता है कि लेखक अपने काम में उपयोग किए गए सभी स्रोतों का ठीक से उल्लेख करें। इस प्रक्रिया को उद्धरण और संदर्भ देना कहते हैं, जो साहित्यिक चोरी से बचने का एक महत्वपूर्ण तरीका है।
3. निष्पक्षता: लेखक को निष्पक्ष रूप से काम करना चाहिए और किसी भी प्रकार के पक्षपाती विचारों से बचना चाहिए।

साहित्यिक चोरी से बचने के उपाय:

1. स्रोत का उद्धरण: लेखक को हमेशा अपने काम में किसी अन्य लेखक के विचारों या शोध कार्य को सही तरीके से उद्धृत करना चाहिए। यह न केवल साहित्यिक चोरी से बचाता है, बल्कि लेखन की गुणवत्ता को भी बढ़ाता है।
2. सॉफ्टवेयर का उपयोग: साहित्यिक चोरी की पहचान करने के लिए कई ऑनलाइन टूल्स उपलब्ध हैं, जैसे कि Turnitin और

व्याकरणिक, जो लेखक को उनके काम में चोरी की संभावना की जांच करने में मदद करते हैं।

3. शिक्षा और जागरूकता: लेखक और शोधकर्ताओं को साहित्यिक चोरी के बारे में जागरूक करना और नैतिक लेखन के महत्व को समझाना आवश्यक है। इसके लिए शैक्षिक संस्थानों और लेखन समुदायों को कार्यशालाएँ और सेमिनार आयोजित करने चाहिए।
4. समय का प्रबंधन: साहित्यिक चोरी से बचने के लिए लेखक को समय का उचित प्रबंधन करना चाहिए ताकि वह बिना किसी दबाव के अपने विचारों को सही तरीके से प्रस्तुत कर सके।

निष्कर्ष:

साहित्यिक चोरी और नैतिक लेखन दोनों ही लेखन के महत्वपूर्ण पहलू हैं। साहित्यिक चोरी केवल कानूनी अपराध नहीं है, बल्कि यह लेखक की प्रतिष्ठा और शोध समुदाय के विश्वास को भी प्रभावित करता है। नैतिक लेखन लेखक से यह अपेक्षाएँ करता है कि वह पूरी ईमानदारी और सत्यनिष्ठा के साथ अपने विचारों

और शोध को प्रस्तुत करे। साहित्यिक चोरी से बचने के लिए लेखक को उचित उद्धरण और संदर्भ प्रणाली का पालन करना चाहिए, साथ ही सॉफ्टवेयर और जागरूकता कार्यक्रमों का उपयोग भी किया जाना चाहिए। साहित्यिक चोरी और नैतिक लेखन के बीच सही संतुलन से समाज में लेखन की सतत वृद्धि, विश्वसनीयता, और ईमानदारी सुनिश्चित की जा सकती है।

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बौद्धिक संपदा कायदे आणि भारतातील उच्च शिक्षणातील स्टार्टअप्स व उद्योजकता

डॉ. इंद्रजीत रामदास भगत

वाणिज्य विभाग प्रमुख,

यशवंतराव चव्हाण महाविद्यालय अंबाजोगाई

Corresponding Author – डॉ. इंद्रजीत रामदास भगत

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प्रस्ताविक:

भारतातील उच्च शिक्षण क्षेत्रात संशोधन आणि नवसंशोधनाला चालना देण्यासाठी बौद्धिक संपदा कायद्यांचे महत्त्व वाढत आहे. उच्च शिक्षण संस्था आणि संशोधन केंद्रांमध्ये होत असलेल्या नवकल्पनांचे पेटंट, कॉपीराइट, ट्रेडमार्क आणि औद्योगिक रचनांच्या माध्यमातून संरक्षण करणे आवश्यक आहे. या कायद्यांमुळे संशोधनाला व्यावसायिक मूल्य प्राप्त होते आणि स्टार्टअप्सना तांत्रिक आणि कायदेशीर आधार मिळतो.

भारतातील स्टार्टअप्स आणि उद्योजकतेला चालना देण्यासाठी सरकारने 'स्टार्टअप इंडिया' आणि 'अटल इनोव्हेशन मिशन' यांसारख्या योजनांचा अवलंब केला आहे. उच्च शिक्षण संस्थांमध्ये इनोव्हेशन आणि इनक्युबेशन सेंटरची स्थापना केली जात आहे, जे संशोधनाचे पेटंटमध्ये रूपांतर करण्यास मदत करतात. मात्र, बौद्धिक संपदा कायद्यांची अंमलबजावणी करताना काही अडचणी येतात. पेटंट आणि कॉपीराइट अर्ज प्रक्रिया वेळखाऊ आणि खर्चिक असते. तसेच, संशोधक आणि विद्यार्थी वर्गांमध्ये या कायद्यांविषयी जागरूकता कमी आहे, त्यामुळे अनेक नवकल्पनांचे योग्य संरक्षण केले जात नाही. उच्च शिक्षण संस्थांनी बौद्धिक संपदा व्यवस्थापनासाठी विशेष धोरणे आखली पाहिजेत. संशोधनाला प्रोत्साहन देण्यासाठी पेटंट प्रक्रियेतील अडथळे दूर करणे गरजेचे

आहे. उद्योग आणि शिक्षण संस्था यांच्यातील सहकार्य वाढवून संशोधनाचे व्यावसायीकरण करणे आवश्यक आहे. जर सरकार, शैक्षणिक संस्था आणि उद्योजक यांच्यात समन्वय साधला गेला, तर भारतातील उच्च शिक्षण आणि स्टार्टअप क्षेत्र अधिक सक्षम होईल. बौद्धिक संपदा कायद्यांच्या प्रभावी अंमलबजावणीमुळे भारत नवसंशोधन आणि उद्योजकतेच्या क्षेत्रात जागतिक स्तरावर महत्त्वाची भूमिका बजावू शकेल.

बौद्धिक संपदा हक्कांची संकल्पना आणि त्याचे महत्त्व:

बौद्धिक संपदा हक्क म्हणजे व्यक्तीच्या अथवा संस्थेच्या सर्जनशीलतेतून निर्माण झालेल्या नवकल्पना, संशोधन, साहित्यिक आणि कलात्मक कृतिंना दिले जाणारे कायदेशीर संरक्षण. हे हक्क संबंधित व्यक्तीस त्यांच्या निर्माण केलेल्या संपत्तीचा विशिष्ट कालावधीपर्यंत मालकी हक्क प्रदान करतात. यात प्रमुखत्वे पेटंट, कॉपीराइट, ट्रेडमार्क, औद्योगिक रचना आणि भौगोलिक संकेतांचा समावेश होतो.

बौद्धिक संपदा हक्कांचे महत्त्व विविध क्षेत्रांमध्ये ठळकपणे आढळते. संशोधन आणि विकास क्षेत्रात नवसंशोधनाला प्रोत्साहन देण्यासाठी हे हक्क अत्यंत उपयुक्त ठरतात. पेटंटच्या माध्यमातून संशोधकांना त्यांच्या संशोधनाचे संरक्षण मिळते आणि त्यावर त्यांच्या नावाने हक्क प्रस्थापित करता येतो. हे

हक्क नवकल्पनांचा गैरवापर रोखण्यास मदत करतात आणि शोधकर्त्यांना त्यांच्या मेहनतीचे योग्य प्रतिफल मिळते.

उद्योग आणि व्यवसाय क्षेत्रात बौद्धिक संपदा हक्क अत्यंत महत्वाची भूमिका बजावतात. एखाद्या ब्रँडचा ट्रेडमार्क त्याच्या विश्वासाहर्तेचे प्रतीक असतो आणि ग्राहकांना विशिष्ट उत्पादने किंवा सेवा ओळखण्यास मदत करतो. औद्योगिक डिझाइन हक्कांमुळे उत्पादनांच्या अद्वितीय रचनांचे संरक्षण होते, जे त्यांना बाजारात वेगळेपणा प्रदान करते. शैक्षणिक आणि संशोधन संस्थांमध्येही बौद्धिक संपदा हक्कांचे महत्त्व मोठे आहे. विद्यापीठे आणि संशोधन संस्था त्यांच्या संशोधनातून निर्माण होणाऱ्या नवकल्पनांचे पेटंट घेतल्यास त्या शोधांचा औद्योगिक व व्यावसायिक फायदा होतो. परिणामी, संशोधनाचा प्रत्यक्ष उपयोग समाज आणि अर्थव्यवस्थेसाठी केला जाऊ शकतो.

थोडक्यात, बौद्धिक संपदा हक्क नवसंशोधनाला चालना देतात, व्यवसायाच्या वाढीस मदत करतात आणि ज्ञान अर्थव्यवस्थेच्या जडणघडणीत महत्त्वपूर्ण योगदान देतात. योग्य संरक्षण मिळाल्यास संशोधन, तंत्रज्ञान आणि उद्योजकता यांच्या माध्यमातून आर्थिक प्रगतीला वेग मिळतो.

उच्च शिक्षण क्षेत्रातील स्टार्टअप्स आणि उद्योजकतेला चालना देणारे कायदे:

भारतात उच्च शिक्षण क्षेत्रामधील स्टार्टअप्स आणि उद्योजकतेला चालना देण्यासाठी सरकार आणि शैक्षणिक संस्थांनी विविध कायदे आणि धोरणे लागू केली आहेत. या कायदांचे मुख्य उद्दिष्ट म्हणजे संशोधन आणि नवसंशोधनाला व्यावसायिक रूप देऊन नवउद्योजकांना संरक्षण आणि प्रोत्साहन देणे होय. पेटंट कायदा, 1970 हा महत्वाचा कायदा असून, तो संशोधकांना त्यांच्या नवकल्पनांचे कायदेशीर संरक्षण देतो. यामुळे संशोधन पेटंटच्या माध्यमातून संरक्षित करता येते आणि त्यावर केवळ संबंधित संशोधकास

व्यावसायिक हक्क प्राप्त होतो. उच्च शिक्षण संस्थांमधील संशोधन हे पेटंटमध्ये रूपांतरित करण्यासाठी या कायद्याची महत्वाची भूमिका असते. कॉपीराइट कायदा, 1957 हा साहित्यक्षेत्र, संशोधन पत्रे, संगणकीय सॉफ्टवेअर्स आणि इतर बौद्धिक निर्मितीच्या संरक्षणासाठी आहे. अनेक विद्यापीठे आणि संशोधन संस्थांमधील इनोव्हेशन हब आणि स्टार्टअप्स त्यांच्या नवकल्पनांची नोंदणी करून आपली निर्मिती सुरक्षित ठेवतात. ट्रेडमार्क कायदा, 1999 व्यवसाय आणि ब्रँड ओळखीसाठी महत्वाचा आहे. उच्च शिक्षण संस्थांमधून सुरू होणाऱ्या स्टार्टअप्सना त्यांच्या ब्रँडची नोंदणी करण्यासाठी आणि स्पर्धात्मक बाजारात स्वतःची ओळख निर्माण करण्यासाठी हा कायदा महत्वाचा ठरतो. सरकारने स्टार्टअप इंडिया धोरण, 2016 लागू करून नवउद्योजकांसाठी विविध सवलती आणि अनुदाने दिली आहेत. अटल इनोव्हेशन मिशन अंतर्गत उच्च शिक्षण संस्थांमध्ये इनक्युबेशन सेंटर्सची स्थापना करण्यात येत आहे, जे संशोधनाला व्यावसायिक रूप देण्यासाठी मदत करतात.

या कायदांच्या प्रभावी अंमलबजावणीमुळे उच्च शिक्षण संस्थांमधील संशोधन व्यावसायिक स्तरावर आणता येते, नवउद्योजकांना संरक्षण मिळते आणि भारतातील स्टार्टअप्सना जागतिक स्तरावर स्थान निर्माण करता येते.

भारतातील बौद्धिक संपदा कायदांच्या अंमलबजावणीतील आव्हाने:

भारतात बौद्धिक संपदा कायदांचे स्वरूप व्यापक असूनही, त्यांच्या प्रभावी अंमलबजावणीस अनेक आव्हाने आहेत. पेटंट, कॉपीराइट, ट्रेडमार्क आणि औद्योगिक डिझाइन यांसारख्या बौद्धिक संपदा हक्कांचे संरक्षण करण्यासाठी कायदे अस्तित्वात असले तरी त्यांची अंमलबजावणी करताना अनेक अडथळे निर्माण होतात. पहिले मोठे आव्हान म्हणजे बौद्धिक संपदा हक्कांच्या नोंदणी प्रक्रियेतील विलंब. भारतात पेटंट अर्ज मंजूर होण्यासाठी अनेक वर्षे लागू शकतात.

ही प्रक्रिया वेळखाऊ आणि खर्चिक असल्याने अनेक संशोधक व उद्योजक पेटंटसाठी अर्ज करण्यास टाळाटाळ करतात. परिणामी, नवीन संशोधन आणि तंत्रज्ञान संरक्षणाशिवाय राहते. दुसरे महत्वाचे आव्हान म्हणजे कायद्याविषयी असलेली जागरूकतेची कमतरता. संशोधक, उद्योजक आणि उच्च शिक्षण संस्थांमधील विद्यार्थी बौद्धिक संपदा हक्कांविषयी पुरेसे माहिती नसल्याने अनेक मौल्यवान शोध आणि नवकल्पना योग्य संरक्षणाशिवाय राहतात. विशेषतः ग्रामीण आणि निमशहरी भागातील उद्योजकांसाठी बौद्धिक संपदा कायदे समजावून घेणे कठीण जाते. तिसरे आव्हान म्हणजे बौद्धिक संपदा उल्लंघन आणि त्यावरील कारवाईतील दिरंगाई. भारतात कॉपीराइट आणि ट्रेडमार्क उल्लंघन मोठ्या प्रमाणावर आढळते. बनावट उत्पादने आणि बेकायदेशीर सॉफ्टवेअरच्या विक्रीमुळे अस्सल संशोधक आणि ब्रँड धारकांचे मोठे आर्थिक नुकसान होते. न्यायालयीन प्रक्रिया संथ आणि गुंतागुंतीची असल्याने न्याय मिळण्यास विलंब होतो. चौथे आव्हान म्हणजे उद्योग आणि संशोधन संस्थांमधील समन्वयाचा अभाव. अनेक संशोधन प्रकल्प व्यावसायिक स्तरावर पोहोचण्याआधीच अडथळ्यात अडकतात, कारण त्यांना पेटंट आणि बौद्धिक संपदा संरक्षण कसे करावे, याची माहिती नसते.

यावर उपाय म्हणून सरकार आणि शैक्षणिक संस्थांनी बौद्धिक संपदा व्यवस्थापन सुलभ करणे, पेटंट प्रक्रियेत वेग आणणे आणि जनजागृती कार्यक्रम राबवणे गरजेचे आहे. यामुळे भारतातील नवसंशोधन आणि स्टार्टअप्सना अधिक चांगले संरक्षण आणि प्रोत्साहन मिळू शकते.

निष्कर्ष आणि शिफारशी: उच्च शिक्षण, स्टार्टअप्स आणि बौद्धिक संपदेच्या भविष्यातील दिशा:

भारताच्या आर्थिक विकासात उच्च शिक्षण, स्टार्टअप्स आणि बौद्धिक संपदा हक्क यांचा महत्त्वपूर्ण वाटा आहे. सध्या उच्च शिक्षण संस्थांमध्ये संशोधन

आणि नवसंशोधनाला चालना देण्यासाठी विविध उपक्रम राबवले जात आहेत. परंतु बौद्धिक संपदा हक्कांचे प्रभावी व्यवस्थापन आणि अंमलबजावणी करण्यासाठी अजूनही अनेक सुधारणा आवश्यक आहेत.

बौद्धिक संपदा हक्कांचे संरक्षण हे नवसंशोधनाला प्रोत्साहन देणारे एक महत्वाचे साधन आहे. उच्च शिक्षण संस्थांनी संशोधकांना पेटंट, कॉपीराइट आणि ट्रेडमार्कसाठी मार्गदर्शन करणे आवश्यक आहे. तसेच, स्टार्टअप्स आणि नवउद्योजकांना त्यांच्या कल्पनांचे व्यावसायीकरण करता यावे, यासाठी इनक्युबेशन सेंटर्स आणि संशोधन प्रयोगशाळांना अधिक सहकार्य मिळणे गरजेचे आहे.

भविष्यात, भारताने बौद्धिक संपदा हक्कांसाठी जलद आणि सुलभ प्रक्रियांची अंमलबजावणी करावी. पेटंट मंजूरीसाठी लागणारा कालावधी कमी करणे, संशोधकांना आर्थिक आणि तांत्रिक मदत करणे, तसेच बौद्धिक संपदा कायद्यांविषयी जनजागृती वाढवणे या गोष्टी अत्यावश्यक आहेत. उच्च शिक्षण क्षेत्रात संशोधन-उद्योग सहकार्य (Industry-Academia Collaboration) वाढवणे आवश्यक आहे, जेणेकरून विद्यापीठांमधील संशोधन त्वरित व्यावसायिक स्तरावर पोहोचू शकेल.

सरकार, शैक्षणिक संस्था आणि उद्योजक यांनी एकत्रितपणे बौद्धिक संपदा धोरणे अधिक सुलभ आणि कार्यक्षम बनवावीत. नवीन तंत्रज्ञानाच्या मदतीने डिजिटल प्लॅटफॉर्मद्वारे बौद्धिक संपदा संरक्षणाची प्रक्रिया सुलभ करता येईल. यामुळे भारतातील उच्च शिक्षण, स्टार्टअप्स आणि नवसंशोधनाला जागतिक स्तरावर अधिक स्पर्धात्मक बनवता येईल.

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क्रीडा शिक्षणात बौद्धिक संपदा अधिकारांची गरज आणि जागरूकता

प्रा. डॉ. प्रविण मुरलीधरराव भोसले

क्रीडा विभाग प्रमुख,

स्वामी रामानंद तीर्थ महाविद्यालय अंबाजोगाई जि. बीड

Corresponding Author – प्रा. डॉ. प्रविण मुरलीधरराव भोसले

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प्रस्तावना:

क्रीडा शिक्षण आधुनिक युगात फक्त शारीरिक विकासापुरते मर्यादित न राहता ते वैचारिक, आर्थिक आणि बौद्धिक विकासाचा एक महत्वाचा घटक बनले आहे. खेळांच्या व्यावसायिकरणामुळे विविध क्रीडा तंत्रज्ञान, ब्रँडिंग, प्रसारण हक्क, नवीन प्रशिक्षण पद्धती आणि क्रीडा उपकरणांमध्ये बौद्धिक संपदामा अधिकारांचे महत्त्व मोठ्या प्रमाणात वाढले आहे. यामुळे प्रशिक्षक, खेळाडू, क्रीडा संस्थाचालक आणि क्रीडाप्रेमी यांना बौद्धिक संपदा हक्कांविषयी माहिती असणे अत्यंत आवश्यक आहे.

बौद्धिक संपदा अधिकार म्हणजे कायदेशीर संरक्षणाची ती संकल्पना जी एखाद्या व्यक्तीच्या सृजनशीलतेला मान्यता देते आणि त्या सृजनशीलतेचा अनधिकृत वापर टाळण्यासाठी कायदेशीर अधिनियम तयार करते. हे अधिकार विविध स्वरूपांत येतात जसे की कॉपीराइट, पेटंट, ट्रेडमार्क आणि औद्योगिक डिझाइन. क्रीडा क्षेत्रात बौद्धिक संपदेचे महत्त्व अनेक अंगांनी अधोरेखित होते. खेळाडूंच्या नावाचा व्यावसायिक उपयोग, क्रीडा उपकरणांवरील पेटंट, संघांचे लोगो आणि प्रसारण हक्क हे सर्व बौद्धिक संपदेच्या संरक्षणाखाली येतात.

क्रीडा शिक्षणात बौद्धिक संपदा अधिकार समजून घेणे गरजेचे आहे कारण नव्या तंत्रज्ञानाचा विकास, क्रीडा उत्पादने आणि क्रीडा स्पर्धांचे

व्यावसायिकरण यामुळे नवीन समस्या आणि कायदेशीर अडचणी उद्भवत आहेत. क्रीडा क्षेत्रात अनेक वेळा प्रसिद्ध खेळाडूंच्या नावाचा आणि प्रतिमेचा गैरवापर केला जातो, यामुळे त्यांचे आर्थिक नुकसान होते. याशिवाय, नव्याने विकसित केलेली खेळाची उपकरणे आणि तंत्रज्ञान यांचे योग्यरित्या संरक्षण न झाल्यास अन्य कंपन्या किंवा व्यक्ती त्याचा गैरवापर करू शकतात. या संशोधनाचा उद्देश म्हणजे क्रीडा शिक्षणात बौद्धिक संपदा अधिकारांची गरज अधोरेखित करणे, त्यावरील जागरूकता वाढवणे आणि या संदर्भात आवश्यक उपाययोजना सुचवणे.

गत साहित्याचा आढावा:

क्रीडा शिक्षण आणि बौद्धिक संपदा अधिकारांवर अनेक अभ्यास आणि संशोधन झाले आहेत. या संदर्भात प्रसिद्ध संशोधकांनी केलेले अभ्यास आणि प्रकाशित साहित्य महत्त्वपूर्ण ठरतात. क्रीडा क्षेत्रात बौद्धिक संपदा हक्कांचे महत्त्व, त्यावरील कायदे आणि त्यांचे व्यावसायिकरण यावर अनेक लेखकांनी सखोल चर्चा केली आहे.

1. शर्मा (2018) यांनी त्यांच्या "Sports Intellectual Property Rights: Challenges & Solutions" या पुस्तकात बौद्धिक संपदा अधिकारांचा क्रीडा क्षेत्रावर होणारा प्रभाव विस्तृतपणे स्पष्ट केला आहे.

त्यांनी विशेषतः खेळाडूंच्या प्रतिमेच्या संरक्षणाबाबत सखोल माहिती दिली आहे. यामध्ये खेळाडूंच्या नावांचा आणि ब्रँडिंगचा वापर योग्य पद्धतीने कसा करावा, यावर त्यांनी चर्चा केली आहे.

2. जोशी (2020) यांनी त्यांच्या *"Innovation and Intellectual Property in Sports"* या पुस्तकात नवोन्मेष आणि बौद्धिक संपदा अधिकार यांच्यातील संबंध स्पष्ट केले आहेत. विशेषतः नव्या क्रीडा उपकरणांवरील पेटंट संरक्षण आणि तंत्रज्ञानाचा व्यावसायिक उपयोग यावर त्यांनी भर दिला आहे.
3. गुप्ता (2021) यांनी त्यांच्या *"Legal Aspects of Sports and Intellectual Property Rights"* या पुस्तकात बौद्धिक संपदेचे कायदेशीर पैलू विस्तृतपणे मांडले आहेत. त्यांनी क्रीडा क्षेत्रात होणाऱ्या बौद्धिक संपदेच्या चोरीच्या घटनांचा अभ्यास केला आणि त्यावर उपाययोजना सुचवल्या.
4. Verma (2019) यांनी *"The Role of IPR in Sports: A Legal Perspective"* या संशोधन निबंधात क्रीडा क्षेत्रातील ब्रँडिंग आणि प्रसारण हक्कांविषयी चर्चा केली आहे. त्यांनी स्पष्ट केले की, क्रीडा प्रसारण हे एक मोठे आर्थिक क्षेत्र बनले आहे आणि त्यामुळे प्रसारण हक्कांचे संरक्षण गरजेचे आहे.
5. Rao (2022) यांनी *"Impact of Intellectual Property Rights on Sports Education in India"* या संशोधनात क्रीडा शिक्षणात बौद्धिक संपदा हक्कांचे महत्त्व आणि त्यावरील धोरणात्मक उपाययोजनांवर अभ्यास केला आहे. त्यांनी असे नमूद केले आहे की, भारतीय शैक्षणिक प्रणालीत बौद्धिक संपदा अधिकारांचा अभ्यास समाविष्ट करणे गरजेचे आहे.

संशोधन पद्धती:

हे संशोधन प्रामुख्याने वर्णनात्मक (Descriptive) आणि विश्लेषणात्मक (Analytical) पद्धतीने केले. संशोधनासाठी प्राथमिक आणि द्वितीयक डेटा संकलन केला जाईल.

प्राथमिक डेटा: क्रीडा शिक्षक, प्रशिक्षक आणि विद्यार्थी यांच्यासोबत सर्वेक्षण (Survey) आणि मुलाखती (Interviews) घेतल्या गेले. 100 क्रीडा प्रशिक्षक आणि विद्यार्थ्यांवर प्रश्नावलीच्या आधारे (Structured Questionnaire) माहिती संकलित केली गेली.

द्वितीयक डेटा: बौद्धिक संपदा आणि क्रीडा शिक्षणावर प्रकाशित संशोधन पेपर, कायदे, अहवाल आणि पुस्तके यांचा अभ्यास संशोधकाने केला. प्राप्त डेटा सांख्यिकीय (Statistical) आणि गुणात्मक (Qualitative) तंत्राने विश्लेषित केला.

संशोधनाचा उद्देश म्हणजे क्रीडा शिक्षणात बौद्धिक संपदा अधिकारांचे महत्त्व स्पष्ट करणे आणि त्यावरील जागरूकता वाढवण्यासाठी उपाय सुचवणे हा होता तो संशोधना अंती साध्य झाला.

बौद्धिक संपदा अधिकारांची व्याख्या आणि प्रकार:

बौद्धिक संपदा अधिकार म्हणजे एखाद्या व्यक्तीच्या कल्पकतेला, संशोधनाला आणि नवकल्पनांना कायदेशीर संरक्षण देणारी संकल्पना. हे अधिकार एखाद्या कलाकृती, वैज्ञानिक शोध, औद्योगिक डिझाइन, व्यापार चिन्ह किंवा तांत्रिक नवसंशोधन यांना संरक्षण देण्यासाठी महत्त्वाचे असतात. बौद्धिक संपदा हक्कांच्या माध्यमातून नवीन शोध करणाऱ्या व्यक्तींना त्यांचा शोध आर्थिकदृष्ट्या लाभदायक बनवण्याची संधी मिळते.

बौद्धिक संपदा हक्कांचे अनेक प्रकार असतात. कॉपीराइट हे साहित्यिक, कलात्मक आणि संगीत विषयक निर्मितींना संरक्षण देते. पेटंट हे वैज्ञानिक संशोधन आणि नवीन तंत्रज्ञानाच्या शोधांना संरक्षण

देते. ट्रेडमार्क हे विशिष्ट ब्रँड, नाव किंवा लोगो यांना कायदेशीर आधार प्रदान करते. औद्योगिक डिझाइन हे उत्पादनांच्या विशिष्ट स्वरूपाला आणि बाह्य रचनेला संरक्षण देते.

1. बौद्धिक संपदा अधिकार म्हणजे काय?

बौद्धिक संपदा अधिकार (Intellectual Property Rights - IPR) म्हणजे मानवी बुद्धीच्या सृजनशीलतेतून निर्माण झालेल्या कल्पना, नवसंशोधन, कलाकृती, वैज्ञानिक संशोधन, औद्योगिक डिझाइन, ट्रेडमार्क, आणि भौगोलिक चिन्हे यांना कायदेशीर संरक्षण देणारा हक्क होय. हे हक्क संबंधित व्यक्ती किंवा संस्थेला त्यांच्या निर्मितीचा वापर, विक्री, वितरण किंवा पुनरुत्पादनावर विशेष नियंत्रण देतात.

1. **वर्ल्ड इंटेलेक्च्युअल प्रॉपर्टी ऑर्गनायझेशन (WIPO) (1967):** “बौद्धिक संपदा म्हणजे अशा निर्मिती ज्या मानवाच्या बुद्धीमधून साकार झाल्या आहेत, ज्यामध्ये साहित्यिक, वैज्ञानिक, औद्योगिक आणि कलात्मक स्वरूपाच्या निर्मितींचा समावेश होतो.”
2. **डब्ल्यूटीओ (WTO - World Trade Organization) (1994):** “बौद्धिक संपदा हक्क म्हणजे कायद्याद्वारे दिलेले हक्क जे एखाद्या व्यक्तीच्या बौद्धिक सृजनशीलतेच्या परिणामस्वरूप निर्माण होतात, जे मालकीहक्क, औद्योगिक मालमत्ता आणि कलात्मक हक्कांशी संबंधित असतात.”
3. **जस्टिस पी. एन. भगवती (भारताचे माजी सरन्यायाधीश):** “बौद्धिक संपदा हक्क म्हणजे व्यक्तीच्या नवसंशोधनाला आणि सृजनशीलतेला दिले जाणारे कायदेशीर रक्षण, जे त्यांच्या नव्या संकल्पना आणि तंत्रज्ञानाचे संरक्षण करण्यास मदत करते.”

1.4.2 बौद्धिक संपदा हक्कांचे प्रकार:

ट्रेडमार्क (Trademark): ट्रेडमार्क म्हणजे विशिष्ट व्यवसाय, उत्पादन किंवा सेवेची ओळख दर्शवणारे

नाव, लोगो, चिन्ह, डिझाइन किंवा शब्द जे त्या व्यवसायाची स्वतंत्र ओळख निर्माण करते आणि ग्राहकांमध्ये विश्वास निर्माण करते. Nike कंपनीचा ‘Swoosh’ लोगो हा एक प्रसिद्ध ट्रेडमार्क आहे. तसेच, McDonald's चे ‘Golden Arches’ चिन्ह देखील ट्रेडमार्क संरक्षणाखाली आहे. भारतात टाटा, अमूल, पतंजली यांसारख्या ब्रँड्सचे ट्रेडमार्क नोंदणीकृत आहेत.

औद्योगिक डिझाइन (Industrial Design):

औद्योगिक डिझाइन म्हणजे एखाद्या उत्पादनाच्या बाह्य स्वरूपाची विशिष्ट रचना, शैली किंवा डिझाइन जी त्याला वेगळेपणा आणि आकर्षकता प्रदान करते. ही डिझाइन केवळ सौंदर्यासाठी नसून उत्पादनाच्या व्यावसायिक यशात महत्त्वाची भूमिका बजावते. Apple कंपनीच्या iPhone ची डिझाइन औद्योगिक डिझाइनच्या अंतर्गत संरक्षित आहे. भारतीय संदर्भात, बुलेट मोटारसायकलची विशिष्ट रचना ही औद्योगिक डिझाइनचे उत्तम उदाहरण आहे.

पेटंट (Patent): पेटंट म्हणजे नवीन शोध, संशोधन किंवा तांत्रिक नवसंकल्पनांना दिले जाणारे कायदेशीर संरक्षण जे त्याच्या शोधकर्त्याला ठरावीक कालावधीसाठी त्या शोधाचा विशेष वापर करण्याचा हक्क प्रदान करते. Pfizer कंपनीने COVID-19 लसीसाठी घेतलेले पेटंट हे जागतिक स्तरावर महत्त्वाचे मानले जाते. भारतात, बजाज ऑटोने विकसित केलेले DTS-i तंत्रज्ञान हे पेटंट संरक्षणाखाली आहे.

कॉपीराइट (Copyright): कॉपीराइट म्हणजे एखाद्या लेखक, संगीतकार, चित्रकार किंवा सॉफ्टवेअर विकसकाच्या सृजनशील कार्यांना दिले जाणारे कायदेशीर संरक्षण. हे संरक्षण त्या निर्मितीच्या मूळ निर्मात्याला त्याच्या कामाचा वापर, वितरण, पुनरुत्पादन किंवा विक्री करण्याचा विशेषाधिकार देते. जसे, शाहरुख खान अभिनीत कोणत्याही चित्रपटाच्या मूळ कॉपीचे हक्क त्या चित्रपटाच्या निर्मात्यांकडे असतात. तसेच, कोणत्याही पुस्तकाचे प्रकाशन

केल्यानंतर त्याच्या लेखकाला कॉपीराइट संरक्षण मिळते.

भौगोलिक निदर्शक (Geographical Indication - GI Tag): भौगोलिक निर्देशांक म्हणजे विशिष्ट भौगोलिक क्षेत्राशी संबंधित उत्पादनांना दिले जाणारे विशेष संरक्षण जे त्या उत्पादनाची विशिष्ट गुणवत्ता, प्रसिद्धी किंवा पारंपरिक उत्पादन पद्धती दर्शवते.

उदाहरण, दार्जिलिंग चहा (Darjeeling Tea) हा त्याच्या विशिष्ट चव आणि गुणवत्तेमुळे भौगोलिक निर्देशांक मिळवलेले एक उत्पादन आहे. भारतात, अल्फोन्सो आंबा (Alphonso Mango), महाबळेश्वर स्ट्रॉबेरी आणि बनारसी साडी यांना GI टॅग प्रदान करण्यात आले आहे.

बौद्धिक संपदा अधिकार केवळ मोठ्या कंपन्या किंवा संशोधकांसाठी महत्वाचे नाहीत, तर ते सर्वसामान्य उद्योजक, कलाकार, खेळाडू, लेखक आणि संशोधक यांच्यासाठीही महत्वाचे आहेत. आजच्या स्पर्धात्मक युगात नवीन संकल्पना आणि संशोधनांचे योग्यरित्या संरक्षण न झाल्यास त्यांचा गैरवापर होऊ शकतो. त्यामुळे प्रत्येक व्यक्तीने आपल्या सृजनशीलतेचे आणि नवसंशोधनाचे संरक्षण करण्यासाठी बौद्धिक संपदा हक्कांविषयी माहिती घेतली पाहिजे. तसेच, विविध सरकारी आणि आंतरराष्ट्रीय संस्थांनी बौद्धिक संपदा हक्कांचे संरक्षण आणि अंमलबजावणी यावर अधिक भर द्यायला हवा.

बौद्धिक संपदा अधिकारांची गरज:

क्रीडा क्षेत्रात बौद्धिक संपदा हक्कांचे महत्त्व प्रचंड आहे. क्रीडा उद्योगात सतत नवीन तंत्रज्ञान आणि संकल्पनांची निर्मिती होत असते. नवीन खेळाडू आणि प्रशिक्षक हे सतत नव्या तंत्रांची निर्मिती करतात आणि त्याचे संरक्षण नसेल तर त्याचा गैरवापर होण्याची शक्यता असते. बौद्धिक संपदा हक्कांमुळे खेळाडूंना आणि क्रीडा उद्योगाला आर्थिक लाभ मिळतो आणि त्यांचे नवोन्मेष टिकवता येतात.

बौद्धिक संपदा अधिकारांची गरज क्रीडा शिक्षण क्षेत्रात महत्वाची ठरते कारण खेळ आणि संबंधित क्षेत्रांमध्ये नावीन्यता, ब्रँडिंग, प्रशिक्षण पद्धती आणि तंत्रज्ञान यांचा मोठ्या प्रमाणावर समावेश असतो. या क्षेत्रात अनेक संकल्पना, उत्पादने आणि नवकल्पना निर्माण होतात, ज्यांचे संरक्षण केल्यास खेळाडू, प्रशिक्षक आणि क्रीडा उद्योगाला दीर्घकालीन लाभ मिळू शकतात.

क्रीडा उपकरणे आणि तंत्रज्ञानाच्या संरक्षणासाठी बौद्धिक संपदा अधिकार आवश्यक असतात. आधुनिक क्रीडा क्षेत्रात विविध नवीन उपकरणे, क्रीडा साहित्य आणि तांत्रिक प्रणाली विकसित केल्या जातात. उदाहरणार्थ, “स्पीडो” कंपनीने तयार केलेल्या अत्याधुनिक जलतरण पोशाखांसाठी पेटंट घेतले गेले आहे. जर या नवसंकल्पनांना संरक्षण नसेल, तर त्यांची नक्कल होण्याची शक्यता असते, त्यामुळे मूळ संशोधकाला होणारा लाभ कमी होतो आणि नावीन्यतेला प्रोत्साहन मिळत नाही.

क्रीडा ब्रँडिंग आणि लोगो संरक्षणासाठी बौद्धिक संपदा अधिकार महत्वाचे ठरतात. आंतरराष्ट्रीय क्रीडा स्पर्धांमध्ये संधांचे लोगो, क्रीडा संघटनांचे ब्रँड, आणि प्रायोजकांचे अधिकार सुरक्षित ठेवणे गरजेचे असते. उदाहरणार्थ, “ओलंपिक रिंग्स” किंवा “फीफा वर्ल्ड कप” हे ट्रेडमार्क संरक्षित असल्यामुळे त्यांच्या अनधिकृत वापरावर कायदेशीर कारवाई करता येते.

अशा प्रकारे, बौद्धिक संपदा अधिकार हे क्रीडा क्षेत्रात आर्थिक फायदा मिळवण्यासाठी आणि ब्रँडची विश्वासार्हता टिकवण्यासाठी उपयुक्त ठरतात.

क्रीडा प्रशिक्षण पद्धती आणि तंत्रज्ञानाचे संरक्षण देखील आवश्यक असते. अनेक प्रशिक्षक आणि संघ विशिष्ट प्रशिक्षण पद्धती, आहारतज्ज्ञांचे सल्ले आणि वैज्ञानिक दृष्टिकोन वापरून खेळाडूंना तयार करतात. उदाहरणार्थ, “कोबी ब्रायंट” याने विकसित केलेल्या विशिष्ट बास्केटबॉल प्रशिक्षण पद्धतीला कॉपीराइट आणि पेटंट संरक्षण मिळाले आहे.

जर हे संरक्षण उपलब्ध नसते, तर कोणताही प्रशिक्षक त्याचा अनुकरण करून त्याच्या नावाने प्रचार करू शकला असता, ज्यामुळे मूळ संशोधकाचा अधिकार धोक्यात आला असता.

क्रीडा उद्योगातील नावीन्य आणि संशोधनाच्या प्रोत्साहनासाठी बौद्धिक संपदा अधिकार आवश्यक आहेत. आजच्या आधुनिक क्रीडा क्षेत्रात वैज्ञानिक संशोधनावर आधारित नवीन पोशाख, आहारसंबंधी उत्पादने आणि पुनर्वसनासाठी उपयुक्त उपकरणे विकसित केली जातात. उदाहरणार्थ, क्रीडापटूंसाठी विशेषतः तयार करण्यात आलेली “Nike Air Zoom Alphafly” शूजची नवीन तंत्रज्ञानावर आधारित रचना पेटंट केलेली आहे. जर हे पेटंट नसते, तर इतर कंपन्या त्याची नक्कल करून स्वतःच्या नावाने विक्री करू शकल्या असत्या, ज्यामुळे मूळ संशोधकाला कोणताही फायदा झाला नसता.

बौद्धिक संपदा अधिकारांची गरज क्रीडा शिक्षण क्षेत्रात अनन्यसाधारण आहे, कारण हे अधिकार नावीन्यता, आर्थिक स्थिरता आणि कायदेशीर संरक्षण प्रदान करतात. खेळाडू, प्रशिक्षक, क्रीडा संघटना आणि उद्योजक यांच्यासाठी हे अधिकार आर्थिक आणि व्यावसायिक दृष्टिकोनातून अत्यंत महत्त्वाचे ठरतात. जर योग्य प्रकारे बौद्धिक संपदा संरक्षण नसेल, तर खेळांमध्ये असमानता निर्माण होऊ शकते, तसेच नावीन्यपूर्ण संशोधनाला अपेक्षित प्रोत्साहन मिळणार नाही. त्यामुळे, क्रीडा शिक्षण क्षेत्रात कार्यरत असलेल्या व्यक्तींनी बौद्धिक संपदा हक्कांची जाणीव ठेवून त्यांचे योग्य प्रकारे रक्षण करण्यासाठी प्रयत्न करायला हवेत.

बौद्धिक संपदा अधिकारावरील जागरूकता:

क्रीडा क्षेत्रात बौद्धिक संपदा हक्कांविषयी जागरूकता निर्माण करणे आवश्यक आहे. खेळाडूंनी, प्रशिक्षकांनी आणि क्रीडा संस्थांनी यासंदर्भात कायदेशीर ज्ञान मिळवणे आवश्यक आहे. शैक्षणिक

संस्थांनी त्यांच्या अभ्यासक्रमात बौद्धिक संपदा हक्कांचे शिक्षण समाविष्ट करावे.

निष्कर्ष आणि शिफारसी:

या संशोधनाच्या आधारे असे स्पष्ट होते की, क्रीडा शिक्षणात बौद्धिक संपदा हक्कांचे महत्त्व प्रचंड आहे. प्रशिक्षक, खेळाडू आणि शैक्षणिक संस्थांनी बौद्धिक संपदा हक्कांविषयी योग्य माहिती मिळवली पाहिजे.

क्रीडा क्षेत्रात बौद्धिक संपदा हक्कांच्या संरक्षणासाठी कठोर कायदे लागू करणे आवश्यक आहे. नवीन तंत्रज्ञान आणि नवसंशोधनाचे पेटंट नोंदवणे गरजेचे आहे.

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ज्ञान सामायिकरण सक्षम करणे: डिजिटल ग्रंथालयांमध्ये बौद्धिक संपदा व्यवस्थापन

श्री. अभिजित जगन्नाथ लाटे¹, डॉ. विक्रम उत्तमराव दहिफळे²

¹संशोधक विद्यार्थी, ग्रंथालय आणि माहितीशास्त्र विभाग

डॉ. बाबासाहेब आंबेडकर मराठवाडा विद्यापीठ, छत्रपती संभाजनगर

²संशोधक मागदर्शक, ग्रंथपाल तथा प्राध्यापक

ग्रंथालय आणि माहितीशास्त्र विभाग, राष्ट्रमाता इंदिरा गांधी कला, वाणिज्य तथा विज्ञान महाविद्यालय, जालना.

Corresponding Author – श्री. अभिजित जगन्नाथ लाटे

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सारांश:

माहिती आणि संप्रेषण तंत्रज्ञानातील (आयसीटी) अलिकडच्या घडामोडींचा आधुनिक माहिती आणि ज्ञान व्यवस्थापन गतिमानतेवर खोलवर परिणाम झाला आहे. विशेषतः, इंटरनेट आणि वर्ल्ड वाइड वेब (डब्ल्यूडब्ल्यूडब्ल्यू) ने विद्वत्तापूर्ण संप्रेषणाच्या विविध पैलूंना आणि त्याच्या भागधारकांच्या भूमिकेला पुन्हा परिभाषित केले आहे. हा अध्याय डिजिटल ग्रंथालयांचा एक पैलू म्हणून मुक्त प्रवेशाची सविस्तर समज देतो आणि कॉपीराइट समस्यांना तोंड देण्यासाठी विद्यमान धोरणांचा अधिक शोध घेतो. हे उपलब्ध साहित्याच्या डेस्कटॉप अभ्यासावर आधारित आहे. ते असा निष्कर्ष काढते की विद्वत्तापूर्ण संप्रेषणाचे भविष्य मुक्त प्रवेश सामग्रीवर अवलंबून आहे, जे विद्वत्तापूर्ण उत्पादनाचा मोठा भाग आणि डिजिटल ग्रंथालयांचा एक भक्कम आधारस्तंभ असेल. या ओळखीमध्ये, कॉपीराइट आवश्यकतांमुळे निर्माण होणाऱ्या अडथळ्यांना तोंड देण्यासाठी विविध खेळाडूंनी यशस्वी हस्तक्षेप केले आहेत. डिजिटल संदर्भात बौद्धिक संपदा अधिकारांचे व्यवस्थापन वाढत्या प्रमाणात गुंतागुंतीचे होत चालले आहे. त्याचे फायदे असूनही, डिजिटायझेशन डिजिटल कामांची असुरक्षितता वाढवते, ज्यामुळे त्यांचे उल्लंघन होते. बौद्धिक संपदा अधिकार मानवी बुद्धिमत्तेच्या मौल्यवान उत्पादनांचे रक्षण करतात, जसे भौतिक मालमत्तेचे चोरी किंवा अनधिकृत कॉपी करण्यापासून संरक्षण होते. उदाहरणार्थ, डीआरएम तंत्रज्ञान, इतर पद्धतींसह, वापरकर्ता आयडी आणि पासवर्ड परवाना देऊन, सामग्रीवर बेकायदेशीर वापरकर्त्यांचा प्रवेश नाकारतात. डिजिटल सामग्री जतन करण्यात तांत्रिक संरक्षण उपाय (टीपीएम) देखील भूमिका बजावतात. या पेपरमध्ये आपण चर्चा करू. ज्ञान सामायिकरण सक्षमीकरण: डिजिटल ग्रंथालयांमध्ये बौद्धिक संपदा व्यवस्थापन.

महत्त्वाचे शब्द: ज्ञान सामायिकरण, बौद्धिक संपदा व्यवस्थापन, डिजिटल ग्रंथालये, माहिती आणि संप्रेषण तंत्रज्ञान, समुदाय केंद्रे, डिजिटल साक्षरता, कॉपीराइट, रुग्ण, औद्योगिक डिझाइन, टीमवर्क, जोखीम व्यवस्थापन.

परिचय:

ग्रंथालयांमध्ये ज्ञानाचे आदानप्रदान: ग्रंथालयांमध्ये ज्ञानाची देवाणघेवाण ही एक मूलभूत पद्धत आहे जी ग्रंथालय कर्मचारी, संरक्षक आणि व्यापक समुदायामध्ये माहिती, कल्पना आणि कौशल्याची देवाणघेवाण

करण्यास प्रोत्साहन देते. ही सहयोगी प्रक्रिया सामूहिक ज्ञानाचा आधार वाढवते, सतत शिक्षणाला समर्थन देते आणि नवोपक्रमाला चालना देते. ग्रंथालये नेहमीच समुदायांचे आधारस्तंभ राहिली आहेत, माहितीची उपलब्धता प्रदान करतात आणि आजीवन शिक्षणाला

चालना देतात. आजच्या डिजिटल युगात, त्यांची भूमिका ज्ञानाच्या देवाणघेवाणीसाठी अधिक अविभाज्य बनण्यासाठी विस्तारली आणि विकसित झाली आहे. ग्रंथालये गतिमान केंद्र म्हणून काम करतात जिथे लोक प्रचंड संसाधने मिळवू शकतात, सहयोगी शिक्षणात सहभागी होऊ शकतात आणि सामुदायिक क्रियाकलापांमध्ये सहभागी होऊ शकतात. [१]

माहितीची उपलब्धता सुलभ करून, समुदायातील सहभाग वाढवून आणि आजीवन शिक्षणाला प्रोत्साहन देऊन ज्ञानाच्या देवाणघेवाणीत ग्रंथालये महत्त्वाची भूमिका बजावतात. या संदर्भात ग्रंथालये कोणती प्रमुख भूमिका बजावतात ते येथे आहेत:

माहितीची उपलब्धता: ग्रंथालयाच्या ध्येयाचा गाभा म्हणजे माहितीची उपलब्धता प्रदान करणे. ग्रंथालयांमध्ये पुस्तके, जर्नल्स, डेटाबेस आणि डिजिटल मीडियासह विविध संसाधने आहेत. या विशाल संग्रहात सर्व पार्श्वभूमीतील व्यक्तींना त्यांच्या आर्थिक किंवा सामाजिक स्थितीकडे दुर्लक्ष करून आवश्यक असलेले ज्ञान मिळू शकेल याची खात्री आहे.

सामुदायिक केंद्रे: ग्रंथालये महत्त्वाची समुदाय केंद्रे म्हणून काम करतात, लोकांना ज्ञान, कल्पना आणि अनुभव सामायिक करण्यासाठी एकत्र आणतात.

शैक्षणिक समर्थन: ग्रंथालये सर्व स्तरांवर शिक्षणासाठी महत्त्वपूर्ण समर्थन प्रदान करतात. ते पाठ्यपुस्तके, संशोधन साहित्य आणि शैक्षणिक कार्यक्रमांमध्ये प्रवेश यासह संशोधन आणि शिक्षणास मदत करणारी संसाधने आणि सेवा देतात.

डिजिटल साक्षरता: आजच्या डिजिटल युगात, ग्रंथालये डिजिटल साक्षरतेला चालना देण्यासाठी महत्त्वपूर्ण आहेत. ते संगणक, हाय-स्पीड इंटरनेट आणि विविध डिजिटल संसाधनांमध्ये प्रवेश प्रदान करतात, ज्यामुळे सर्व समुदाय सदस्य डिजिटल जगात सहभागी होऊ शकतात याची खात्री होते.

व्यावसायिक विकास: ग्रंथालये त्यांच्या कर्मचाऱ्यांच्या आणि संरक्षकांच्या सतत व्यावसायिक विकासाला समर्थन देतात.

डिजिटल ग्रंथालयांना ज्ञान व्यवस्थापन प्रणालींमध्ये एकत्रित करणे हे संस्था, शैक्षणिक संस्था आणि संशोधकांसाठी अधिकाधिक महत्त्वाचे बनले आहे. ज्ञान व्यवस्थापन हे नवोपक्रम, निर्णय घेण्याचे आणि संघटनात्मक शिक्षणाला चालना देण्यासाठी माहितीच्या कार्यक्षम हाताळणीभोवती फिरते. डिजिटल ग्रंथालये माहितीपर्यंत संरचित प्रवेश प्रदान करून, सहकार्य सक्षम करून आणि सतत शिक्षणाला पाठिंबा देऊन या प्रक्रियेत महत्त्वाची भूमिका बजावतात. ते खात्री करतात की ज्ञान केवळ संग्रहित केले जात नाही तर ते शोधण्यायोग्य आणि कृतीशील देखील केले जाते. [२]

बौद्धिक संपदा अधिकार म्हणजे साहित्यिक, कलात्मक आणि वैज्ञानिक कार्याचा अधिकार; कलाकारांचे सादरीकरण; फोनोग्राफ आणि ब्रॉड-कास्ट; मानवी प्रयत्नांच्या सर्व क्षेत्रातील शोध; वैज्ञानिक शोध; औद्योगिक डिझाइन; ट्रेडमार्क; सेवा चिन्ह आणि व्यावसायिक नावे आणि पदनाम आणि औद्योगिक, वैज्ञानिक, साहित्यिक आणि कलात्मक क्षेत्रातील बौद्धिक क्रियाकलापांमुळे उद्भवणारी इतर सर्व उत्पादने. हे एक सामान्य शब्द आहे जे पेटंट; नोंदणीकृत डिझाइन; ट्रेडमार्क; कॉपीराइट; एकात्मिक सर्किट्सचे लेआउट, व्यापार रहस्ये; भौगोलिक निर्देशक आणि करार परवान्यांमधील स्पर्धाविरोधी पद्धतींचा समावेश करते. बौद्धिक संपदा म्हणजे मनाची निर्मिती म्हणजेच शोध, लेखांसाठी औद्योगिक डिझाइन, साहित्यिक आणि कलात्मक काम, व्यापारात वापरल्या जाणाऱ्या चिन्हे इत्यादी.

बौद्धिक संपदा म्हणजे सर्जनशील उत्पादने आणि या उत्पादनांच्या मालकांना त्यांच्या प्रवेश आणि वापराशी संबंधित अधिकार. सर्जनशील कामांच्या मालकांना दिलेल्या अधिकारांना बौद्धिक संपदा हक्क म्हणतात. हे अधिकार पेटंट आणि कॉपीराइट

कायद्यांसारख्या बौद्धिक संपदा कायद्यांद्वारे संरक्षित आहेत. उदाहरणार्थ, कॉपीराइटद्वारे संरक्षित केलेले काम मालकाला पुनरुत्पादन, सार्वजनिक कामगिरी, प्रसारण, भाषांतर आणि कामाचे रूपांतर करण्याचे विशेष अधिकार देते. बौद्धिक संपदा खाजगी आणि सार्वजनिक हितसंबंधांमध्ये संतुलन साधण्याचा प्रयत्न करते. ते निर्मात्यांना त्यांच्या कामांवर विशिष्ट कालावधीसाठी नियंत्रण देऊन हे साध्य करते (उदाहरणार्थ, लेखकाच्या आयुष्यानंतर पन्नास वर्षे) परंतु मानवतेच्या फायद्यासाठी कामाचा शोध घेण्यासाठी जनतेला काही मोकळीक देते. तंत्रज्ञानातील प्रगती आणि विशेषतः डिजिटल तंत्रज्ञानामुळे बौद्धिक संपदा व्यवस्थापित करण्यात अनेक आव्हाने निर्माण झाली आहेत. ग्रंथालये आणि विशेषतः डिजिटल ग्रंथालये, बौद्धिक संपदा अधिकारांचे सर्वोत्तम पालन कसे करावे आणि माहितीपर्यंत प्रवेश प्रदान करण्याचा त्यांचा आदेश कसा साध्य करायचा याबद्दल दुविधेत आहेत. [३]

आयपीआर म्हणजे सामान्यतः व्यक्तींना त्यांच्या मनाच्या निर्मितीवर दिलेले अधिकार. ते सहसा निर्मात्याला त्याच्या निर्मितीच्या विशिष्ट काळासाठी वापरण्याचा विशेष कायदेशीर अधिकार देतात आणि अशा प्रकारे मालकाचे अनधिकृत कॉपी करण्यापासून संरक्षण करतात. आयपीआर सहसा व्यावसायिक मूल्याच्या कल्पना किंवा माहितीचे संरक्षण करतो, माहिती बाजारात महत्त्वाची भूमिका बजावतो. टीआरआयपीएस नुसार आयपीआरचे विविध प्रकार आहेत:

रुग्ण: इतरांना काम करण्यापासून रोखण्यासाठी सरकारने दिलेला आणि सुरक्षित केलेला कायदेशीर अधिकार.

कॉपीराइट आणि संबंधित अधिकार: संरक्षित कामाच्या मालकाकडे निहित मालमत्ता अधिकारांचा संच. भौगोलिक संकेत: विशिष्ट ठिकाणांहून येणारी विशिष्ट वैशिष्ट्ये असलेली उत्पादने ओळखण्यासाठी वापरली जाणारी ठिकाणांची नावे.

औद्योगिक डिझाइन: नमुना, अलंकार इत्यादींबद्दल लेखकांच्या बुद्धीमध्ये कल्पना केलेली वैशिष्ट्ये, लेखावर लागू होतात आणि लेखावर लागू होत नाहीत.

ट्रेडमार्क: खरेदीदारांना एका व्यापाऱ्याच्या वस्तू इतर व्यापाऱ्यांच्या समान वस्तूंपासून वेगळे करण्यास सक्षम करण्यासाठी व्यापारादरम्यान वापरले जाणारे ओळख चिन्ह.

एकात्मिक सर्किट्सचे लेआउट डिझाइन: १९८९ मध्ये डब्ल्यूआयपीओ च्या आश्रयाने वाटाघाटी केलेल्या आयपीआयसी (एकात्मिक सर्किट्सच्या संदर्भात बौद्धिक संपदेचा करार) च्या तरतुदीनुसार लेआउट डिझाइन.

व्यापार गुपिते (अघोषित माहिती): संरक्षण अशा गुप्त माहितीला लागू केले पाहिजे ज्याचे व्यावसायिक मूल्य आहे आणि ती गुप्त ठेवण्यासाठी वाजवी पावले उचलली गेली आहेत. [४]

डिजिटल लायब्ररीची संकल्पना डिजिटल लायब्ररीची संक्षिप्त ऐतिहासिक पार्श्वभूमी:

डिजिटल लायब्ररी ही पारंपारिक पुस्तकांच्या संग्रहाचे इलेक्ट्रॉनिक रूप आहेत. या प्रकारच्या ग्रंथालयांसाठी आधारस्तंभ म्हणून काम करणाऱ्या इंटरनेट आणि इतर माहिती आणि संप्रेषण तंत्रज्ञान (आयसीटी) पायाभूत सुविधांच्या विकासामुळे डिजिटल लायब्ररीची संकल्पना अस्तित्वात आली. विविध विषयांमध्ये माहिती वापरणारे आणि उपलब्ध माहिती यांच्यातील वाढती दरी भरून काढण्यासाठी माहिती सामायिक करण्याची तीव्र गरज असल्याने डिजिटल लायब्ररीची स्थापना स्पष्ट झाली. सामाजिक प्रगतीसाठी मूलभूत पाऊल म्हणून ज्ञान सामायिकरण सुनिश्चित करण्यासाठी नाविन्यपूर्ण तंत्रज्ञानाचा वापर करण्याचे अंतिम ध्येय डिजिटल लायब्ररीच्या विकासासाठी पायाभूत सुविधा निर्माण करते.

डिजिटल लायब्ररींचे वाढते महत्त्व आणि ज्ञान व्यवस्थापनाशी त्यांचे छेदनबिंदू हे विश्वासाहर्ह माहितीच्या त्वरित प्रवेशाची वाढती मागणी, दूरस्थ

शिक्षणाचा विस्तार आणि दीर्घकालीन डिजिटल जतनाची आवश्यकता यामुळे आहे. तंत्रज्ञान विकसित होत असताना, डिजिटल लायब्ररी अधिक परिष्कृत होत आहेत, माहिती पुनर्प्राप्ती प्रक्रियेला वैयक्तिकृत आणि सुव्यवस्थित करण्यासाठी कृत्रिम बुद्धिमत्ता, नैसर्गिक भाषा प्रक्रिया आणि प्रगत मेटाडेटा प्रणाली यासारख्या साधनांचे एकत्रीकरण करत आहेत. डिजिटल लायब्ररी आणि ज्ञान व्यवस्थापन यांच्यातील हे समन्वय केवळ आपण माहिती कशी मिळवतो आणि कशी वापरतो हे बदलत नाही तर उद्योग, शिक्षण आणि संशोधनातही नावीन्य आणत आहे. [५]

१९४५ मध्ये माहितीच्या घातांकीय वाढीला - माहितीच्या स्फोटाला तोंड देण्यासाठी जगाला मदत करण्यासाठी मेमेक्स मशीनच्या शोधापासून डिजिटल ग्रंथालयांची उत्क्रांती खूप नाट्यमय झाली आहे. या शोधामुळे माहिती साठवण्याचे आणि पुनर्प्राप्त करण्याचे एक सूक्ष्म-स्वरूप-आधारित साधन उपलब्ध झाले. त्याच वेळी संगणकांच्या अखेरच्या शोधामुळे मोठे ग्रंथसूची डेटाबेस तयार करण्यात मायक्रोफॉर्मचा वापर सुरू झाला ज्यामुळे ग्रंथालयात माहिती पुनर्प्राप्ती प्रणालींमध्ये नवीन प्रतिमान निर्माण झाले. डिजिटल ग्रंथालयांच्या उत्क्रांतीतील हे पहिले मोठे पाऊल म्हणून पाहिले जाऊ शकते. त्यानंतर लगेचच १९९० च्या दशकात इंटरनेटचा शोध लागला, जो डिजिटल ग्रंथालयांच्या विकासात आणि मेमेक्स डेटाबेस तंत्रज्ञानातून ऐतिहासिक विकासात एक पुनर्प्राप्ति करणारी घटना होती. नेटवर्क तंत्रज्ञान आणि दूरसंचार तंत्रज्ञानाशी त्याचे एकत्रीकरण यामुळे संस्थांना सॉफ्टवेअर अनुप्रयोग, माहिती साठवणूक जागा सामायिक करण्यासाठी आणि इलेक्ट्रॉनिक पद्धतीने माहिती वाहतूक करण्यासाठी अनेक संगणकांना स्थानिक आणि विस्तृत क्षेत्र नेटवर्कमध्ये जोडण्याची परवानगी मिळाली. या परिस्थितीतून उद्भवलेल्या, जगाने पारंपारिक ग्रंथालयांच्या तुलनेत सर्वव्यापी असलेल्या डिजिटल माहितीच्या ग्रंथालयांचा स्वीकार केला. [६]

माहिती आणि संप्रेषण तंत्रज्ञानाने (आयसीटी) मानवी जीवनाच्या सर्व पैलूंना खोलवर पुनर्प्राप्ति केले आहे. माहिती आणि ज्ञान व्यवस्थापन क्षेत्रात, आयसीटीने मानवजातीच्या सामूहिक स्मृतीचे पुनरुत्पादन, बचत आणि वितरण आणि जतन यावर परिणाम केला आहे. अनेक आयसीटींपैकी, १९९० च्या दशकात इंटरनेटच्या शोधाचे माहिती व्यवस्थापनात दूरगामी परिणाम झाले, त्यामुळे एक जागतिक डिजिटल क्षेत्र निर्माण झाले, ज्याने तंत्रज्ञान आणि सामाजिक नेटवर्कच्या अति बदलासह ज्ञान व्यवस्थापनाच्या सर्व पैलूंवर परिणाम केला आहे. इंटरनेट प्लॅटफॉर्मवर आधारित, आज ज्ञानाचे वितरण ही एक जागतिक घटना आहे. हीच वास्तविकता आहे जी सध्याच्या ज्ञान समाजाची व्याख्या करते जी तंत्रज्ञानाच्या जागतिक परस्परसंबंधावर आधारित आहे. [७]

डिजिटल मानवता, ग्रंथपाल आणि बौद्धिक संपदा हक्कः

डिजिटल मानवशास्त्र, जरी ते अनिर्णीत मानले जात असले तरी, डिजिटल मानवशास्त्राची व्याख्या करण्याचा प्रयत्न करणारे लेख एक सामान्य शैली बनले आहेत. 'डिजिटल' आणि 'मानवशास्त्र' यांच्या संयोगाने संधी आणि आव्हाने शोधत असताना, डिजिटल मानवशास्त्र हे ज्ञानाचे एक एकमेव क्षेत्र म्हणून उदयास आले आहे. ते केवळ मानवशास्त्राच्या क्षेत्रात डिजिटल तंत्रज्ञानाचा वापर करण्याशी संबंधित नाही (उदाहरणार्थ, मानवशास्त्रातील सामग्रीचे डिजिटलायझेशन), तर डिजिटल तंत्रज्ञानाच्या क्षेत्रात बदल आणि अद्यतन करण्यासाठी मानवशास्त्र आणि त्यातील साधने आणि तंत्रांचा वापर देखील करते (उदाहरणार्थ, मशीन लर्निंग प्रकल्पाचा भाग म्हणून अंमलात आणता येणारे नवीन नैसर्गिक भाषा प्रक्रिया सॉफ्टवेअर विकसित करण्यासाठी भाषा वाक्यरचना वापरणे).

ज्ञान रक्षक म्हणून, ग्रंथपाल केवळ हस्तलिखिते आणि राजकीय नोंदींच्या स्वरूपात

ऐतिहासिक ज्ञान सुरक्षित ठेवण्यासाठी जबाबदार नाहीत (जे आतापर्यंत अशा सामग्रीच्या नाजूकपणामुळे जनतेसाठी अगम्य होते), परंतु तांत्रिक प्रगतीसह, ते आता अशा हस्तलिखिते आणि नोंदी डिजिटलायझ करण्यास आणि मानवशास्त्रातील पुढील संशोधनासाठी संशोधकांना ते प्रवेशयोग्य बनवण्यास सक्षम आहेत. अशी प्रवेश प्रदान करताना, ते हस्तलिखित मालकांकडून त्याच्या वापरकर्त्यासाठी कॉपीराइट सुरक्षित करण्यासाठी आवश्यक परवाने मिळवत आहेत. डिजिटल मानवतेच्या केंद्रस्थानी गेल्यानंतर, ग्रंथपाल आता केवळ हस्तलिखितांचे डिजिटायझेशन करणे आणि संशोधकांना त्यांची उपलब्धता सक्षम करणे (जे ग्रंथालय कर्मचाऱ्यांसह अंतर्गत रित्या व्यवस्थापित केले जात होते) यासाठीच जबाबदार नाहीत, तर गोपनीयता, बौद्धिक संपदा अधिकार आणि त्यांचे परवाना, डेटा जतन करणे इत्यादी समस्यांना देखील हाताळतात. या घडामोडी ग्रंथपालांना अशा परिस्थिती आणि गुंतागुंतींना सामोरे जावे लागू शकतात ज्या बाह्य समर्थनाशिवाय व्यवस्थापित करणे कठीण असू शकते. [८]

ग्रंथालयात ज्ञान व्यवस्थापन राबविण्यात ग्रंथपालाची भूमिका:

ज्ञान व्यवस्थापनाची अंमलबजावणी सुलभ करण्यासाठी, सु-परिभाषित आणि कार्यरत ज्ञान व्यवस्थापन प्रणाली स्थापित करणे आवश्यक आहे. ग्रंथालयांनी सर्वात अद्ययावत माहिती तंत्रज्ञानाचा वापर केला पाहिजे. या संदर्भात, ग्रंथालय संचालक किंवा ग्रंथपाल यांनी संपूर्ण संस्थेसाठी मुख्य ज्ञान अधिकारी म्हणून भूमिका स्वीकारली पाहिजे. त्यांनी मुख्य माहिती अधिकारी, नियोजन विभागाचे प्रमुख, संगणक आणि माहिती तंत्रज्ञान केंद्र, मानव संसाधन व्यवस्थापन विभाग आणि वित्त विभाग यांच्यासह इतरांशी सहकार्य करून अशी प्रणाली डिझाइन आणि विकसित करावी. ही ज्ञान व्यवस्थापन प्रणाली विद्यमान संगणक आणि माहिती तंत्रज्ञान पायाभूत सुविधांवर आधारित तयार

केली पाहिजे, ज्यामध्ये अपग्रेड केलेले इंटरनेट, एक्स्ट्रानेट, इंटरनेट आणि उपलब्ध सॉफ्टवेअर प्रोग्राम समाविष्ट आहेत. वापरकर्त्यांमध्ये प्रभावी ज्ञान देवाणघेवाणीला प्रोत्साहन देऊन अंतर्गत आणि बाह्य माहिती संसाधनांचे कॅप्चर, विश्लेषण, संघटना, साठवणूक आणि सामायिकरण सुलभ करणे हा त्याचा उद्देश आहे. संस्थेतील प्रचंड प्रमाणात ज्ञानाचा प्रभावीपणे वापर करणाऱ्या प्रक्रिया आणि धोरणे आकारण्यात ग्रंथपालांची भूमिका महत्वाची आहे. माहितीचे संरक्षक आणि प्रदाते म्हणून, ग्रंथपाल ज्ञान व्यवस्थापन उपक्रमांच्या यशस्वी अंमलबजावणीत महत्त्वपूर्ण भूमिका बजावतात. ग्रंथालयांमध्ये ज्ञान व्यवस्थापन पद्धती एकत्रित करून, ग्रंथालयाची पारंपारिक कार्ये, जसे की माहिती गोळा करणे, व्यवस्था करणे, सामायिक करणे, संग्रहित करणे आणि वापरणे, अधिक सुधारित केले जातात. यामुळे ग्रंथपालांना ग्रंथालय वापरकर्त्यांच्या विविध वैयक्तिक आणि व्यावसायिक गरजा पूर्ण करणाऱ्या व्यापक सेवा प्रदान करता येतात. [९]

साहित्याचा आढावा:

जागतिक बौद्धिक संपदा संघटना (२००४) बौद्धिक संपदा ही मनाची निर्मिती म्हणून परिभाषित करते. फील्ड (२००६) सहमत आहे आणि स्पष्ट करते की बौद्धिक संपदा म्हणजे शोध, साहित्यिक आणि कलात्मक कामे, तसेच व्यापारात वापरल्या जाणाऱ्या चिन्हे, प्रतिमा, नावे आणि डिझाइन असतात. बौद्धिक संपदेच्या प्रमुख प्रकारांमध्ये कॉपीराइट, पेटंट, व्यापार गुपिते आणि ट्रेडमार्क यांचा समावेश आहे. याव्यतिरिक्त, बौद्धिक संपदेमध्ये भौगोलिक निर्देशक समाविष्ट आहेत जे चांगल्या दर्जाच्या आणि प्रतिष्ठेसाठी ओळखल्या जाणाऱ्या परिसरातून उद्भवलेल्या वस्तू म्हणून ओळखतात. अशा निर्देशकांना ट्रेडमार्कचे स्वरूप मानले जाते आणि ग्राहकांचा गोंधळ टाळण्यासाठी आणि उत्पादकांच्या व्यावसायिक हितांचे रक्षण करण्यासाठी वापरले जाते. डोमेन नावे

ट्रेडमार्क मानली जातात कारण ती सायबरस्पेसमध्ये त्यांच्या धारकांचे चरित्र आणि प्रतिष्ठा दर्शवतात. [१०]

आधुनिक औद्योगिक वातावरणात टिकून राहण्यासाठी ज्ञान ही सर्वात महत्वाची संपत्ती आहे. आर्चर आणि वांग (२००२) यांच्या मते ज्ञान संसाधन म्हणजे यंत्रणा साठवणूक आणि ते जाणून घेण्याचा आणि कृती करण्याचा एक मार्ग म्हणून वापरले जाऊ शकते आणि ते मौन किंवा स्पष्ट असू शकते. त्यांनी असा युक्तिवाद केला की मौन ज्ञान समजले जाऊ शकते आणि ते संवाद आव्हानाप्रमाणेच लागू केले जाऊ शकते, जे थेट अनुभव आणि कृतीतून येते. त्यांनी पुढे असे म्हटले की ते सहसा परस्परसंवादी चर्चा आणि सामायिक कौशल्यांद्वारे सामायिक केले जाते. आर्चर आणि वांग यांनी असे म्हटले की मौन ज्ञानाचे रूपांतर स्पष्ट ज्ञानात केले जाऊ शकते आणि ते ज्ञान संसाधनाशी थेट संवाद न करता इतरांना उपलब्ध करून दिले जाऊ शकते, उदाहरणार्थ, कुशल पद्धतींद्वारे (आर्चर आणि वांग, २००२). या संदर्भात, मौन ज्ञान हे स्पष्ट संसाधनांपेक्षा अधिक धोरणात्मक आहे कारण ते हस्तांतरित करणे आणि पुनरुत्पादन करणे कठीण आहे. [११]

हेफ्टर आणि लिटोविट्झ (२००५) नुसार, बौद्धिक संपदा राष्ट्रीय आधारावर संरक्षित केली जाते आणि म्हणूनच ती राष्ट्रांनुसार बदलते. तथापि, बौद्धिक संपदा अधिकारांचे संरक्षण प्रादेशिक सीमा ओलांडून आंतरराष्ट्रीय करार आणि अधिवेशनांद्वारे केले जाऊ शकते ज्यांचे राष्ट्रे श्रेय देतात. यापैकी एक म्हणजे बर्न कन्व्हेन्शन. बर्न कन्व्हेन्शनवर स्वाक्षरी करणारे देश, इतरांसह, त्यांच्या अधिकारक्षेत्रातील सदस्य राष्ट्रांच्या नागरिकांच्या हक्कांचे संरक्षण करतात. हे सुनिश्चित करते की एका सदस्य-राज्यात संरक्षित केलेले कार्य इतर सदस्य-राज्यांमध्ये देखील संरक्षित आहे. [१२]

बौद्धिक संपदा कायदे समाजात महत्वाची भूमिका बजावतात. ते बौद्धिक उत्पादनांच्या निर्मात्यांना त्यांच्या निर्मितीची मालकी आणि फायदेशीर शोषणाची हमी देतात. यामुळे गुंतवणूकीला प्रोत्साहन मिळेल

आणि परिणामी समृद्धी आणि रोजगार वाढेल. यामुळे ज्ञानाचे प्रकाशन आणि प्रसार होण्यास देखील प्रोत्साहन मिळते. बौद्धिक संपदा कायदे निर्मात्यांना त्यांच्या निर्मितीचा वापर आणि शोषण नियंत्रित करण्याचा अधिकार आणि इतरांना त्यांच्या प्रयत्नांचा अन्याय्य फायदा घेण्यापासून रोखण्याची शक्ती देतात. शिवाय, बौद्धिक संपदा कायदे निर्मात्यांना आणि समाजाला मोठ्या प्रमाणात बनावट उत्पादनांमुळे निर्माण होणाऱ्या धोक्यापासून व्यापार तोटा आणि सुरक्षिततेपासून संरक्षण देतात. एकंदरीत, बौद्धिक संपदा कायदे निर्मात्यांना त्यांच्या कामासाठी मान्यता आणि योग्य आर्थिक बक्षिसे प्रदान करतात; त्यांना चाचेगिरीपासून संरक्षण देतात आणि त्यांच्या कामाची उपलब्धता वाढवतात. अशाप्रकारे, बौद्धिक संपदा कायदे नवीन उत्पादने आणि सेवांचा शोध तसेच नवीन साहित्यकृतींच्या निर्मितीला प्रोत्साहन देऊन आर्थिक, सामाजिक आणि सांस्कृतिक विकासाला प्रोत्साहन देतात. परिणामी, नवीन उद्योग सुरू होतात, नोकऱ्या निर्माण होतात आणि जीवनमान सुधारते (वेकेसा, २००९). [१३]

उद्दिष्टे:

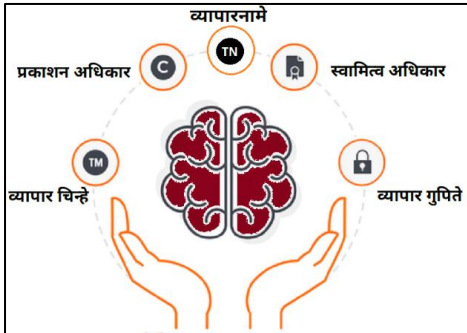
1. डिजिटल साक्षरतेला चालना देण्यासाठी ग्रंथालयांच्या भूमिकेचे मूल्यांकन करणे
2. ज्ञान सामायिकरण सक्षमीकरणाचा अभ्यास करणे
3. डिजिटल ग्रंथालयांमध्ये बौद्धिक संपदा व्यवस्थापन स्पष्ट करणे

संशोधन पद्धती:

हा अभ्यास महाविद्यालयीन ग्रंथालय, विद्यापीठ ग्रंथालय, लेख, जर्नल्स, वेबसाइट्स, वृत्तपत्रे, संशोधन पत्रे आणि इतर स्रोतांमधून गोळा करता येणाऱ्या प्राथमिक आणि दुय्यम स्रोतांवर आधारित आहे.

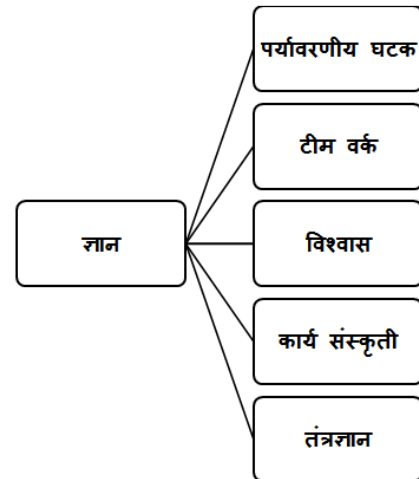
निकाल आणि चर्चा:**बौद्धिक संपदा:**

मनुष्याची बौद्धिक गुणवत्ता आणि परिश्रम, तसेच व्यक्तीच्या सर्जनक्षमतेमुळे त्या व्यक्तीस जी संपत्ती प्राप्त होते, ती बौद्धिक संपदा होय. बौद्धिक संपदेचा प्रत्येक व्यक्तीस जसा फायदा होत असतो, तसाच त्याच्यात असलेल्या कलागुणांचा फायदासुद्धा समाजाला झाला पाहिजे; परंतु ही संपदा कायद्याच्या चौकटीत बसवून त्याचे चौर्य होणार नाही, हेही तितकेच महत्वाचे आहे. व्यक्तीमधील कलागुणांचे (उदा., चित्र रेखाटन, गाण्याचे सादरीकरण, वैज्ञानिक संशोधन इत्यादी.) एकदा सादरीकरण झाल्यानंतर तंत्रज्ञानाच्या विकासामुळे त्यांची चोरी होण्याची सहज शक्यता असते. उदा., सीडी कॉपी करणे, दुसऱ्याचे संशोधन स्वतःच्या नावावर करणे इत्यादी. अशा प्रकारे दुसऱ्यांच्या बौद्धिक संपदेचे फायदे अन्य व्यक्ती घेऊ शकतात.

**आकृती १. बौद्धिक संपदा कायदा**

बौद्धिक संपदा महत्वाची असून तिच्या अधिकाराचे रक्षण करणे तितकेच महत्वाचे आहे. जागतिक बौद्धिक संपत्ती संघटना आणि जागतिक व्यापार संघटना यांच्या प्रयत्नांतून विविध बौद्धिक संपदा अधिकार कायदे अस्तित्वात आले. त्यामध्ये स्वामित्व अधिकार (पेटंट), व्यापार चिन्हे (ट्रेडमार्क), व्यापारनामे (ट्रेडनेम), प्रकाशन अधिकार (कॉपीराईट) इत्यादी कायदे कार्यरत आहेत. याच बरोबर उत्पादक आपले उत्पादन ग्राहकांना सहज ओळखता यावे, यासाठी ते स्वतःच्या वस्तू वा सेवांसाठी विशिष्ट खूण, छाप, शीर्षक, बोधचिन्ह (लोगो) वापरताना दिसतात.

व्यवस्थापन विद्वानांनी तंत्रज्ञान हस्तांतरणाचा वापर करून समकालीन संशोधनात अनेक चल ओळखले आहेत, विशेषतः ज्ञानाचे स्वरूप. कर्मिंज (२००३) नुसार ते चल त्यांच्या मौन आणि स्पष्ट ज्ञानाच्या बाबतीत सामायिक केले गेले आहेत. तथापि, ब्लोमक्विस्ट आणि लेव्हरी (२००६) यांनी युक्तिवाद केल्याप्रमाणे, ज्ञान निर्मिती किंवा ज्ञाननिर्मिती नैसर्गिक परिसरात सामान्य आहे, त्याशिवाय, सामाजिक देवाणघेवाण देखील त्याचा एक भाग आहे. उदाहरणार्थ, ज्ञान निर्मिती म्हणजे व्यक्तिमत्त्वे किंवा व्यावसायिक कामगारांमध्ये त्यांच्या दैनंदिन क्रियाकलापांमध्ये विचारांची देवाणघेवाण असणे आवश्यक आहे. या स्पष्टीकरणांच्या संदर्भात, या संशोधन पत्राचा उद्देश ग्रंथालय कर्मचाऱ्यांमध्ये ज्ञानाच्या वाटणीवर परिणाम करणारे पाच वेगवेगळे घटकांवर चर्चा करणे आहे. हे घटक पर्यावरण घटक, विश्वास, टीमवर्क, संस्कृती आणि कर्मचाऱ्यांमधील तंत्रज्ञान आहेत. खालील आकृती २ ग्रंथालयातील ज्ञानाच्या वाटणी पद्धतीवर परिणाम करणारे वेगवेगळे स्वतंत्र चल आणि अवलंबित चल दर्शवते. [१४]

**आकृती २. अभ्यासाची संशोधन संकल्पनात्मक चौकट (स्रोत: गुगल द्वारे)**

पर्यावरणीय घटक ज्ञान व्यवस्थापनावरील व्यावहारिक संशोधनात पर्यावरणीय घटकांसह ज्ञान सामायिकरण पद्धतीवर परिणाम करणारे काही महत्वाचे घटक ओळखले गेले आहेत. ते म्हणजे सामाजिक

तक्ता १: बौद्धिक संपदा कायदा [१६]

बौद्धिक संपदा अधिकारांचे प्रकार	विषय	मुख्य क्षेत्रे
कॉपीराइट	लेखकत्वाची मूळ कामे	छपाई, मनोरंजन (ऑडिओ, व्हिडिओ, मोशन पिक्चर्स), सॉफ्टवेअर कलेक्शन कामे, ब्रॉड कास्टिंग. ग्रंथालयाची कामे इ.
पेटंट	नवीन, औद्योगिकदृष्ट्या लागू होणारे आविष्कार	रसायने, औषधे, प्लास्टिक, इंजिन, इलेक्ट्रॉनिक्स, वैज्ञानिक उपकरणे
ट्रेडमार्क	चांगले आणि सेवा ओळखण्यासाठी चिन्हे किंवा चिन्हे	सर्व उद्योग
एकात्मिक सर्किट्स	मूळ लेआउट डिझाइन	मायक्रो-इलेक्ट्रॉनिक्स
प्रजनन अधिकार	नवीन, स्थिर, एकसंध, वेगळे करता येण्याजोगे वाण	कृषी आणि अन्न उद्योग
व्यापार रहस्य	गुप्त व्यवसाय माहिती	सर्व उद्योग
औद्योगिक डिझाईन्स	सजावटीचे डिझाइन	कपडे, ऑटोमोबाईल्स, इलेक्ट्रॉनिक्स इ.
भौगोलिक संकेत	चांगल्या आणि सेवांचे भौगोलिक मूळ	वाइन, स्पिरिट, चीज आणि इतर अन्न उत्पादने
युटिलिटी मॉडेल्स	कार्यात्मक मॉडेल्स/डिझाइन	यांत्रिक उद्योग

निष्कर्ष:

व्यवसायाच्या क्षेत्रात, स्पर्धात्मक धार मिळविण्यासाठी, त्यांच्या उत्पादनांचे मूल्य वाढवण्यासाठी आणि ग्राहकांचे समाधान वाढवण्यासाठी संस्थांसाठी ज्ञान व्यवस्थापन हा एक महत्त्वाचा घटक म्हणून ओळखला जातो. ग्रंथालय क्षेत्र व्यावसायिक जगातून मौल्यवान अंतर्दृष्टी मिळवू शकते. स्पर्धा, मालकी हक्क आणि आर्थिक नफ्यावर लक्ष केंद्रित न करता, ग्रंथालयांसाठी ज्ञान व्यवस्थापनाचेही तितकेच महत्त्व आहे. एक सामान्य माणूस पहाटेपासून संध्याकाळपर्यंत बौद्धिक संपत्ती शोधतो. तो अशा उत्पादनांचा वापर करतो जे एखाद्याचे बौद्धिक संपत्ती असतात. देशाचा सामाजिक-आर्थिक विकास मोठ्या प्रमाणात त्याच्या लोकांच्या सर्जनशीलतेवर अवलंबून असतो आणि कॉपीराइट कायद्यांचे प्रभावी प्रशासन केल्याशिवाय सर्जनशील कामांना प्रोत्साहन देता येत नाही. कॉपीराइट कायद्यांच्या यशस्वी अंमलबजावणीत बहुतेक बौद्धिक संपत्तीचे संरक्षक म्हणून ग्रंथपालांना

सोडता येत नाही. ग्रंथालयात कॉपीराइट कायद्यांचे उल्लंघन सहजपणे केले जाऊ शकते. तिसऱ्या सहस्राब्दीच्या क्रांतीचा एक अनिवार्य परिणाम म्हणून डिजिटल ग्रंथालये उदयास आली, ज्याला संप्रेषण क्रांती म्हणतात, कारण ग्रंथालये हे सिद्ध करण्यास सक्षम आहेत की ते सर्व आधुनिक तंत्रज्ञानाशी जुळवून घेण्यास सक्षम आहेत, जिथे ग्रंथालयांच्या समस्येत नवीन आणि आधुनिक ट्रेंडमध्ये कोणताही संघर्ष नाही, परंतु प्रत्येक वेळी आणि ठिकाणी लाभार्थ्यांच्या सेवेत असलेल्या त्यांच्या उत्क्रांती साधनांबद्दल त्या दोघांचाही फायदा होतो.

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भारतीय पारंपारिक खेळाचे भौगोलिक संकेत आणि त्यांचे संवर्धन**डॉ. भारत विठ्ठलराव पल्लेवाड**

यशवंतराव चव्हाण महाविद्यालय, अंबाजोगाई जि. बीड (महाराष्ट्र)

*Corresponding Author – डॉ. भारत विठ्ठलराव पल्लेवाड***DOI - 10.5281/zenodo.14905263****प्रस्तावना:**

भारतीय पारंपरिक खेळ हे भारतीय संस्कृतीचे अत्यंत महत्वाचे घटक आहेत. त्यात खेळांच्या विविध प्रकारांच्या माध्यमातून शारीरिक, मानसिक आणि सामाजिक विकासाला प्रोत्साहन दिले जाते. भारतीय पारंपरिक खेळ विविध भौगोलिक प्रदेशांनुसार विविधता दर्शवतात. या खेळांमध्ये शारीरिक क्षमता, सामाजिक एकत्र येणे, तसेच स्थानिक समाजाची परंपरा, जीवनशैली आणि श्रद्धा प्रकट होतात. भारतीय पारंपरिक खेळांचे संवर्धन आजकाल अधिक महत्वाचे ठरले आहे, कारण यामुळे पारंपरिक शारीरिक शिस्त आणि कौशल टिकवून ठेवण्यास मदत होते. भारतीय पारंपरिक खेळ हे आपल्या सांस्कृतिक वारशाचा अभिन्न भाग आहेत. प्रत्येक प्रदेशातील विविध खेळ त्यांच्या भौगोलिक परिस्थिती, पर्यावरण आणि सांस्कृतिक पार्श्वभूमीवर आधारित होते. उदा., दक्षिण भारतातील कंचे, पच्छिम भारतातील छब्बीस किंवा क्रिकेट, उत्तर भारतातील खो-खो आणि कबड्डी, तसेच पूर्व भारतातील सतोलिया, हे सर्व खेळ त्याच त्या भौगोलिक आणि सामाजिक वातावरणातून उगम पावले आहेत.

भारतीय पारंपरिक खेळांचे भौगोलिक संकेत:

भारताच्या विविध भागांमध्ये वेगवेगळ्या खेळ प्रकारच्या पारंपरिक खेळांची परंपरा आहे. हे खेळ त्या-त्या प्रदेशाच्या सामाजिक आणि सांस्कृतिक

परिस्थितीला प्रतिबिंबित करतात. प्रत्येक भौगोलिक क्षेत्राच्या भिन्न वातावरणाच्या, भौगोलिक व संस्कृतीच्या वैशिष्ट्यांनुसार खेळ बदलतात.

दक्षिण भारत: कबड्डी आणि मलखंब:

दक्षिण भारतात कबड्डी हा अत्यंत लोकप्रिय पारंपरिक खेळ आहे. हा खेळ शारीरिक सामर्थ्य, समन्वय आणि मानसिक फुर्तीचा उत्तम समायोजन दर्शवतो. मलखंब हा देखील दक्षिण भारतातील एक पारंपरिक खेळ आहे जो शारीरिक लवचिकता, ताबा आणि संतुलन यावर आधारित आहे. मलखंब मुख्यतः कर्नाटका आणि महाराष्ट्रामध्ये लोकप्रिय आहे. आता हे दोन्हीही खेळ आपल्या भारत देशात फारच लोकप्रिय झालेले आहेत.

उत्तर भारत: खो-खो:

उत्तर भारतात खो-खो हा प्रमुख पारंपरिक खेळ आहेत. खो-खो हा टीम खेळ असून, त्यामध्ये खेळाडूंची चालाकी, झपाट, आणि सांघिकत्व फार महत्वाचे आहे. हा खेळ आता उत्तर भारतातच नव्हे तर सर्व भारत देशात लोकप्रिय झाला आहे. भारताबरोबर इतर देशातही खो-खो हा खेळ खेळला जात आहे. खो-खो या खेळाची विश्व चषक स्पर्धा चालू झाली आहे. २०२५ या वर्षी महिला विश्व चषक स्पर्धा झाली व ती स्पर्धा भारतीय महिला संघाने जिंकली आहे.

महाराष्ट्र: व्हॉलीबॉल:

महाराष्ट्रात व्हॉलीबॉल एक लोकप्रिय पारंपरिक खेळ आहे. या खेळात दोन टिमांमध्ये हा खेळ खेळला जातो, आणि खेळाडू आपल्या आक्रमकता व चालाख पणाने गुण मिळवतात. हा महाराष्ट्रातीलच नव्हे तर देशातील ग्रामीण भागात अत्यंत लोकप्रिय खेळ होता. पण आता ग्रामीण भागाबरोबर शहरी भागात सुद्धा हा खेळ मोठ्या प्रमाणात खेळला जात आहे. हा खेळ बऱ्याच राष्ट्रांमध्ये खेळला जातो. आंतरराष्ट्रीय स्तरावर या खेळाच्या स्पर्धा खेळल्या जात आहेत.

बिहार आणि उत्तर प्रदेश: लड्डू आणि पंग:

बिहार आणि उत्तर प्रदेशातील पारंपरिक खेळांमध्ये लड्डू हे एक अत्यंत प्रचलित खेळ आहे. लड्डू खेळ खेळताना, खेळाडूंच्या तात्त्विक विचारशक्ती आणि तंत्रज्ञानावर आधारित असतो. पंग हा उत्तर भारतातील एक भिन्न पारंपरिक खेळ आहे जो शारीरिक आणि मानसिक सामर्थ्याचे एकत्रित परीक्षण करतो. सद्या हे खेळ लुप्त झालेले आहेत.

भारतीय पारंपरिक खेळांचे सामाजिक आणि सांस्कृतिक महत्त्व:

भारतीय पारंपरिक खेळ फक्त शारीरिक सामर्थ्य आणि मनोरंजनासाठीच नव्हे, तर ते सांस्कृतिक आणि सामाजिक आयामांनाही महत्त्व देतात. यामध्ये खेळाच्या माध्यमातून परंपरा, कौटुंबिक आणि समाजिक एकता, तसेच मनोबलाची वृद्धी होते. भारतीय सांस्कृतिक आणि ऐतिहासिक वारशात खेळांची एक महत्वपूर्ण भूमिका आहे. भारतीय समाजाने पारंपरिक खेळांचे प्रचलन आणि संग्रहन अनेक शतके केले आहे. ही खेळ केवळ शारीरिक व्यायामासाठी नव्हे, तर मानसिक विकास, सामाजिक एकता आणि संस्कृतीला जोपासण्यासाठी देखील महत्वपूर्ण होती. मात्र, काळाच्या ओघात आणि आधुनिकतेच्या प्रभावामुळे अनेक पारंपरिक क्रीडा गमावली गेली आहेत. सध्या

त्यांच्या पुनरुत्थानाची आवश्यकता आहे, जेणेकरून पुढील पिढ्यांना त्यांचा सांस्कृतिक वारसा मिळवता येईल.

१. सहकार्य आणि टीमवर्क:

काही खेळांमध्ये, जसे की कबड्डी, व्हॉलीबॉल, क्रिकेट, फुटबॉल आणि खो-खो, या सारख्या खेळांमध्ये सहकार्य आणि टीमवर्क महत्त्वाचे असतात. या खेळांमध्ये, एकाच उद्दिष्टासाठी सर्व सदस्य एकत्र येऊन काम करतात. यामुळे खेळाडूंमध्ये परस्पर समन्वय साधता येतो.

२. मानसिक विकास:

भारतातील पारंपरिक खेळ हे मानसिक क्षमतांमध्ये वाढ करत असतात. उदाहरणार्थ, लड्डू आणि पंग या खेळांमध्ये खेळाडूंच्या मानसिक तर्कशक्तीला चालना मिळते, ज्यामुळे ते अधिक कार्यक्षम बनतात. खेळाचे असे अनेक पैलू आहेत जे मानसिक आरोग्यासाठी फायदेशीर ठरू शकतात, ज्यात शारीरिक क्रियाकलाप आणि संघातील सदस्यांशी आणि क्रीडा समुदायाशी सामाजिक संबंध यांचा समावेश आहे," डॉ. व्हॅंडरक्रुइक म्हणतात. "तथापि, कोणत्याही प्रकारच्या मानसिक आजारासाठी अस्तित्वात असलेले समान जोखीम घटक खेळाडूंना निश्चितच लागू होतात. उदाहरणार्थ, जर तुमचा मानसिक आजार, सामाजिक अलगाव किंवा लक्षणीय जीवनातील ताणतणावांचा वैयक्तिक किंवा कौटुंबिक इतिहास असेल तर तुम्हाला जास्त धोका असू शकतो."

३. शारीरिक विकास:

पारंपरिक खेळ शारीरिक विकासासाठी अत्यंत उपयुक्त ठरतात. यामुळे लवचिकता, संतुलन, सहनशीलता आणि शारीरिक क्षमता विकसित होते. प्रत्येकाच्या जीवनामध्ये स्व:ताचे आरोग्य चांगले व सुदृढ ठेवण्यासाठी व्यायाम केलाच पाहिजे, हि सद्याच्या काळाची गरज बनली आहे.

४. संस्कृती आणि परंपरा:

पारंपरिक खेळ संस्कृतीचा महत्वपूर्ण भाग आहेत. उदाहरणार्थ, काही खेळ हे त्याच्या ऐतिहासिक

संदर्भामध्ये धार्मिक किंवा सामाजिक महत्त्व प्रकट करतात.

भारतीय पारंपरिक खेळांचे संवर्धन:

भारतात पारंपरिक खेळांचे संवर्धन अत्यंत महत्त्वाचे आहे. आधुनिक तंत्रज्ञान आणि वैश्वीकरणाच्या युगात, या खेळांचे अस्तित्व संकटात आले आहे. तथापि, पारंपरिक खेळांचे संवर्धन म्हणजे केवळ त्यांचा अभ्यास आणि प्रचार करणे नाही, तर त्या खेळांच्या महत्त्वपूर्ण शारीरिक आणि मानसिक फायदे लोकांपर्यंत पोहोचवणे देखील आहे. भारतीय खेळांचे संवर्धन महत्त्वाचे आहे कारण ते भारतीय संस्कृती, परंपरा आणि आयुष्यमान आरोग्याच्या दृष्टीने अत्यंत महत्त्वाचे आहेत. यासाठी काही पावले घेणे आवश्यक आहे.

१. सरकारी पातळीवरील समर्थन: सरकारने

भारतीय पारंपरिक खेळांच्या संवर्धनासाठी अनेक योजना लागू केल्या आहेत. उदाहरणार्थ, "कबड्डी" आणि "मलखंब" सारख्या खेळांना राष्ट्रीय स्तरावर प्रोत्साहन दिले जात आहे. खेळाच्या प्रशिक्षण केंद्रांची स्थापना आणि पारंपरिक खेळांचे शालेय स्तरावर समावेश हे महत्त्वाचे पाऊल आहे.

२. शालेय आणि महाविद्यालयीन स्तरावर समर्थन:

पारंपरिक खेळ शालेय आणि महाविद्यालयीन क्रीडा कार्यक्रमांचा एक भाग असावे लागतात. यामुळे युवा पिढीला पारंपरिक खेळांची महत्त्वाची माहिती मिळेल आणि खेळांची आवड वाढवता येईल.

३. सामाजिक सहभाग आणि प्रसार: आधुनिक मिडियाचा उपयोग करून पारंपरिक खेळांचा प्रसार करणे आवश्यक आहे. सोशल मीडिया, दस्तऐवजीकरण, आणि दूरदर्शन कार्यक्रमांच्या माध्यमातून या खेळांचा प्रचार होऊ शकतो. यामुळे युवा पिढीला या खेळांमध्ये रुची निर्माण होईल.

४. ग्रामीण विकास: ग्रामीण भागात पारंपरिक खेळांचे संवर्धन करणे आवश्यक आहे. ग्रामीण भागात यांचे अस्तित्व कायम राखण्यासाठी स्थानिक पातळीवर

कार्यवाही केली जाऊ शकते. स्थानिक क्रीडा स्पर्धा, उत्सव आणि प्रशिक्षण कार्यक्रम यांचा आयोजन करून या खेळांना प्रोत्साहन दिले जाऊ जाते, या अशा कार्यक्रमांमुळे ग्रामीण भागामध्ये विकासाला चालना मिळत गेली आहे.

५. शारीरिक शिक्षण कार्यक्रमांमध्ये समावेश:

शालेय आणि महाविद्यालयीन शारीरिक शिक्षण कार्यक्रमांमध्ये पारंपरिक खेळांचा समावेश वाढवावा लागेल. जसे कबड्डी, खो-खो, व्हॉलीबॉल, क्रिकेट, फुटबॉल यासारख्या स्पर्धांचे आयोजन केल्यामुळे विद्यार्थी व युवकाला खेळाची व व्यायामाची आवड निर्माण होऊन ते शारीरिक शिक्षण कार्यक्रमांमध्ये सहभागी होतील. यामुळे विद्यार्थी आणि युवा खेळांच्या महत्त्वाची जाण ठेवून त्यात भाग घेतील.

६. प्रेरणा आणि आदर्श: भारतीय खेळांच्या विकासासाठी, विशेषतः पारंपरिक खेळांचे, खेळाडूंना प्रेरित करणे महत्त्वाचे आहे. त्यासाठी आदर्श व्यक्तींच्या उदाहरणांचा वापर होऊ शकतो.

७. शालेय स्तरावर खेळांना प्रोत्साहन: शाळांमध्ये खेळांची अधिक महत्त्वाची भूमिका असावी. विद्यार्थ्यांना खेळांची आवड निर्माण करणे आणि त्यांना योग्य प्रशिक्षण देणे आवश्यक आहे.

८. उपकरणांची उपलब्धता: भारतीय खेळांसाठी आवश्यक उपकरणे, संसाधने आणि सुविधांची पूर्तता करणे आवश्यक आहे, जेणेकरून खेळाडू प्रशिक्षित होऊ शकतात.

९. आंतरराष्ट्रीय स्पर्धांमध्ये भागीदारी: भारतीय खेळांना आंतरराष्ट्रीय पातळीवर अधिक संधी देणे आणि भारतीय खेळाडूंना परदेशात स्पर्धा करण्यासाठी प्रेरित करणे.

१०. सांस्कृतिक जागरूकता: पारंपरिक भारतीय खेळ जसे कबड्डी, खो-खो, कुस्ती इत्यादींना प्रोत्साहन देणे आणि त्यांची महत्त्वाची जागरूकता निर्माण करणे.

११. सरकारी आणि खासगी संस्थांची मदत: सरकार आणि खासगी क्षेत्राने खेळांच्या सुविधा,

पुरस्कार आणि प्रोत्साहन यासाठी निधी उपलब्ध करणे आवश्यक आहे.

भारतीय खेळांच्या संवर्धनामुळे ना फक्त देशात खेळांची गुणवत्ता वाढेल, तर विविध क्षेत्रातील शारीरिक व मानसिक विकासही साधता येईल.

निष्कर्ष:

भारतीय पारंपरिक खेळ केवळ मनोरंजनासाठी नसून, ते आपल्या सांस्कृतिक आणि सामाजिक जीवनाचा एक महत्वाचा भाग आहेत. यामुळे शारीरिक, मानसिक आणि सामाजिक विकासाला चालना मिळते. विविध भौगोलिक भागांमध्ये या खेळांचा वेगवेगळा प्रकार आहे, जो त्या प्रदेशाच्या संस्कृतीला प्रकट करतो. आजकाल, आधुनिकतेच्या प्रभावामुळे हे खेळ कमी होऊ लागले आहेत, पण त्यांचे संवर्धन आवश्यक आहे. शालेय, सरकारी, आणि स्थानिक पातळीवर या खेळांचे समर्थन करून त्यांचे अस्तित्व टिकवून ठेवणे महत्वाचे आहे.

संदर्भ ग्रंथ:

- 1) भारतीय पारंपारिक खेळ व त्यामागील शास्त्र – ले. निशा चव्हाण गिरीश चव्हाण
- 2) सांघिक खेळ - ले. सांगलीकर
- 3) शारीरिक शिक्षा - ले. गंगाश्याम गुर्जर
- 4) Physical Education – Divakar Rajput
- 5) The champion's Mind - Jim Afremow
- 6) ब्रीथ - ले. जेम्स नेस्टर



WIPO आणि युनेस्को यांची सांस्कृतिक वारसा संरक्षणातील भूमिका: बौद्धिक संपदा हक्कांचा प्रभाव

डॉ. राजाभाऊ भगत

इतिहास विभाग,

यशवंतराव चावण महाविद्यालय अंबाजोगाई

Corresponding Author – डॉ. राजाभाऊ भगत

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प्रस्तावना:

सांस्कृतिक वारसा म्हणजे भूतकाळातील मानवी सृजनशीलतेचा ठेवा असतो, जो ऐतिहासिक, कलात्मक, वैज्ञानिक आणि अध्यात्मिक दृष्टिकोनातून अमूल्य असतो. परंतु, आधुनिक युगात जागतिकीकरण, औद्योगिकीकरण आणि बौद्धिक संपदा हक्कांच्या (IPR) उदयामुळे सांस्कृतिक वारसा संरक्षणाच्या संकल्पना आणि पद्धती बदलत आहेत. यामध्ये **WIPO (World Intellectual Property Organization)** आणि **युनेस्को (UNESCO - United Nations Educational, Scientific and Cultural Organization)** महत्वपूर्ण भूमिका बजावत आहेत.

या संशोधन लेखात WIPO आणि युनेस्कोच्या सांस्कृतिक वारसा संरक्षणातील भूमिकेचा अभ्यास करून, बौद्धिक संपदा हक्कांचा वारशावर होणारा प्रभाव विशद करण्यात येईल.

सांस्कृतिक वारसा आणि त्याचे महत्त्व:

सांस्कृतिक वारसा म्हणजे भूतकाळातील सामाजिक, धार्मिक, कलात्मक आणि ऐतिहासिक परंपरांचा संगम असतो, जो एखाद्या देशाच्या ओळखीचा आणि संस्कृतीचा महत्त्वाचा घटक आहे. तो दोन प्रकारांचा असतो: **सांगोपांग (Tangible)**

वारसा, ज्यामध्ये ऐतिहासिक वास्तू, प्राचीन मंदिरं, शिल्पकला, हस्तकला आणि पुरातत्त्वीय अवशेष समाविष्ट असतात, आणि **अमूर्त (Intangible)** **वारसा**, ज्यामध्ये लोककला, संगीत, भाषा, परंपरा, लोकसंस्कृती आणि चालीरीतींचा समावेश होतो.

सांस्कृतिक वारशाचे संरक्षण करणे महत्त्वाचे आहे कारण तो सामाजिक ओळख, एकता आणि राष्ट्रीय अस्मिता जपतो. तसेच, पर्यटन आणि सांस्कृतिक उद्योगांच्या माध्यमातून तो आर्थिक विकासालाही हातभार लावतो. जागतिकीकरणाच्या युगात सांस्कृतिक वारसा हरवू नये म्हणून त्याचे संवर्धन आणि जतन करणे आवश्यक आहे. **युनेस्को** आणि **WIPO** सारख्या आंतरराष्ट्रीय संस्था वारसा संवर्धनासाठी महत्त्वाची भूमिका बजावतात, ज्यामुळे तो भावी पिढ्यांसाठी सुरक्षित राहू शकतो.

सांस्कृतिक वारशाचे संरक्षण केवळ भूतकाळ जतन करणे नसून, तो लोकांच्या ओळखीचा आणि आर्थिक विकासाचा एक महत्त्वाचा घटक देखील आहे.

बौद्धिक संपदा हक्कांचा सांस्कृतिक वारशावर परिणाम:

बौद्धिक संपदा हक्कांमध्ये पेटंट, कॉपीराइट, ट्रेडमार्क आणि भू-गोलक संकेत (GI Tags) समाविष्ट

असतात. सांस्कृतिक वारशावर या हक्कांचे सकारात्मक आणि नकारात्मक परिणाम दिसून येतात.

बौद्धिक संपदा हक्कांचा सांस्कृतिक वारशावर परिणाम:

बौद्धिक संपदा हक्क (IPR) म्हणजे एखाद्या सर्जनशील किंवा पारंपरिक गोष्टीवरील कायदेशीर मालकी हक्क. हे हक्क सांस्कृतिक वारशाचे संरक्षण करण्यास मदत करतात, पण काही वेळा स्थानिक समुदायांसाठी अडचणीही निर्माण करतात.

सकारात्मक प्रभाव:

1. **संरक्षण आणि जागतिक ओळख:** भौगोलिक निर्देशांक (GI Tags) आणि कॉपीराइट यामुळे वारसा उत्पादनांना जागतिक बाजारपेठ मिळते. उदा. बनारसी साडी, पैठणी, दार्जिलिंग चहा.
2. **स्थानिक समुदायांना आर्थिक फायदा:** पारंपरिक कला आणि हस्तकला संरक्षित केल्याने स्थानिक कारागीर आणि कलाकारांना फायदा होतो.
3. **संशोधन आणि नवोपक्रमास चालना:** पारंपरिक औषधांवर संशोधन करून औद्योगिक स्तरावर त्याचा विकास होतो.

नकारात्मक प्रभाव:

1. **सांस्कृतिक अपहरण:** बहुराष्ट्रीय कंपन्या स्थानिक परंपरा आणि डिझाईन्स विनापरवाना वापरतात. उदा. पारंपरिक वस्त्रांच्या नमुन्यांची कॉपी करून व्यावसायिक उत्पादन.
2. **पारंपरिक ज्ञानाचे पेटंटिंग:** स्थानिक समुदायांना न विचारता त्यांचे पारंपरिक ज्ञान औद्योगिक पेटंट म्हणून नोंदवले जाते, उदा. हल्दी (हळद) आणि नीमवरील पेटंट वाद.
3. **मर्यादित प्रवेश:** बौद्धिक संपदा हक्कांमुळे काही सांस्कृतिक वारसा केवळ विशिष्ट व्यक्तींना किंवा कंपन्यांना मर्यादित होतो, ज्यामुळे मूळ समाजापासून तो दुरावतो.

म्हणूनच, IPR चा योग्य तोडगा शोधणे आवश्यक आहे जेणेकरून सांस्कृतिक वारसा संरक्षित होईल आणि स्थानिक समुदायांना त्याचा न्याय्य लाभ मिळेल.

WIPO आणि सांस्कृतिक वारसा संरक्षण:

WIPO (World Intellectual Property Organization) ही संयुक्त राष्ट्रसंघाशी संलग्न संस्था आहे, जी बौद्धिक संपदा हक्कांचे (Intellectual Property Rights - IPR) आंतरराष्ट्रीय नियमन आणि संरक्षण करण्यासाठी कार्य करते. पारंपरिक ज्ञान, लोककला, स्थानिक हस्तकला आणि सांस्कृतिक वारशाच्या बौद्धिक संपत्तीचे संरक्षण करणे हे WIPO चे एक महत्वाचे उद्दिष्ट आहे.

WIPO च्या सांस्कृतिक वारसा संरक्षणातील भूमिका:

1. परंपरागत ज्ञान आणि सांस्कृतिक अभिव्यक्तीचे संरक्षण:

अनेक स्थानिक आणि पारंपरिक समुदायांच्या कलाकृती, परंपरा आणि ज्ञानाचे बौद्धिक संपत्तीच्या माध्यमातून संरक्षण केले जाते. Geographical Indications (GI Tags) च्या माध्यमातून सांस्कृतिक वारसा असलेल्या उत्पादनांना जागतिक स्तरावर ओळख मिळते. उदाहरणार्थ, दार्जिलिंग चहा, बनारसी साडी, पैठणी, कोल्हापुरी चप्पल यासारखी उत्पादने GI टॅग अंतर्गत संरक्षित केली जातात, ज्यामुळे त्यांच्या अस्सलतेची खात्री होते.

2. पारंपरिक ज्ञानाच्या गैरवापराविरोधात उपाययोजना:

मोठ्या कंपन्यांद्वारे स्थानिक समुदायांच्या ज्ञानाचा गैरवापर थांबवण्यासाठी WIPO विविध कायदेशीर उपाययोजना आणि धोरणे तयार करते. काही कंपन्या स्थानिक औषधी वनस्पती आणि पारंपरिक उपचारपद्धतींवर पेटंट मिळवतात, त्यामुळे स्थानिक समाजांना त्याचा लाभ मिळत नाही. हे

टाळण्यासाठी Traditional Knowledge Digital Library (TKDL) सारखी प्रणाली तयार करण्यात आली आहे, जी पारंपरिक ज्ञानाचे दस्तऐवजीकरण करून ते सार्वजनिक डोमेनमध्ये आणते.

3. सांस्कृतिक वारशाच्या डिजिटलायझेशनला मदत:

WIPO विविध देशांसोबत मिळून सांस्कृतिक वारसा डिजिटल स्वरूपात संरक्षित करण्यासाठी मदत करते. अनेक लोककला, पारंपरिक संगीत आणि शिल्पकलेचे दस्तऐवजीकरण डिजिटल स्वरूपात करून भविष्यातील पिढ्यांसाठी ते सुरक्षित केले जाते. डिजिटलायझेशनमुळे स्थानिक वारसा जागतिक स्तरावर पोहोचतो आणि त्याच्या प्रचार-प्रसाराला मदत होते.

4. आंतरराष्ट्रीय सहकार्य आणि धोरणात्मक मदत:

विविध देशांसोबत मिळून सांस्कृतिक वारशाच्या संरक्षणासाठी बौद्धिक संपदा कायदे आणि धोरणे विकसित केली जातात. WIPO आणि UNESCO सहकार्य: दोन्ही संस्था एकत्र येऊन पारंपरिक ज्ञान आणि सांस्कृतिक वारशाच्या संरक्षणासाठी विविध प्रकल्प राबवतात. UNESCO सांस्कृतिक वारसा स्थळांना संरक्षण देते, तर WIPO त्याच्या बौद्धिक संपदा हक्कांचे रक्षण करते.

WIPO ही जागतिक स्तरावर सांस्कृतिक वारशाच्या बौद्धिक संपदा संरक्षणासाठी महत्त्वाची भूमिका बजावते. परंतु, स्थानिक समुदायांना त्यांच्या पारंपरिक वारशावर अधिक स्वामित्व आणि आर्थिक लाभ मिळण्यासाठी WIPO ला अजून प्रभावी धोरणे लागू करावी लागतील. सांस्कृतिक वारसा टिकवण्यासाठी बौद्धिक संपदा संरक्षण आणि स्थानिक सहभाग दोन्ही आवश्यक आहेत.

युनेस्को आणि सांस्कृतिक वारसा संरक्षण:

युनेस्को ही एक आंतरराष्ट्रीय संस्था आहे जी शैक्षणिक, वैज्ञानिक आणि सांस्कृतिक वारशाचे संरक्षण करण्यासाठी कार्यरत आहे.

युनेस्कोच्या सांस्कृतिक वारसा संरक्षणाच्या प्रमुख योजना:

1. 1972 चा जागतिक वारसा करार (World Heritage Convention): या अंतर्गत विविध ऐतिहासिक स्थळांना जागतिक वारसा स्थळांचा दर्जा दिला जातो.
2. 2003 चा अमूर्त सांस्कृतिक वारसा करार: लोककला, परंपरा आणि भाषा यांचे संरक्षण करण्यासाठी आखलेला करार.
3. Creative Cities Network: विविध शहरांना सांस्कृतिक वारसा संवर्धनासाठी एकत्र आणणारी योजना.

युनेस्कोच्या कार्याची परिणामकारकता

युनेस्को (UNESCO - United Nations Educational, Scientific and Cultural Organization) ही संयुक्त राष्ट्रसंघाची संस्था असून, शिक्षण, विज्ञान, संस्कृती आणि वारसा संवर्धनासाठी कार्य करते. तिच्या विविध कार्यक्रमांमुळे जागतिक वारसा स्थळांचे संरक्षण, शैक्षणिक सुधारणा आणि सांस्कृतिक विविधतेला प्रोत्साहन मिळते.

1. जागतिक वारसा स्थळांचे संरक्षण (World Heritage Sites Protection):

युनेस्को 1972 च्या जागतिक वारसा संधीनुसार (World Heritage Convention) ऐतिहासिक, सांस्कृतिक आणि नैसर्गिक स्थळांचे संरक्षण करते. यामुळे ताजमहाल, अजंठा-वेरूळ लेण्या, काझीरंगा राष्ट्रीय उद्यान यासारखी स्थळे जागतिक स्तरावर महत्त्वाची ठरली. अनेक देशांना आर्थिक मदत आणि तांत्रिक सहाय्य मिळाले, ज्यामुळे ऐतिहासिक वारसा टिकवता आला. पर्यटन आणि स्थानिक अर्थव्यवस्थेला चालना मिळाली.

मात्र, राजकीय हस्तक्षेप आणि स्थानिक समुदायांचा अपुरा सहभाग यामुळे काही ठिकाणी योग्य संवर्धन होत नाही.

2. सांस्कृतिक विविधतेचा प्रचार (Promotion of Cultural Diversity):

युनेस्को विविध देशांच्या संस्कृती, भाषा आणि पारंपरिक कलांचे जतन आणि प्रचार करण्यासाठी कार्य करते. ‘Cultural Diversity and Sustainable Development’ उपक्रमामुळे स्थानिक कलाकारांना व्यासपीठ मिळाले आहे. UNESCO Creative Cities Network मुळे सर्जनशील शहरांना आंतरराष्ट्रीय स्तरावर मान्यता मिळाली. अनेक छोट्या भाषांच्या संवर्धनासाठी प्रकल्प राबवले गेले. मात्र, जागतिकीकरणामुळे अनेक स्थानिक परंपरा आणि भाषा नष्ट होण्याचा धोका कायम आहे.

3. शिक्षण आणि साक्षरता सुधारणा (Education and Literacy Improvement):

युनेस्को शिक्षणासाठी ‘Education for All’ आणि ‘Sustainable Development Goals’ (SDGs) अंतर्गत अनेक योजना राबवते. गरीब आणि विकसनशील देशांमध्ये मुलींच्या शिक्षणाला चालना मिळाली. डिजिटल शिक्षण आणि E-learning प्रकल्पांद्वारे लाखो लोकांना शिक्षण मिळाले. शिक्षण पद्धती सुधारण्यासाठी विविध देशांना मार्गदर्शन करण्यात आले. मात्र, काही ठिकाणी आर्थिक मदतीच्या कमतरतेमुळे अपेक्षित परिणाम दिसले नाहीत.

4. स्वातंत्र्य आणि मानवाधिकार संरक्षण (Freedom and Human Rights Protection):

युनेस्को पत्रकारांच्या स्वातंत्र्याचे आणि अभिव्यक्ती स्वातंत्र्याचे रक्षण करण्यासाठी प्रयत्न करते.

‘World Press Freedom Day’ च्या माध्यमातून पत्रकारांना संरक्षण मिळाले. अनेक ठिकाणी मानवी

हक्कांसाठी जागरूकता निर्माण झाली. मात्र, काही देशांमध्ये अद्याप अभिव्यक्ती स्वातंत्र्यावर निर्बंध आहेत.

5. विज्ञान आणि तंत्रज्ञान क्षेत्रातील योगदान (Contribution in Science and Technology):

युनेस्को शाश्वत विकासासाठी विज्ञान, हवामान बदल, जल व्यवस्थापन आणि जैवविविधता संरक्षणावर भर देते. हवामान बदलाचा अभ्यास करण्यासाठी ‘Man and Biosphere Program’ उपक्रम प्रभावी ठरला. जलसंपत्तीचे योग्य व्यवस्थापन करण्यासाठी अनेक प्रकल्प राबवले गेले. मात्र, विकसनशील देशांमध्ये अद्याप विज्ञान संशोधन आणि वित्तीय मदतीचा अभाव आहे.

युनेस्कोने अनेक क्षेत्रात उल्लेखनीय योगदान दिले असले तरी स्थानिक समुदायांचा सहभाग, निधीचा योग्य वापर आणि तांत्रिक अडचणी दूर करणे गरजेचे आहे. त्यामुळे युनेस्कोच्या योजनांचा अधिक चांगला परिणाम दिसू शकतो.

WIPO आणि युनेस्को यांचे परस्पर संबंध आणि सहकार्य:

WIPO आणि युनेस्को हे दोन्ही संस्थान सांस्कृतिक वारसा आणि बौद्धिक संपदा हक्कांच्या जतनासाठी सहकार्य करतात. संयुक्त प्रकल्प: पारंपरिक ज्ञान आणि सांस्कृतिक वारसा डिजिटल स्वरूपात जतन करण्यासाठी दोन्ही संस्थांचे संयुक्त उपक्रम आहेत. कायदेशीर मदत: बौद्धिक संपदा हक्कांची अंमलबजावणी आणि वारसा स्थळांचे संरक्षण यासाठी मार्गदर्शन करतात. स्थानिक समुदायांना प्रोत्साहन: दोन्ही संस्था स्थानिक कलाकारांना जागतिक स्तरावर ओळख मिळवून देण्यासाठी प्रयत्नशील आहेत.

भारतातील सांस्कृतिक वारसा संरक्षणासाठी धोरणे आणि कायदे:

भारत हा समृद्ध सांस्कृतिक वारसा असलेला देश आहे. मंदिरं, किल्ले, शिल्पकला, चित्रकला, पारंपरिक नृत्य-गायन, लोककला आणि पारंपरिक ज्ञान यांचे जतन करण्यासाठी अनेक कायदे आणि धोरणे राबवली जातात. भारत सरकारने सांस्कृतिक वारसा संरक्षणासाठी अनेक कायदे आणि योजना आखल्या आहेत, जसे की:

प्राचीन स्मारक आणि पुरातत्त्वीय स्थळे व अवशेष कायदा, 1958 हा कायदा भारतातील 100 वर्षांपेक्षा जुनी ऐतिहासिक स्थळे आणि अवशेषांचे संरक्षण करतो. **भारतीय पुरातत्त्व सर्वेक्षण (ASI)** ही संस्था याचा अंमल करते. या कायद्यामुळे कोणत्याही संरक्षित स्मारकाचे अवैध नष्टिकरण रोखले जाते.

भारतीय वारसा धोरण, 2017 हे धोरण सांस्कृतिक वारशाच्या संरक्षणासाठी व्यापक मार्गदर्शक तत्त्वे देते. यात **स्थानीय समुदायांचा सहभाग**, **वारशाच्या संवर्धनासाठी निधी**, **पर्यटनाच्या वाढीस चालना** यावर भर दिला जातो.

बौद्धिक संपदा हक्क (IPR) आणि GI टॅग कायदा, 1999 पारंपरिक उत्पादनांना ओळख मिळवून देतो. **दार्जिलिंग चहा**, **पैठणी**, **वाराणसी सिल्क** यासारख्या वारशात्मक उत्पादनांचे संरक्षण होते.

युनेस्कोच्या जागतिक वारसा कार्यक्रमांतर्गत संरक्षण या माध्यमातून भारतातील अनेक स्थळांना आंतरराष्ट्रीय मान्यता मिळाली आहे. **अजंठा-वेरूळ लेण्या**, **ताजमहाल**, **कुतुबमिनार** यासारख्या ठिकाणांचे जतन करण्यास मदत होते.

पर्यावरण संरक्षण कायदा, 1986 हा

जैवविविधतेचा समृद्ध वारसा जतन करण्यासाठी महत्वाचा आहे. **सदाहरित जंगले**, **नद्यांचे संवर्धन आणि पवित्र स्थळांचे पर्यावरण संरक्षण** करण्यावर भर दिला जातो.

ही धोरणे आणि कायदे भारताच्या सांस्कृतिक वारशाचे संरक्षण करत असली तरी **कार्यवाहीतील अडथळे**, **निधी अभाव आणि लोकसहभागाचा अभाव** या कारणांमुळे त्यांची प्रभावी अंमलबजावणी गरजेची आहे

निष्कर्ष:

WIPO आणि युनेस्को सांस्कृतिक वारसा संरक्षणात महत्वाची भूमिका बजावतात. जागतिकीकरणाच्या युगात बौद्धिक संपदा हक्क सांस्कृतिक वारशाच्या संवर्धनासाठी आवश्यक असले तरी त्याचे योग्य व्यवस्थापन करणे गरजेचे आहे.

भारतातील सांस्कृतिक वारसा संरक्षणासाठी बौद्धिक संपदा हक्कांचा प्रभावी वापर करणे आवश्यक आहे. सरकार, आंतरराष्ट्रीय संस्था आणि स्थानिक समुदाय यांचे एकत्रित प्रयत्नच सांस्कृतिक वारशाचे दीर्घकालीन जतन सुनिश्चित करू शकतात.

संदर्भ:

1. WIPO – www.wipo.int
2. UNESCO – www.unesco.org
3. भारत सरकारचे बौद्धिक संपदा हक्क धोरण दस्तऐवज
4. विविध संशोधन लेख आणि अहवाल

बौद्धिक संपदा अधिकार : एक समाजशास्त्रीय अभ्यास

प्रा. डॉ. संजय गंगाराम सूरवाड

सहयोगी प्राध्यापक व समाजशास्त्र विभाग प्रमुख,

म. शि. प्र. मंडळाचे यशवंतराव चव्हाण महाविद्यालय, अंबाजोगाई जि. बीड

Corresponding Author – प्रा. डॉ. संजय गंगाराम सूरवाड

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प्रस्तावना:

एक विसाव्या शतक हे ज्ञान आधारित प्रगतीची युग आहे आज प्रत्येक क्षेत्रात डेटा माहिती ज्ञानाचा बोलबाला आहे आज कृषी उद्योग व्यापार राजकारण समाजकारण प्रशासन माहितीच्या आधारावर प्रगती करित आहे आर्थिक सामाजिक विकासासाठी ज्ञानाचा शोध आणि त्याचा विकास करणे त्यासाठी प्रसार प्रचार करणे आवश्यक आहे आज ज्ञान निर्मिती अज्ञान प्रसारण आणि त्याचा आर्थिक फायद्यासाठी वापर जग करित आहे हे करण्यासाठी त्याची नोंदणी बौद्धिक संपदा म्हणून करणे आवश्यक आहे.

संशोधनाचा उद्देश:

प्रस्तुत संशोधनाचा उद्देश खालील प्रमाणे आहे.

1. बौद्धिक संपदा अधिकार म्हणजे काय त्याचा समाजशास्त्रीय अभ्यास करणे.
2. बौद्धिक संपदा अधिकाराचे स्वरूप समजावून घेणे.
3. बौद्धिक संपदा म्हणजे काय याची माहिती घेणे.

संशोधनाची गृहीत कृत्ये:

प्रस्तुत संशोधनाचे गृहीतके खालील प्रमाणे आहेत.

1. बौद्धिक संपदा च्या हक्कामुळे नवनवीन शोध, कलाकृती, निर्मिती, प्रोत्साहन मिळत आहे.
2. बौद्धिक संपदा अधिकारामुळे संशोधकांना प्रोत्साहन आर्थिक लाभ व कायदेशी महत्त्व प्राप्त होत आहे

संशोधन पद्धती:

प्रस्तुत लघु शोधनिबंधात बौद्धिक संपदा अधिकाराचा समाजशास्त्रीय अभ्यास करण्यासाठी संपूर्ण माहिती दुय्यम उगमस्थानातून घेतलेली आहेत. यात विविध संदर्भ, पुस्तके, शासनाचे अहवाल, मासिके, इंटरनेट व वर्तमानपत्र तसेच इंटरनेटच्या विविध उगम साधनाचा माहिती मिळवण्यासाठी उपयोग केलेला आहे.

बौद्धिक संपदा म्हणजे काय?

बौद्धिक संपदा अर्थ आणि व्याख्या शोध घेण्याची व शोध लावण्याची मानवाची क्षमता विशेष आहे तीच त्याची बौद्धिक संपदा आहे एखादी संकल्पना भावना किंवा कृती सादर करण्याची व्यक्त करण्याची व साठवून ठेवण्याची अभिनव पद्धत आणि त्यातील कसं म्हणजेच बौद्धिक संपदा होय मानवी मनाच्या व बुद्धीच्या मदतीने निर्माण झालेली मालमत्ता म्हणजे बौद्धिक संपदा होय तिचा अविष्कार औद्योगिक क्षेत्रात विज्ञान क्षेत्रात साहित्य किंवा कलेच्या क्षेत्रात

होतो मानवाचे मन आणि बुद्धी यातूनच निर्माण झालेल्या बाबीविषयी कायदेशीर विचार करणे बौद्धिक संपदेत अभिप्रेत आहेत वाणिज्य घडामोडीत वापरता येणारे शोध तसेच चिन्हे नावे चित्रे आकृत्या व संकल्प चित्रे याबरोबरच संगीत साहित्य आणि कलाविषयक निर्मिती ही सर्व बौद्धिक संपदा मानली जाते जागतिक बौद्धिक संपदा संघटन यांनी बौद्धिक संपत्तीची व्याख्या फारच व्यापक केली आहे

बौद्धिक संपदा (Intellectual Property - IP) ही व्यक्तीची सर्जनशीलता, नाविन्य आणि विचारांची मूल्यवर्धन करणारी एक प्रणाली आहे. तिचा उपयोग जागतिक अर्थव्यवस्थेमध्ये मोठा आहे. बौद्धिक संपदेचे समाजशास्त्र हे सर्जनशीलतेचे, नाविन्याचे आणि त्याच्या अधिकारांचे सामाजिक, सांस्कृतिक, आणि आर्थिक संदर्भात विश्लेषण करणारे एक क्षेत्र आहे. बौद्धिक संपदा हे केवळ कायदेशीर आणि आर्थिक दृष्टिकोनातून महत्त्वपूर्ण नसून, त्याचा समाजातील विविध गटांवर, संस्कृतीवर, आणि मानवी संबंधांवर मोठा प्रभाव पडतो. मनुष्याची बौद्धिक गुणवत्ता आणि परिश्रम, तसेच व्यक्तीच्या सर्जनक्षमतेमुळे त्या व्यक्तीस जी संपत्ती प्राप्त होते, ती बौद्धिक संपदा होय. बौद्धिक संपदा (IP) ही एखाद्याच्या मनाची उत्पत्ती असलेल्या कोणत्याही अमूर्त मालमत्तेसाठी एक संज्ञा आहे. आयपी अशी मालकी आहे ज्याचे मूल्य आहे परंतु भौतिक वस्तू म्हणून अस्तित्वात नाही. बौद्धिक संपत्तीच्या उदाहरणांमध्ये डिझाइन, संकल्पना, सॉफ्टवेअर, आविष्कार, व्यापार रहस्ये, सूत्रे, ब्रँड नावे आणि कलाकृती यांचा समावेश होतो.

बौद्धिक संपदा अधिकार म्हणजे काय?

बौद्धिक संपदा हक्क म्हणजे व्यक्तींना त्यांच्या मनाच्या निर्मितीवर दिलेले अधिकार. ते सहसा निर्मात्याला त्याच्या निर्मितीच्या विशिष्ट कालावधीसाठी वापरण्याचा अनन्य अधिकार देतात.

बौद्धिक संपदा अधिकार म्हणजे, एखाद्या व्यक्तीच्या किंवा संस्थेच्या कल्पना किंवा माहितीचा

वापर किंवा प्रसार नियंत्रित करण्याचे कायदेशीर अधिकार. या अधिकारांमुळे, शोधकर्त्यांना त्यांच्या कार्याच्या श्रेयाबरोबरच योग्य आर्थिक मोबदला मिळतो आणि त्यांच्या शोधाचा दुरुपयोग होत नाही.

बौद्धिक संपदा (IP) ही एखाद्याच्या मनाची निर्मिती असलेल्या कोणत्याही अमूर्त मालमत्तेसाठी एक संज्ञा आहे. IP ही अशी मालकीची वस्तू आहे ज्याचे मूल्य असते परंतु ती भौतिक वस्तू म्हणून अस्तित्वात नसते. बौद्धिक संपदेच्या उदाहरणांमध्ये डिझाइन, संकल्पना, सॉफ्टवेअर, शोध, व्यापार गुपिते, सूत्रे, ब्रँड नावे आणि कलाकृतींचा समावेश आहे. बौद्धिक संपदा कायद्याने कॉपीराइट, ट्रेडमार्क, पेटंट किंवा व्यापार गुपितेद्वारे संरक्षित केली जाऊ शकते.

बौद्धिक संपदेचे इतिहासिक संदर्भ:

बौद्धिक संपदा अधिकारांचे इतिहासिक संदर्भ १७ व्या शतकापर्यंत पोहोचतात. इंग्लंडमध्ये १७०९ मध्ये 'स्टॅट्यूट ऑफ अँन' या कायद्याद्वारे बौद्धिक संपदेची सुरुवात झाली. यामुळे लेखकांना त्यांच्या लेखनावर हक्क मिळाले, जे पुढे कॉपीराइट कायद्यात रूपांतरित झाले. त्यानंतर, पेटंट्स, ट्रेडमार्क्स आणि बिझनेस गुपिते यांसारखे विविध बौद्धिक संपदा अधिकार विकसित झाले.

बौद्धिक संपदाचे समाजातील स्थान बदलले आहे, विशेषतः औद्योगिक क्रांतीनंतर. जेव्हा मशीनीकरण आणि विज्ञानाच्या क्षेत्रात प्रगती झाली, तेव्हा नाविन्य आणि सर्जनशीलतेला संरक्षण देण्यासाठी बौद्धिक संपदा कायद्याची गरज निर्माण झाली. आजकाल, डिजिटल तंत्रज्ञानाच्या युगात, बौद्धिक संपदा अधिकारांची महत्ता आणखी वाढली आहे.

बौद्धिक संपदा अधिकारांचे प्रकार:

१. **पेटंट्स:** पेटंट्स शोधांवर हक्क मिळवून देतात. पेटंट शोधाने नवीन तंत्रज्ञानाच्या विकासाला चालना दिली आहे. पेटंट अधिकार, शोधकाला एका निश्चित

कालावधीसाठी (सामान्यतः २० वर्ष) त्याच्या शोधावर पूर्ण नियंत्रण देतात.

२. **कॉपीराइट:** कॉपीराइटचा उद्देश साहित्य, संगीत, चित्रकला, इ. कलात्मक कृत्यांच्या हक्काचे संरक्षण करणे आहे. लेखकाला त्याच्या कलेच्या निर्मितीवर हक्क असतात आणि त्यांना इतरांना कॉपी करण्याची किंवा पुनरुत्पादित करण्याची परवानगी नसते.

३. **ट्रेडमार्क्स:** ट्रेडमार्क्स ब्रँड्स, उत्पादने किंवा सेवा यांचे संकेत, चिन्ह किंवा नाव यावर हक्क प्राप्त करतात. यामुळे उत्पादकांना त्यांच्या मालाच्या गुणवत्ता आणि ओळख संरक्षण मिळते.

४. **व्यापार गुपिते:** व्यापार गुपिते हे त्या माहितीचे संरक्षण करतात, ज्यामुळे व्यवसायाला स्पर्धात्मक फायदा होतो. यामध्ये उत्पादनाच्या प्रक्रियेतील गुप्त माहिती, विक्री धोरणे आणि इतर महत्वपूर्ण घटक समाविष्ट होतात.

बौद्धिक संपदा हक्क सामान्यतः दोन मुख्य क्षेत्रांमध्ये विभागले जातात:

साहित्यिक आणि कलात्मक कृतींच्या लेखकांचे हक्क (जसे की पुस्तके आणि इतर लेखन, संगीत रचना, चित्रे, शिल्पकला, संगणक कार्यक्रम आणि चित्रपट) लेखकाच्या मृत्यूनंतर किमान ५० वर्षांच्या कालावधीसाठी कॉपीराइटद्वारे संरक्षित केले जातात. कॉपीराइट आणि संबंधित (कधीकधी "शेजारी" म्हणून ओळखले जाणारे) अधिकार कलाकारांचे (उदा. अभिनेते, गायक आणि संगीतकार), फोनोग्रामचे निर्माते (ध्वनी रेकॉर्डिंग) आणि प्रसारण संस्थांचे हक्क देखील संरक्षित आहेत. कॉपीराइट आणि संबंधित अधिकारांच्या संरक्षणाचा मुख्य सामाजिक उद्देश सर्जनशील कार्याला प्रोत्साहन देणे आणि त्यांना बक्षीस देणे आहे.

औद्योगिक मालमत्तेचे उपयुक्तपणे दोन मुख्य क्षेत्रांमध्ये विभाजन करता येईल: एका क्षेत्राचे वैशिष्ट्य म्हणजे विशिष्ट चिन्हांचे संरक्षण, विशेषतः ट्रेडमार्क आणि भौगोलिक संकेत त्याच्या भौगोलिक उत्पत्तीशी अशा विशिष्ट चिन्हांचे संरक्षण हे निष्पक्ष स्पर्धा उत्तेजित

करणे आणि सुनिश्चित करणे आणि ग्राहकांना विविध वस्तू आणि सेवांमध्ये माहितीपूर्ण निवडी करण्यास सक्षम करून त्यांचे संरक्षण करणे हे आहे. जर चिन्हाचा प्रश्न विशिष्ट राहिला तर संरक्षण अनिश्चित काळासाठी टिकू शकते. इतर प्रकारच्या औद्योगिक मालमत्तेचे संरक्षण प्रामुख्याने नवोन्मेष, डिझाइन आणि तंत्रज्ञानाच्या निर्मितीला चालना देण्यासाठी केले जाते.

सामाजिक उद्देश नवीन तंत्रज्ञानाच्या विकासात गुंतवणुकीच्या परिणामांना संरक्षण प्रदान करणे आहे, ज्यामुळे संशोधन आणि विकास क्रियाकलापांना वित्तपुरवठा करण्यासाठी प्रोत्साहन आणि साधन मिळते.

संरक्षण सामान्यतः मर्यादित कालावधीसाठी दिले जाते (सामान्यतः पेटंटच्या बाबतीत २० वर्षे).

बौद्धिक संपदा संरक्षणाची मूलभूत सामाजिक उद्दिष्टे वर वर्णन केल्याप्रमाणे असली तरी, हे देखील लक्षात घेतले पाहिजे की दिलेले विशेष अधिकार सामान्यतः अनेक मर्यादा आणि अपवादांच्या अधीन असतात, ज्याचा उद्देश हक्कधारक आणि वापरकर्त्यांच्या कायदेशीर हितसंबंधांमधील संतुलन सुधारणे आहे.

बौद्धिक संपदा अधिकार संरक्षणासाठी भारतातील कायदे:

१. कॉपीराईट ॲक्ट, १९५७
२. पेटंट ॲक्ट, १९७० संशोधित २००२, संशोधित २००५,
३. ट्रेड मार्क्स ॲक्ट १९९९,
४. जिओग्राफिकल इन्फेक्शन्स गुड्स ॲक्ट, १९९९
५. डिझाईन्स ॲक्ट, २००६
६. प्रोटेक्शन ऑफ प्लांट वरायटीज अँड फार्मर्स राइट्स ॲक्ट, २००१

समाजशास्त्राच्या दृष्टिकोनातून बौद्धिक संपदा:

बौद्धिक संपदा अधिकार : एक समाजशास्त्रीय अभ्यास करतांना, दोन महत्वाचे घटक समजून घेणे आवश्यक आहे - एक म्हणजे सर्जनशीलता आणि दुसरे म्हणजे हक्कांचे संरक्षण. समाजशास्त्राच्या दृष्टिकोणातून, बौद्धिक संपदेचा विकास आणि त्याच्या सामाजिक परिणामांचा अभ्यास करणे महत्वाचे आहे. यामुळे सामाजिक न्याय, समानता, आर्थिक समृद्धी आणि सांस्कृतिक विविधतेच्या मुद्द्यांवर प्रकाश पडतो.

समाजशास्त्राच्या दृष्टिकोणातून, बौद्धिक संपदा विविध सामाजिक, सांस्कृतिक आणि आर्थिक घटकांचा एक भाग आहे. हा विषय एकाच पद्धतीने नाही पाहता, ते अनेक दृष्टिकोनांपासून विचारले जाते:

1. सर्जनशीलता आणि समाज: बौद्धिक संपदा हक्कांचे महत्त्व जरी व्यक्तीच्या सर्जनशीलतेला दिले जाते, तरी या सर्जनशीलतेचा समाजावर, संस्कृतीवर आणि समुदायावर परिणाम होतो. बौद्धिक संपदा हे व्यक्तीला स्वतःच्या विचारांना आणि कलेला न्याय देणारे असले तरी, त्याचप्रमाणे समाजाच्या पारंपरिक आणि सामूहिक मूल्यांचे संरक्षण करणे आवश्यक आहे. समाजशास्त्रात, सर्जनशीलतेला
2. बौद्धिक संपदा (Intellectual Property - IP) समाजशास्त्राच्या दृष्टिकोणातून एक महत्त्वपूर्ण विषय आहे, कारण याचा समाज, संस्कृती, तंत्रज्ञान आणि अर्थव्यवस्थेवरील प्रभाव मोठा आहे. बौद्धिक संपदा म्हणजे मानवाची सर्जनशीलता आणि नाविन्याचा कायमचा हक्क, ज्यामध्ये पेटंट्स, कॉपीराइट्स, ट्रेडमार्क्स आणि व्यापार गुपिते यांचा समावेश होतो.

समाजशास्त्राच्या दृष्टिकोनातून बौद्धिक संपदा खालील मुद्द्यांवर विचार करते:

1. सर्जनशीलता आणि सामूहिक कार्य: बौद्धिक संपदा एक व्यक्तीच्या सर्जनशीलतेचा मान्यता देतो, पण समाजशास्त्राचे दृष्टिकोण त्या सर्जनशीलतेचे सामाजिक आणि सांस्कृतिक संदर्भ कसे असतात यावर जोर देतो. अनेक वेळा सर्जनशीलतेला एक सांस्कृतिक परंपरा किंवा सामूहिक योगदान म्हणून पाहिले जाते.
2. सामाजिक समानता आणि बौद्धिक संपदा: बौद्धिक संपदा हक्क समानतेच्या दृष्टीने विचारले जातात, कारण हा हक्क फक्त विशेष लोकांना मिळवला जातो. त्याचा वितरण, प्रवेश आणि अधिकार समाजात अधिक समृद्ध किंवा गरीब बनवू शकतो. तसेच, यामुळे काही लोक आर्थिकदृष्ट्या अधिक समृद्ध होतात, तर इतरांची स्थिती खालावू शकते.
3. पुढारलेली तंत्रज्ञान आणि बौद्धिक संपदा: तंत्रज्ञानाच्या वाढीने बौद्धिक संपदांच्या व्यवस्थेवर मोठा प्रभाव केला आहे. नवे तंत्रज्ञान आणि डिजिटल युगामुळे, बौद्धिक संपदा अधिकारांचे उल्लंघन अधिक साध्य झाले आहे, ज्यामुळे नवीन कायदे आणि धोरणांची आवश्यकता निर्माण झाली आहे.
4. आर्थिक विकास आणि बौद्धिक संपदा: बौद्धिक संपदा अधिकार आर्थिक वाढीचा एक महत्वाचा घटक आहेत. हे शोध आणि नवकल्पना प्रोत्साहित करतात, पण त्यांचे नियंत्रण आणि हस्तांतरण कसे होते यावर समाजातील विभिन्न गटांचा सहभाग महत्वाचा ठरतो.
5. सांस्कृतिक वैशिष्ट्य आणि बौद्धिक संपदा: विविध संस्कृतीमध्ये बौद्धिक संपदा आणि त्यांचे संरक्षण वेगळ्या प्रकारे होतं. काही संस्कृतीत सामूहिक मालकी असू

शकते, तर इतर ठिकाणी हे व्यक्तीगत अधिकार म्हणून स्वीकारले जातात.

6. समाजशास्त्राच्या दृष्टीकोणातून, बौद्धिक संपदा एकाच प्रकारे नाही, ते एक बहुआयामी, बहुस्तरीय आणि विविध सामाजिक, सांस्कृतिक आणि आर्थिक घटकांच्या आधारे आकार घेत असतात.

निष्कर्ष:

बौद्धिक संपत्ती अधिकारामुळे विविध प्रकारच्या बौद्धिक संपदाच्या निर्मितीस, नव उपक्रमास, नवनवे शोध, कलाकृती यांच्या निर्मितीस प्रोत्साहन मिळाले आहे. व्यक्तीच्या कलेला, कल्पकतेला, लिखाणाला तसेच संशोधनाला चालला मिळाली आहे. बौद्धिक संपदा अधिकारामुळे लेखकांना कलाकारांना आर्थिक लाभ मिळवता येत आहे. संपदा अधिकार घेणाऱ्या व्यक्तीला संरक्षण मिळते. तसेच कोणी आपल्या कल्पनेचा वापर करत असल्यास त्याचीही माहिती मिळते. बौद्धिक संपदा अधिकाराचा वापर करून तळागाळातील व्यक्तींना आपले संशोधन जगासमोर प्रदर्शित करण्याची संधी मिळते. बौद्धिक संपदा अधिकाराच्या संरक्षणासाठी कॉपीराईट, ट्रेडमार्क, औद्योगिक डिझाईन, भौगोलिक निर्देशांक, पेटंट इत्यादींना कायदेशीर महत्त्व प्राप्त झाले आहे. बौद्धिक संपदा अधिकाराचा अधिकार कायद्याचा मुख्य उद्देश हा वेगवेगळ्या प्रकारची बौद्धिक संपदा निर्माण करण्यास प्रोत्साहन देणे हा आहे. एखाद्या गोष्टीचा आर्थिक

फायदा मिळवणे किंवा तिचे श्रेय मिळवणे यातून नवनवीन शोध कलाकृती याच्या निर्मितीस प्रोत्साहन मिळते हे यामागील तत्त्व आहे. शोध कर्त्याने शोध लावण्यासाठी वापरलेली बुद्धी, घेतलेले परिश्रम, खर्च, वेळ व पैसा याची भरपाई करणे व त्याची शोध लावण्याची वृत्ती वाढीस लावणे याकरिता त्याला आर्थिक लाभ मिळवून देणे हा बौद्धिक संपदा अधिकाराचा उद्देश आहे. यामुळे शोध लावणाऱ्या व्यक्तीस आर्थिक लाभ मिळतो तसेच त्याने केलेल्या कार्याचे, संशोधनाचे समाजातील लोकांना भौतिक सोयी सुविधा प्राप्त होऊन त्याचे राहणीमान उंचावते. यामुळे तंत्रज्ञानाच्या प्रगतीसाठी आणि आर्थिक व सामाजिक विकासासाठी बौद्धिक संपदा ही एक विश्वात एक शक्ती मानली जाते. जागतिक बाजारपेठेत स्पर्धा टिकून ठेवणे व ती सतत वाढवणे हे बौद्धिक संपदा अधिकारामुळे शक्य झाले आहे.

संदर्भसूची:

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बौद्धिक संपदा आणि सामाजिक विषमता: भारतातील वास्तव आणि आव्हाने

डॉ. बी. एम. कांबळे

प्राध्यापक व समाजशास्त्र विभाग प्रमुख, यशवंत महाविद्यालय, नांदेड, महाराष्ट्र

Corresponding Author – डॉ. बी. एम. कांबळे

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प्रस्तावना:

बौद्धिक संपदा हक्क (Intellectual Property Rights - IPR) आणि सामाजिक विषमता यांचे नाते आधुनिक भारतात महत्वाचा अभ्यासाचा विषय ठरला आहे. ज्ञान, नवोपक्रम आणि सर्जनशीलता यांना संरक्षण देणाऱ्या बौद्धिक संपदा कायद्यामुळे काही वर्गांना प्रगतीची संधी मिळते, तर काही समाजघटक या व्यवस्थेत मागे राहतात.

भारतात, विशेषतः आदिवासी, ग्रामीण उद्योजक, लघु व मध्यम उद्योग, तसेच पारंपरिक ज्ञान आणि स्थानिक कलांना जगभरात ओळख मिळवून देण्याच्या दृष्टीने बौद्धिक संपदेचे कायदे महत्वाचे ठरतात. मात्र, जागतिकीकरणाच्या प्रक्रियेत हेच कायदे अनेकदा मोठ्या उद्योगसमूहांच्या फायद्यासाठी कार्यरत असल्याचे दिसते. पेटंट, कॉपीराइट, आणि ट्रेडमार्क यासारख्या नियमांमुळे औषध, तंत्रज्ञान आणि कृषी संशोधन या क्षेत्रांमध्ये मोठी आर्थिक विषमता वाढली आहे.

या सेमिनारमध्ये भारतातील बौद्धिक संपदेचे धोरण, त्याचा सामाजिक आणि आर्थिक विषमतेवर होणारा प्रभाव, तसेच सर्वसमावेशक धोरणात्मक उपायांवर चर्चा केली जाईल. बौद्धिक संपदेचा लाभ सर्वसामान्यांपर्यंत पोहोचवण्यासाठी काय बदल आवश्यक आहेत, यावर तज्ज्ञ, संशोधक आणि धोरणकर्त्यांनी विचारमंथन करणे गरजेचे आहे.

बौद्धिक संपदेची संकल्पना आणि स्वरूप:

बौद्धिक संपदा (Intellectual Property) म्हणजे मानवी बुद्धीच्या सर्जनशीलतेतून निर्माण होणाऱ्या गोष्टींवर असलेले कायदेशीर हक्क. हे हक्क निर्मात्याला किंवा शोधकर्त्याला त्यांच्या कलाकृती, संशोधन, तंत्रज्ञान, पारंपरिक ज्ञान किंवा व्यावसायिक ओळखीचे संरक्षण देतात. भारतात आणि आंतरराष्ट्रीय स्तरावर बौद्धिक संपदा कायदे विकसित झाले असून त्याचा उद्योग, शिक्षण, संशोधन आणि सामाजिक न्यायावर मोठा प्रभाव आहे.

१. बौद्धिक संपदेचे प्रकार:

बौद्धिक संपदा विविध स्वरूपात विभागली जाते:

- पेटंट (Patent): एखाद्या नव्या शोधाला संरक्षण देणारा कायदेशीर हक्क, जो संशोधकाला विशिष्ट कालावधीसाठी त्या शोधाचा विशेषाधिकार देतो.
- कॉपीराइट (Copyright): साहित्य, संगीत, चित्रपट, सॉफ्टवेअर आणि इतर कलाकृतींना संरक्षण देते.
- ट्रेडमार्क (Trademark): एखाद्या उत्पादनाची किंवा सेवांची ओळख दर्शवणाऱ्या चिन्हांचे, नावांचे किंवा लोगोचे संरक्षण करते.
- भौगोलिक निर्देश (Geographical Indications - GI): विशिष्ट भौगोलिक ठिकाणी उत्पादित विशिष्ट वस्तूंना त्यांचे

वैशिष्ट्य जपण्यासाठी दिले जाणारे प्रमाणपत्र. उदा. दार्जिलिंग चहा, महाबलेश्वर स्ट्रॉबेरी.

- पारंपरिक ज्ञान (Traditional Knowledge): स्थानिक आणि आदिवासी समुदायांच्या पिढ्यान्पिढ्या चालत आलेल्या ज्ञानावर आधारित प्रणाली, जसे की आयुर्वेदिक उपचार आणि औषधनिर्मिती.

२. भारतातील बौद्धिक संपदा कायद्याचा आढावा:

भारताने बौद्धिक संपदेच्या क्षेत्रात अनेक कायदे स्वीकारले आहेत, जसे कीपेटंट कायदा १९७०, कॉपीराइट कायदा १९५७, ट्रेडमार्क कायदा १९९९, आणि GI कायदा १९९९. हे कायदे भारतातील संशोधन, नवोपक्रम आणि पारंपरिक ज्ञानाचे संरक्षण करण्यासाठी महत्वाचे आहेत.

३. आंतरराष्ट्रीय स्तरावर बौद्धिक संपदेच्या कायद्यांचा प्रभाव:

TRIPS करार (Trade-Related Aspects of Intellectual Property Rights) हा जागतिक व्यापार संघटनेचा (WTO) एक महत्वाचा भाग आहे. यामुळे भारताने आपल्या बौद्धिक संपदा कायद्यांमध्ये अनेक सुधारणा केल्या, जसे की पेटंट संरक्षणाचा कालावधी वाढवणे आणि औषध व तंत्रज्ञान पेटंट्ससाठी अधिक कठोर नियम लागू करणे. मात्र, या कायद्यांमुळे बहुराष्ट्रीय कंपन्यांना अधिक संरक्षण मिळते, तर स्थानिक उत्पादक आणि पारंपरिक ज्ञान धारकांना अडचणी निर्माण होतात.

बौद्धिक संपदेच्या या जागतिक आणि राष्ट्रीय धोरणांचा भारतातील सामाजिक आणि आर्थिक विषमतेवर मोठा परिणाम होत आहे, जो पुढील चर्चेसाठी महत्वाचा आहे.

भारतातील सामाजिक विषमता आणि बौद्धिक संपदा:

भारतासारख्या विविधतेने भरलेल्या देशात सामाजिक आणि आर्थिक विषमता मोठ्या प्रमाणात आढळते. बौद्धिक संपदा हक्क (IPR) हे ज्ञान आणि नवोपक्रमाचे संरक्षण करणारे साधन असले तरी, ते अनेकदा प्रस्थापित मोठ्या उद्योगांसाठी अनुकूल

ठरतात, तर छोट्या उद्योजकांना आणि स्थानिक समुदायांना अनेक अडचणींना सामोरे जावे लागते.

१. सामाजिक-आर्थिक स्तरांतील विषमता आणि IPR चा प्रभाव:

बौद्धिक संपदा हक्कांचे संरक्षण हे संशोधक आणि उद्योजकांसाठी महत्वाचे असते, मात्र त्याचा फायदा प्रामुख्याने मोठ्या आर्थिक शक्ती असलेल्या कंपन्यांना होतो. स्थानिक शिल्पकार, छोटे उत्पादक आणि पारंपरिक ज्ञानावर अवलंबून असलेल्या समुदायांना बौद्धिक संपदेच्या कायद्यांमुळे संरक्षण मिळणे कठीण जाते. पेटंट आणि कॉपीराइटसाठी आवश्यक असलेली गुंतवणूक आणि कायदेशीर प्रक्रिया गरीब आणि वंचित गटांसाठी मोठी अडचण ठरते.

२. मोठ्या कंपन्या व स्थानिक उद्योजक यामधील असमतोल:

अनेक बहुराष्ट्रीय कंपन्या भारतीय पारंपरिक ज्ञानाचा आणि स्थानिक संसाधनांचा वापर करून मोठ्या प्रमाणात नफा कमवतात, मात्र त्या ज्ञानाचे खरे मालक असलेल्या स्थानिक समुदायांना याचा आर्थिक लाभ मिळत नाही. उदा. औषधी वनस्पती, हस्तकला आणि पारंपरिक कृषी पद्धतींचा कॉर्पोरेट कंपन्यांनी पेटंट घेतल्याने लघु आणि मध्यम उद्योजकांना टिकून राहणे कठीण होते.

३. औषध, कृषी आणि शिक्षण क्षेत्रातील बौद्धिक संपदेच्या अडचणी:

- औषध क्षेत्र: पेटंट कायद्यांमुळे आयुष्यात गरजेच्या औषधांच्या किंमती वाढतात. पेटंटमुळे औषध उत्पादनावर मोठ्या कंपन्यांचा मक्तेदारी हक्क निर्माण होतो, ज्यामुळे गरीब आणि मध्यमवर्गीय लोकांना जीवनावश्यक औषधे परवडत नाहीत.
- कृषी क्षेत्र: बियाणे आणि जैव तंत्रज्ञानावर मोठ्या कंपन्यांचे पेटंट असल्याने शेतकऱ्यांना त्यांच्या पारंपरिक बियाण्यांचा वापर करण्यास मर्यादा येतात. जीएम (Genetically Modified) बियाण्यांमुळे शेतकऱ्यांचे

उत्पादन खर्च वाढतात आणि त्यांची मोठ्या कंपन्यांवर अवलंबित्व वाढते.

- **शिक्षण:**शैक्षणिक साहित्य, संशोधन पेपर आणि डिजिटल ज्ञानावर कॉपीराइट असल्यामुळे गरीब विद्यार्थ्यांना आणि संशोधकांना आवश्यक माहिती सहज उपलब्ध होत नाही. मुक्त प्रवेश (Open Access) चळवळ असूनही महागड्या सदस्यत्वाच्या अटी अनेकांना उच्च शिक्षण आणि संशोधनात मागे ठेवतात.

४. स्थानिक समुदाय आणि पारंपरिक ज्ञानाचे शोषण:

आदिवासी आणि पारंपरिक समुदायांनी पिढ्यान्पिढ्या जतन केलेले ज्ञान बौद्धिक संपदा कायदांअंतर्गत फारसे संरक्षित नाही. बासमती तांदूळ, हळद, नीम यांसारख्या भारतीय उत्पादनांचे आंतरराष्ट्रीय पेटंट घेतले गेले, पण मूळ भारतीय उत्पादकांना त्याचा योग्य फायदा मिळाला नाही. त्यामुळे पारंपरिक ज्ञानाचे शोषण थांबवण्यासाठी न्याय्य बौद्धिक संपदा धोरणांची गरज आहे.

पारंपरिक ज्ञान आणि बौद्धिक संपदा हक्क:

१. आदिवासी, ग्रामीण आणि स्थानिक समुदायांची भूमिका:

भारतामध्ये अनेक आदिवासी आणि ग्रामीण समुदाय पारंपरिक ज्ञानाचे वाहक आहेत. औषधी वनस्पती, पारंपरिक शेती पद्धती, हस्तकला आणि खाद्यसंस्कृती हे त्यांचे मौलिक योगदान आहे. मात्र, मोठ्या कंपन्या त्यांच्या ज्ञानाचा उपयोग करून पेटंट मिळवतात, पण या समुदायांना त्याचा लाभ मिळत नाही.

२. पारंपरिक ज्ञानाचे संरक्षण करण्यासंबंधीचे कायदे आणि त्यातील त्रुटी:

- **जैवविविधता कायदा, २००२** आणि **TKDL (Traditional Knowledge Digital Library)** पारंपरिक ज्ञानाचे संरक्षण करतात.
- **भौगोलिक निर्देश (GI) कायदा, १९९९** स्थानिक उत्पादनांना संरक्षण देतो.

- **त्रुटी:**पेटंटिंग प्रक्रिया गुंतागुंतीची असून स्थानिक समुदायांना याचा फायदा मिळत नाही.

३. आयुर्वेद, स्थानिक औषधी प्रणाली आणि GI टॅग यांचे महत्त्व:

- आयुर्वेद आणि पारंपरिक औषधी प्रणालींमधील हळद, ब्राह्मी, आणि नीम यांसारख्या वनस्पतींवर परदेशी कंपन्यांनी पेटंट घेतले आहे.
- **GI टॅग** बासमती तांदूळ, दार्जिलिंग चहा यांसारख्या उत्पादनांना ओळख देतो.
- **सुधारणा गरजेच्या:** स्थानिक उत्पादकांना बौद्धिक संपदा हक्कांविषयी जागरूक करणे आवश्यक आहे.

डिजिटल युग आणि बौद्धिक संपदा:

१. तंत्रज्ञान आणि नवोपक्रमातील विषमता:

डिजिटल युगात तंत्रज्ञानाची प्रगती वेगाने होत असली तरी मोठ्या कॉर्पोरेट कंपन्या आणि स्टार्टअप यांच्यात नवोपक्रमाच्या संधींमध्ये मोठी विषमता आहे. पेटंट आणि बौद्धिक संपदा हक्क मोठ्या कंपन्यांकडे केंद्रीत असल्यामुळे लहान उद्योजक आणि संशोधकांना प्रवेश कठीण होतो.

२. डेटा आणि सॉफ्टवेअर पेटंटिंगचा प्रभाव:

डेटा गोळा करणे, साठवणे आणि त्याचा व्यापार करणे यामुळे गोपनीयतेचा प्रश्न निर्माण होतो. सॉफ्टवेअर पेटंटिंगमुळे मोठ्या कंपन्यांचे वर्चस्व वाढते आणि नवकल्पनांवर मर्यादा येतात.

३. खुले स्रोत (Open Source) आणि मुक्त ज्ञान चळवळीचे योगदान:

Open Source आणि मुक्त ज्ञान चळवळींमुळे माहिती सर्वांसाठी खुली होते. Linux, Wikipedia आणि Open AI यांसारख्या उपक्रमांनी ज्ञानाचे लोकशाहीकरण केले आहे, ज्यामुळे सर्वसामान्यांना संशोधन आणि नवोपक्रमाची संधी मिळते.

बौद्धिक संपदा कायद्यातील आव्हाने आणि सुधारणा:**१. बौद्धिक संपदेच्या कायद्यांचे भारतातील परिणाम:**

भारतामध्ये बौद्धिक संपदा कायद्यांचा मोठा प्रभाव असून, पेटंट, कॉपीराइट आणि ट्रेडमार्क यामुळे उद्योग आणि संशोधन क्षेत्राला चालना मिळते. मात्र, मोठ्या कंपन्यांचे वर्चस्व आणि पेटंटिंगच्या गुंतागुंतीमुळे लघु उद्योजक, स्थानिक समुदाय आणि पारंपरिक ज्ञान वाहकांना मर्यादा येतात.

२. न्याय्य आणि सर्वसमावेशक धोरणांसाठी आवश्यक सुधारणा:

- स्थानिक पारंपरिक ज्ञान आणि जैवविविधतेच्या संरक्षणासाठी अधिक प्रभावी कायदे आवश्यक.
- पेटंट प्रक्रियेत पारदर्शकता वाढवून लहान संशोधक आणि स्टार्टअपसाठी सोपी नोंदणी प्रणाली निर्माण करावी.
- खुले स्रोत (Open Source) आणि मुक्त ज्ञान संकल्पनांना प्रोत्साहन द्यावे.

सरकारने बौद्धिक संपदा विषयक प्रशिक्षण आणि जागरूकता वाढवावी. शैक्षणिक संस्थांनी संशोधनाला चालना द्यावी आणि उद्योग क्षेत्राने नवोपक्रमासाठी सहकार्य करावे. बौद्धिक संपदा न्याय्य आणि सर्वसमावेशक करण्यासाठी सर्वसमूहांनी एकत्र येणे गरजेचे आहे.

निष्कर्ष आणि शिफारसी:

भारतामध्ये बौद्धिक संपदा हक्क आणि सामाजिक विषमता यामध्ये मोठी तफावत आहे. मोठ्या कंपन्यांचे वर्चस्व, स्थानिक ज्ञानाचे शोषण आणि पेटंट प्रक्रियेतील गुंतागुंत यामुळे लघु उद्योजक, स्थानिक समुदाय आणि संशोधकांना मर्यादा येतात. पारंपरिक

ज्ञानाचे योग्य संरक्षण होत नसल्याने आदिवासी आणि ग्रामीण समाज वंचित राहतात.

शिफारसी:

- **पारंपरिक ज्ञानाचे संरक्षण:** GI टॅग आणि जैवविविधता कायद्याला अधिक बळकटी द्यावी.
- **सहज आणि न्याय्य पेटंट प्रक्रिया:** लघु उद्योजकांसाठी सोपी आणि किफायतशीर प्रणाली निर्माण करावी.
- **शिक्षण आणि जागरूकता:** बौद्धिक संपदा कायद्यांविषयी प्रशिक्षण आणि डिजिटल ज्ञानप्रसार वाढवावा.
- **सरकार आणि उद्योग सहकार्य:** न्याय्य बौद्धिक संपदा धोरणे तयार करण्यासाठी सर्वसमावेशक धोरणे स्वीकारावी.

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नवोन्मेष आणि शिक्षण यांचा समतोल: बौद्धिक संपदा संरक्षणाचे समाजशास्त्रीय विश्लेषण

डॉ. माधव माणिकराव मोरे

सहाय्यक प्राध्यापक व समाजशास्त्र विभाग प्रमुख,

नारायणराव वाघमारे महाविद्यालय आखाडा बाळापूर, जिल्हा हिंगोली

Corresponding Author – डॉ. माधव माणिकराव मोरे

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सारांश:

हा निबंध बौद्धिक संपदा अधिकार (IPR) आणि शिक्षण यांच्यातील समाजशास्त्रीय प्रभावांचा अभ्यास करतो, विशेषतः IPR शैक्षणिक संदर्भात नवोन्मेषावर कसा परिणाम करतो, यावर. शिक्षण आणि नवोन्मेष यांचा समतोल राखताना बौद्धिक संपदा अधिकारांचा कायदा आणि त्याचा अभ्यास घेतला जातो. या विश्लेषणाद्वारे, IPR आणि शैक्षणिक संरचनांमधील परस्पर क्रिया आणि त्यावर होणारे सामाजिक परिणाम तपासले जातात. यासोबतच, IPR च्या कक्षेत ज्ञानवाटप आणि नवोन्मेष यामधील समतोल साधण्याच्या धोरणांवर चर्चा केली जाते.

प्रस्तावना:

शिक्षण आणि नवोन्मेष हे समाजाच्या प्रगतीसाठी महत्त्वपूर्ण घटक आहेत. बौद्धिक संपदा अधिकार (IPR) हे बौद्धिक सर्जनशीलतेचे संरक्षण करण्याचे महत्त्वाचे साधन आहे, परंतु त्याचा शिक्षण आणि नवोन्मेषावर काय परिणाम होतो, हे समजून घेणे आवश्यक आहे. ज्ञान-आधारित अर्थव्यवस्थांच्या उदयामुळे आणि डिजिटल प्लेटफॉर्मच्या प्रसारामुळे IPR आणि शिक्षण यांच्यातील परस्पर संबंध अधिकच जटिल झाले आहेत.

पूर्व साहित्याचा आढावा:

बौद्धिक संपदा अधिकार (IPR) हे सर्जनशीलतेचे संरक्षण आणि नवोन्मेषला प्रोत्साहन देण्यासाठी महत्त्वाचे असतात (Hargreaves, 2011).

तथापि, IPR ची अत्यधिक व्यावसायिकता शिक्षणासाठी आवश्यक असलेल्या मुक्त विचारांच्या मुक्ततेला अडथळा आणू शकते (Lessig, 2008).

शिक्षण प्रणाली समाजातील मूल्ये आणि व्यक्तीगत विकास यांच्यातील मध्यस्थ म्हणून कार्य करतात (Durkheim, 1912). IPR शिक्षण क्षेत्रात प्रवेशावर कसा प्रभाव टाकतो, हे समाजशास्त्रीय दृष्टीने महत्त्वाचे आहे.

शैक्षणिक समाजशास्त्रात ज्ञानाच्या समान प्रवेशाची आवश्यकता असते, आणि IPR यामुळे शिक्षणात भेदभाव होऊ शकतो (Bourdieu, 1990).

जागतिकीकरणाच्या युगात, विद्यार्थ्यांना आणि शिक्षकांना ज्ञानाच्या असंख्य स्रोतांपर्यंत प्रवेश मिळतो. मात्र, IPR च्या कायद्यांमध्ये भिन्नता असणे, ही एक मोठी अडचण आहे (Boyle, 2003).

संशोधन पद्धती:

गुणात्मक संशोधन पद्धत, ज्यामध्ये शैक्षणिक संस्था, IPR संबंधित धोरणे, तसेच शिक्षक आणि धोरणकर्त्यांच्या मुलाखतींचा अभ्यास केला जातो.

अ. संशोधनाचा प्रश्न:

बौद्धिक संपदा अधिकारांचा वापर शिक्षण संस्थांमधील नवोन्मेष आणि ज्ञानवाटप यामधील समतोल कसा राखतो?

ब. उद्दिष्टे:

1. IPR चे शिक्षण संरचनांवर आणि नवोन्मेषावर होणारे समाजशास्त्रीय परिणाम समजून घेणे.
2. IPR कायद्यांमुळे शिक्षण क्षेत्रामध्ये ज्ञानवाटप आणि नवोन्मेष यामधील समतोल कसा साधता येईल, याचा अभ्यास करणे.
3. समाजातील विविध आर्थिक आणि सांस्कृतिक स्तरांचा विचार करून समतोल साधण्यासाठी धोरणे सुचवणे.

क. डेटा संकलन:**प्राथमिक डेटा:**

- शिक्षक, IPR वकील आणि धोरणकर्त्यांची मुलाखती.
- शैक्षणिक संस्थांमध्ये IPR धोरणांचा वापर कसा झाला, यावर आधारित प्रकरण अभ्यास.

द्वितीयक डेटा:

- IPR, शिक्षण आणि नवोन्मेष यांच्या परस्परसंबंधावर आधारित शोधनिबंध, पुस्तकं, अहवाल इत्यादींचा आढावा.

IPR आणि शैक्षणिक प्रवेश:

अनेक वेळा, कठोर IPR कायद्यांमुळे शैक्षणिक संसाधनांचा प्रवेश मर्यादित होतो, ज्यामुळे विद्यार्थ्यांना शिक्षण घेण्यास अडचण येते. तथापि, योग्य IPR संरक्षणांमुळे सर्जनशीलतेला प्रोत्साहन मिळते, ज्यामुळे शैक्षणिक सामग्रीत अधिक संशोधन आणि नवोन्मेष होतो.

नवोन्मेष आणि मुक्त प्रवेश यांचा समतोल: समतोल साधणे हे एक आव्हान आहे, जिथे नवोन्मेषाला पुरस्कार दिला जातो आणि ज्ञानाच्या मुक्त देवाण-

घेवाणाला प्रतिबंध नाही. उदाहरणार्थ, Open Access मॉडेल्स आणि Creative Commons लायसन्सेस ही अशा तडजोडीची शक्यता प्रस्तुत करतात.

सामाजिक-आर्थिक घटक: IPR धोरणे साधारणपणे समृद्ध राष्ट्रांतील संस्थांना प्राधान्य देतात, जे शैक्षणिक विषमतेला वाढवू शकते. अशा स्थितीला समजून घेणे आणि सुधारणा करणे आवश्यक आहे

तंत्रज्ञान उपाय आणि धोरणात्मक नाविन्य: तंत्रज्ञानात्मक प्लॅटफॉर्म, जसे की डिजिटल रेपॉझिटोरी आणि ऑनलाइन लायब्ररीज, ज्ञानवाटप सुलभ करतात. मात्र, अनेक प्लॅटफॉर्मच्या प्रतिबंधात्मक लायसन्सिंग मॉडेल्समुळे अडचणी येतात.

शिक्षण आणि नवोन्मेष हे कोणत्याही समाजाच्या प्रगतीसाठी महत्वाचे घटक आहेत. नवोन्मेषामुळे नवनवीन तंत्रज्ञान, विचारसरणी, आणि समाजातील विकास घडतो, तर शिक्षण हा त्या नवोन्मेषाला दिशा देण्याचा आणि त्याचा समाजाच्या हितासाठी वापर करण्याचा महत्वाचा मार्ग आहे. परंतु या दोन्ही घटकांमध्ये योग्य समतोल राखणे ही एक मोठी जबाबदारी असते.

बौद्धिक संपदा अधिकार आणि शिक्षण:

बौद्धिक संपदा अधिकार (IPR) हे नवोन्मेषाच्या संरक्षणासाठी महत्वाचे साधन आहे. हे अधिकार संशोधक, लेखक, आणि शास्त्रज्ञांना त्यांच्या सर्जनशीलतेचे संरक्षण करण्याची संधी देतात. मात्र, हेच अधिकार शिक्षण प्रणालीसाठी अडथळा ठरू शकतात, कारण कठोर IPR कायद्यांमुळे अनेक शैक्षणिक संसाधनांवर मर्यादा येतात. उदा. महागडी पाठ्यपुस्तके, संशोधन पेपर्स यांचा मुक्त प्रवेश मर्यादित केला जातो, त्यामुळे ज्ञानाचा प्रसार संकुचित होतो.

मुक्त प्रवेश आणि नवोन्मेष यांचा समतोल:

शिक्षणामध्ये समता आणि सर्वसमावेशकता आवश्यक आहे. त्यासाठी नवोन्मेषाच्या संधी जपत,

बौद्धिक संपदेचे नियम शिथिल करणे गरजेचे आहे. यासाठी काही प्रभावी उपाय पुढे येतात:

अ. ओपन ॲक्सेस (Open Access) धोरणे – संशोधन आणि शिक्षणाच्या क्षेत्रात मुक्त प्रवेश असावा, जेणेकरून कोणत्याही विद्यार्थ्याला ज्ञान मिळवण्यासाठी अडथळा येणार नाही.

ब. क्रिएटिव्ह कॉमन्स लायसन्सेस – जे लेखक आणि संशोधकांना त्यांच्या कामावर नियंत्रण ठेवण्यास मदत करतात, पण त्याच वेळी ते ज्ञान समाजात मुक्तपणे पोहोचू शकते.

क. डिजिटल लायब्ररी आणि ओपन एज्युकेशनल रिसोर्सेस (OER) – तंत्रज्ञानाचा वापर करून, डिजिटल प्लॅटफॉर्मवर मोफत आणि सुलभ शैक्षणिक सामग्री उपलब्ध करून देणे गरजेचे आहे.

ड. शैक्षणिक धोरणांमध्ये सुधारणा – सरकार आणि शैक्षणिक संस्था यांनी नवोन्मेषाला चालना देणारी, पण शिक्षणाला सर्वसमावेशक ठेवणारी धोरणे स्वीकारावीत.

सामाजिक-आर्थिक परिणाम आणि धोरणात्मक उपाय:

IPR च्या कठोर अंमलबजावणीमुळे विकसनशील देशांतील विद्यार्थ्यांना शिक्षण घेण्यात अनेक अडचणी येतात. यावर उपाय म्हणून, शिक्षण क्षेत्रातील धोरणे अशा प्रकारे आखली पाहिजेत की, ज्यामुळे गरिबांना आणि दुर्बल घटकांना शिक्षणाचा समान लाभ मिळेल.

शिक्षण आणि नवोन्मेष यांचा समतोल राखण्यासाठी IPR धोरणांत लवचिकता असणे आवश्यक आहे. संशोधन आणि नवोन्मेषाला प्रोत्साहन देतानाच, शैक्षणिक संसाधनांवर सहज आणि परवडणारा प्रवेश असावा. यासाठी ओपन ॲक्सेस, डिजिटल शिक्षण प्लॅटफॉर्म आणि क्रिएटिव्ह कॉमन्स सारख्या मॉडेल्सचा उपयोग वाढवणे गरजेचे आहे. यामुळे शिक्षणाचा विस्तार होईल आणि नवोन्मेषाला बंधने न लावता समाजाची प्रगती साधता येईल.

संशोधनाचे निष्कर्ष:

बौद्धिक संपदा अधिकार आणि शैक्षणिक प्रवेश यामध्ये समतोल राखणे हे एक जटिल कार्य आहे. कठोर IPR कायद्यांमुळे शिक्षणाचा प्रगतीवर अडथळा येतो, परंतु ढिला कायदा नवोन्मेषाला धोका उत्पन्न करू शकतो. बौद्धिक संपदा अधिकार (IPR) आणि शिक्षण यांच्यात समतोल राखणे ही एक जटिल प्रक्रिया आहे. कठोर IPR कायद्यांमुळे शैक्षणिक संसाधनांवर प्रवेश मर्यादित होतो, ज्यामुळे ज्ञानाचे प्रसार आणि नवोन्मेषाला अडथळा निर्माण होतो. दुसरीकडे, शिथिल नियमांमुळे सर्जनशीलतेच्या संरक्षणावर परिणाम होतो. समाधान म्हणून, Open Access आणि Creative Commons यांसारख्या धोरणांचा स्वीकार आवश्यक आहे, ज्यामुळे नवोन्मेषाला चालना मिळेल आणि शिक्षण सर्वसमावेशक राहील. तंत्रज्ञानाधारित संसाधने, डिजिटल लायब्ररी आणि OER चा प्रभावी वापर करून ज्ञान सर्वांसाठी सहज उपलब्ध करता येईल. शैक्षणिक धोरणांमध्ये लवचिकता आणून नवोन्मेष आणि ज्ञानवाटप यांचा समतोल साधण्याची गरज आहे, जेणेकरून समाजशास्त्रीय आणि आर्थिक स्तरांवर शैक्षणिक विषमता कमी करता येईल.

संशोधनाच्या शिफारशी:

शैक्षणिक संस्थांनी लवचिक IPR धोरणे स्वीकारली पाहिजेत, ज्यामुळे सर्जनशीलतेला संरक्षण मिळते आणि विद्यार्थ्यांना खुले ज्ञान मिळवण्यासाठी संधी मिळते. बौद्धिक संपदा अधिकारांवर जागतिक धोरणांचा एकसारखा अंमलबजावणी होणे आवश्यक आहे, ज्यामुळे नवोन्मेष आणि मुक्त ज्ञानवाटप यांचा समतोल साधता येईल. शिक्षण आणि नवोन्मेष यांचा समतोल राखण्यासाठी बौद्धिक संपदा अधिकार (IPR) धोरणांमध्ये लवचिकता आवश्यक आहे. ओपन ॲक्सेस (Open Access) आणि क्रिएटिव्ह कॉमन्स (Creative Commons) लायसन्सिंग यांचा अधिकाधिक अवलंब करावा, जेणेकरून ज्ञानवाटप

सुलभ होईल.शैक्षणिक संस्थांनी डिजिटल लायब्ररी, ऑनलाइन शिक्षण स्रोत (OER), आणि मुक्त प्रवेश धोरणांचा अवलंब करावा. संशोधन आणि नवोन्मेष प्रकल्पांना प्रोत्साहन देण्यासाठी सरकारने अनुदाने आणि सवलती द्याव्यात. IPR कायद्यांचे आंतरराष्ट्रीय स्तरावर समायोजन करून सर्व विद्यार्थ्यांना समान संधी मिळेल, असे धोरण राबवावे. तंत्रज्ञानाच्या मदतीने नवीन शिक्षण पद्धती विकसित करून नवोन्मेषाला चालना द्यावी. शैक्षणिक आणि व्यावसायिक क्षेत्र यांच्यात समन्वय साधून बौद्धिक संपदेचा सुयोग्य उपयोग करावा.

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पारंपारिक ज्ञान आणि आदिवासी वारसा पेटंट केल्याने निर्माण होणारी आव्हाने

श्रीमती. कुमिदिनी जोशी रामचंद्र याडाराम

संशोधक विद्यार्थिनी, समाजशास्त्र विभाग,

म. शि. प्र. मंडळाचे यशवंतराव चव्हाण महाविद्यालय, अंबाजोगाई जि. बीड

Corresponding Author – श्रीमती. कुमिदिनी जोशी रामचंद्र याडाराम

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प्रस्तावना:

पारंपारिक ज्ञान आणि आदिवासी वारसा हे दोन अत्यंत महत्वाचे घटक आहेत, जे आपल्या समाजाच्या सांस्कृतिक आणि भौगोलिक परंपरेचा एक महत्त्वपूर्ण भाग आहेत. पारंपारिक ज्ञान म्हणजे हे ज्ञान, कौशल्य, कल्पना आणि विश्वासांचा संच आहे, जो पिढ्यांपिढ्या पुढे जातो आणि समाजात रुळलेला असतो. आदिवासी वारसा हे म्हणजे त्या आदिवासी लोकांच्या विशिष्ट परंपरा, संस्कृती, आणि जीवनशैलीचे सांस्कृतिक धरोहर. पारंपारिक ज्ञान आणि आदिवासी वारसा पेटंट केल्याने अनेक आव्हाने आणि समस्यांचा सामना करावा लागतो. पारंपारिक ज्ञान हे अनेक पिढ्यांपासून एकत्रित केलेले आणि सामाजिक समुदायांमध्ये सामायिक केलेले असते. याला पेटंट केल्याने काही गंभीर प्रश्न उभे राहतात. खाली काही प्रमुख आव्हाने दिली आहेत.

पारंपारिक ज्ञान:

पारंपारिक ज्ञान हे मुख्यतः अनुभवावर आधारित असते आणि त्याची निर्मिती अनेक पिढ्यांच्या कष्टांमध्ये आणि जीवन संघर्षात झालेली असते. यात पर्यावरणाचे समतोल राखण्याचे उपाय, जैविक विविधता आणि पर्यावरणीय जागरूकता, पारंपारिक औषधी पद्धती, शेती आणि कृषी तंत्रज्ञान यांचा समावेश होतो. पारंपारिक ज्ञानाची एक महत्त्वाची गोष्ट म्हणजे, ते स्थानिक पर्यावरणाशी संबंधित असते,

आणि ते संबंधित समाजाच्या जीवनशैलीला प्रगल्भतेने प्रतिबिंबित करते.

आदिवासी वारसा:

आदिवासी लोकांचे वारसा हा एक विस्तृत आणि महत्त्वपूर्ण सांस्कृतिक आराम आहे. आदिवासी समाजाने लाखो वर्षे आपल्या पिढ्यांची परंपरा जपून ठेवली आहे. त्यांची बोली, कलेचे विविध प्रकार, आदिवासी साहित्य, नृत्य, संगीत, आणि धार्मिक विश्वास या सर्व गोष्टी त्यांचा सांस्कृतिक वारसा दर्शवतात. आदिवासी लोक पर्यावरणाशी जास्त जुळवून घेतात, आणि त्यांचा जीवनशैली मुख्यतः नैतिक आणि शाश्वत जीवनावर आधारित असतो. आदिवासी समाजाच्या परंपरेत प्राकृतिक संसाधनांचा सन्मान करण्याची आणि त्यांचा योग्य वापर करण्याची साक्ष आहे.

पारंपारिक ज्ञान आणि आदिवासी वारसा यांचे महत्त्व:

पारंपारिक ज्ञान आणि आदिवासी वारसा यांचे महत्त्व समजून घेतल्यास, ते आपल्या समाजासाठी केवळ सांस्कृतिक आणि ऐतिहासिक दृष्ट्या महत्त्वाचे नाही, तर शाश्वत विकास आणि पर्यावरण रक्षणासाठी देखील अत्यंत महत्त्वपूर्ण आहेत. आदिवासी लोक विविध जैवविविधतेचे रक्षण करत आले आहेत. त्यांची पारंपारिक कृषी पद्धती, जल व्यवस्थापन, वनसंपत्तीचे नियमन, आणि जलवायू बदलाच्या विरोधात त्यांनी

तयार केलेले उपाय हे सर्व अधिक शाश्वत आणि प्रभावी असू शकतात.

आधुनिक काळात पारंपारिक ज्ञान आणि आदिवासी वारसाचे संरक्षण:

आजकाल, जागतिक स्तरावर पारंपारिक ज्ञान आणि आदिवासी वारसा या गोष्टीला धोका निर्माण होत आहे. जलवायू परिवर्तन, वनविनाश, औद्योगिकीकरण, आणि शहरीकरणामुळे आदिवासी लोकांच्या पारंपारिक जीवनशैलीला मोठा धोका आहे. त्यामुळे, या ज्ञानाच्या रक्षणासाठी आणि संवर्धनासाठी अधिक चांगल्या धोरणांची आवश्यकता आहे. आदिवासी समाजाच्या हक्कांची पूर्तता करण्यासाठी अनेक संस्थांनी आवाज उठवला आहे, आणि त्यांचं महत्त्व ओळखून जागतिक स्तरावर या ज्ञानाच्या संवर्धनासाठी अनेक उपाय करण्यात आले आहेत.

1. संस्कृती आणि परंपरेचे उल्लंघन: पारंपारिक ज्ञान आदिवासी समुदायांच्या जीवनशैलीचा भाग असतो. ते त्यांच्या सांस्कृतिक आणि सामाजिक परंपरेच्या आधारावर विकसित होतात. जेव्हा हे ज्ञान पेटंट केले जाते, तेव्हा त्या समुदायाचे सांस्कृतिक हक्क आणि परंपरेचे उल्लंघन होऊ शकते. यामुळे त्या समुदायाच्या इतरांसोबत असलेल्या वारशाची हानी होऊ शकते.

2. ज्ञानाची हक्कदारी समस्या: पारंपारिक ज्ञान सामूहिक असते, म्हणजे ते एकटा एखादी व्यक्ती नाही, तर संपूर्ण समुदायामध्ये सामायिक केले जाते. पेटंट काढताना, या ज्ञानाची हक्कदारी एकाच व्यक्ती किंवा कंपनीकडे जाऊ शकते. हे त्या समुदायाच्या हक्कांचा उल्लंघन करणारे ठरू शकते, कारण त्यांनी हे ज्ञान निर्माण केले असले तरी त्यांना त्याच्या वापराचे हक्क नाहीत.

3. आर्थिक शोषण: पेटंट केलेले पारंपारिक ज्ञान कधी कधी तज्ञ कंपन्यांसाठी आर्थिक लाभ मिळवण्याचे एक साधन बनते, तर त्याचे वास्तविक निर्माते असलेले आदिवासी समुदाय आर्थिक दृष्ट्या शोषित होतात. त्यांना त्यांचे ज्ञान किंवा शोध वापरून नफा मिळवण्याची संधी मिळत नाही.

4. कायदेशीर अधिकारांची कमतरता: आदिवासी

समुदाय किंवा पारंपारिक ज्ञान असलेल्या लोकांना प्रायः पेटंट प्रक्रियेसाठी आवश्यक कायदेशीर आणि प्रशासनिक ज्ञान उपलब्ध नसतो. त्यामुळे पेटंट काढताना किंवा त्यावर तक्रार दाखल करताना त्यांना अनेक अडचणी येतात, ज्यामुळे त्यांचे हक्क सुरक्षित राहणे कठीण होते.

5. गैरवापराचे धोके: पेटंट केलेले पारंपारिक ज्ञान किंवा औषधीय उपयोग गैरवापरासाठी वापरले जाऊ शकतात. उदाहरणार्थ, औषध किंवा वनस्पती यांचे पेटंट काढून मोठ्या कंपन्या त्यांचा औद्योगिक वापर करू शकतात, ज्यामुळे त्या वनस्पती किंवा ज्ञानाच्या पारंपारिक वापरावर परिणाम होतो.

6. प्राकृतिक संसाधनांचा शोषण: आदिवासी समुदाय अनेक वेळा आपल्या ज्ञानाचा उपयोग नैतिक आणि पर्यावरणीय दृष्ट्या टिकाऊपणाने करतात. पेटंट घेतल्याने, त्या ज्ञानाचा औद्योगिक आणि शहरी वापर वाढू शकतो, जो कधी कधी त्या नैतिक व पर्यावरणीय पैलूंना धक्का देऊ शकतो.

7. समाजातील असमानता वाढविणे: पेटंट प्रणालीच्या अंतर्गत, ज्ञानाचे मालकी हक्क एका व्यक्ती किंवा संस्थेकडे जातात, आणि इतर समुदायांना त्याचा फायदा मिळवणे कठीण होऊ शकते. यामुळे समाजातील असमानता वाढू शकते, खासकरून जेव्हा स्थानिक समुदायांना त्यांच्या पारंपारिक ज्ञानावर हक्क नाहीत.

निष्कर्ष:

पारंपारिक ज्ञान आणि आदिवासी वारसा पेटंट केल्याने सामाजिक, सांस्कृतिक, आणि कायदेशीर दृष्टीने अनेक गंभीर समस्या निर्माण होऊ शकतात. या प्रकारच्या ज्ञानाचे संरक्षण करताना त्या समुदायांच्या हक्कांचे योग्य रक्षण केले पाहिजे, जेणेकरून त्यांचा शोषण होणार नाही आणि त्यांचे पारंपारिक ज्ञान सन्मानाने संरक्षित राहील.

भारतातील बौद्धिक संपदा संरक्षण आणि आंतरराष्ट्रीय करार: राजकीय आणि कायदेशीर आव्हाने

डॉ. संजयकुमार जाधव¹, डॉ. इंद्रजीत भगत²

लोकप्रशासन विभाग, यशवंतराव चव्हाण महाविद्यालय, अंबाजोगाई

वाणिज्य विभाग, यशवंतराव चव्हाण महाविद्यालय अंबाजोगाई

Corresponding Author – डॉ. संजयकुमार जाधव

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सारांश:

बौद्धिक संपदा संरक्षण (Intellectual Property Rights - IPR) ही आधुनिक अर्थव्यवस्थेचा महत्वाचा भाग बनली आहे. पेटंट, कॉपीराइट, ट्रेडमार्क, औद्योगिक डिझाइन आणि भौगोलिक संकेत यांसारख्या हक्कांमुळे नवनिर्मितीला चालना मिळते आणि आर्थिक वाढ शक्य होते. भारताने जागतिकीकरणानंतर अनेक आंतरराष्ट्रीय करारांमध्ये सहभाग घेतला आहे, जसे की TRIPS (Trade-Related Aspects of Intellectual Property Rights), WIPO (World Intellectual Property Organization), आणि पॅरिस करार. या करारांमुळे भारताच्या बौद्धिक संपदा धोरणांमध्ये महत्त्वपूर्ण बदल झाले. भारताच्या बौद्धिक संपदा कायद्याला अनेक कायदेशीर आणि राजकीय आव्हाने आहेत. न्यायालयीन प्रक्रियेतील विलंब, अंमलबजावणीतील त्रुटी, आणि स्थानिक कंपन्यांना होणारे आर्थिक दडपण ही प्रमुख अडचणी आहेत. परदेशी औषध कंपन्यांची पेटंट मोनोपॉली आणि भारतीय जेनेरिक औषध उद्योग यांच्यातील संघर्ष हे एक महत्वाचे कायदेशीर आव्हान आहे. राजकीयदृष्ट्या, भारताने बौद्धिक संपदेचे संरक्षण आणि सार्वजनिक हित यामध्ये संतुलन राखण्याचा प्रयत्न केला आहे. मात्र, बौद्धिक संपदा हक्कांबाबत मुक्त व्यापार करारांमधील अटी, तंत्रज्ञान हस्तांतरणासंदर्भातील समस्या, आणि धोरणात्मक अडथळे कायम आहेत.

हा संशोधन पेपर भारतीय बौद्धिक संपदा कायद्याच्या संदर्भात आंतरराष्ट्रीय करारांची भूमिका स्पष्ट करतो, तसेच कायदेशीर आणि राजकीय आव्हानांचे सखोल विश्लेषण करतो. यामुळे बौद्धिक संपदा संरक्षणाच्या क्षेत्रातील धोरणे सुधारण्यासाठी महत्त्वपूर्ण शिफारसी दिल्या जातील.

प्रस्तावना:

बौद्धिक संपदा (Intellectual Property - IP) ही कोणत्याही देशाच्या वैज्ञानिक, आर्थिक आणि औद्योगिक विकासाचा मुख्य आधार आहे. पेटंट, कॉपीराइट, आणि ट्रेडमार्क यांसारखे हक्क संशोधकांना आणि उद्योजकांना त्यांच्या नवकल्पनांचे संरक्षण करण्याची संधी देतात. भारत हा विकसनशील अर्थव्यवस्था असला तरी, बौद्धिक संपदेच्या संरक्षणाच्या आंतरराष्ट्रीय मानकांशी त्याची तडजोड सतत चालू आहे.

भारताने 1995 मध्ये WTO अंतर्गत TRIPS करारावर स्वाक्षरी केल्यानंतर बौद्धिक संपदा कायद्यात मोठे बदल झाले. मात्र, या कराराच्या अंमलबजावणीमध्ये अनेक आव्हाने उद्भवली. पेटंट संरक्षणामुळे भारतातील स्वस्त औषधांचे उत्पादन आणि तंत्रज्ञान प्रवेश मर्यादित होण्याची भीती निर्माण झाली.

या संशोधनाचा हेतू भारताच्या बौद्धिक संपदा संरक्षण आणि आंतरराष्ट्रीय करारांमधील सहभागाचे सखोल विश्लेषण करणे हा आहे. यामध्ये कायदेशीर

आणि राजकीय आव्हाने यांचे विस्तृत परीक्षण करून पुढील सुधारणा प्रस्तावित केल्या जातील.

बौद्धिक संपदा संरक्षण: संकल्पना:

विज्ञान आणि तंत्रज्ञानाच्या प्रगतीमुळे जगभरात नावीन्यपूर्ण संशोधन आणि निर्मितीला चालना मिळाली आहे. अशा नवकल्पनांचे योग्यरित्या संरक्षण होण्यासाठी बौद्धिक संपदा हक्कांची (Intellectual Property Rights - IPR) संकल्पना अस्तित्वात आली. बौद्धिक संपदा ही कोणत्याही व्यक्तीच्या किंवा संस्थेच्या सर्जनशीलतेतून निर्माण झालेली अमूर्त मालमत्ता असते. ती पेटंट, कॉपीराइट, ट्रेडमार्क, भौगोलिक संकेत, औद्योगिक डिझाइन आणि व्यापार गुपिते या विविध स्वरूपात अस्तित्वात असते.

बौद्धिक संपदा ही कोणत्याही व्यक्तीच्या कल्पकतेतून, संशोधनातून किंवा नवकल्पनेतून निर्माण होते. हे विचार, संकल्पना किंवा कलाकृतींचे स्वरूप असून त्यांचे कायदेशीर हक्क त्याच्या निर्मात्यास दिले जातात. या हक्कांच्या मदतीने संबंधित व्यक्ती किंवा संस्था त्याच्या निर्मितीचा आर्थिक लाभ घेऊ शकते आणि अनधिकृत वापरापासून संरक्षण मिळवू शकते.

आंतरराष्ट्रीय करार आणि भारताची भूमिका:

अ. TRIPS करार:

बौद्धिक संपदा हक्कांबाबत व्यापारविषयक करार (Trade-Related Aspects of Intellectual Property Rights – TRIPS) हा १९९५ मध्ये जागतिक व्यापार संघटनेच्या (WTO) अंतर्गत स्वीकारण्यात आला. या करारामुळे बौद्धिक संपदा हक्कांसाठी जागतिक स्तरावर समान आणि कठोर नियम लागू करण्यात आले. पेटंट, ट्रेडमार्क, कॉपीराइट, औद्योगिक डिझाइन आणि व्यापार गुपिते यांसारख्या बौद्धिक संपत्तीच्या संरक्षणासाठी TRIPS करार महत्त्वपूर्ण ठरला. भारताने १९९५ मध्ये TRIPS करार स्वीकारला, परंतु त्याच्या अंमलबजावणीसाठी काही सवलती मागितल्या. त्यानुसार, भारताने २००५ मध्ये पेटंट कायद्यात सुधारणा करून औषध आणि

जैवतंत्रज्ञान क्षेत्रातील संशोधनावर पेटंट मिळवण्याची प्रक्रिया अधिक कठोर केली. TRIPS करारामुळे भारतातील फार्मास्युटिकल आणि तंत्रज्ञान कंपन्यांना आंतरराष्ट्रीय स्तरावर आपले हक्क मिळवण्यास मदत झाली, परंतु काही उद्योगांना या कठोर नियमांमुळे आव्हानेही निर्माण झाली.

ब. WIPO करार:

जागतिक बौद्धिक संपदा संघटना (World Intellectual Property Organization – WIPO) ही संयुक्त राष्ट्रसंघाशी संलग्न असलेली संस्था आहे, जी बौद्धिक संपदेच्या जागतिक नियमनासाठी कार्य करते. १९६७ मध्ये स्थापन झालेल्या या संस्थेच्या माध्यमातून बौद्धिक संपदा हक्कांचे आंतरराष्ट्रीय स्तरावर संरक्षण करण्यासाठी विविध करार राबवले जातात. भारत १९७५ मध्ये WIPOचा सदस्य बनला. WIPOच्या अंतर्गत बौद्धिक संपदेच्या संरक्षणासंदर्भात भारताने विविध आंतरराष्ट्रीय करारांमध्ये सहभाग घेतला आहे. या करारांमुळे भारतातील संशोधक, लेखक आणि उद्योगांना आंतरराष्ट्रीय स्तरावर त्यांच्या नवसंकल्पनांचे आणि कलाकृतींचे संरक्षण मिळण्यास मदत झाली. WIPOच्या तंत्रज्ञान हस्तांतरण आणि संशोधन प्रोत्साहन योजनांमुळे भारतातील औद्योगिक आणि वैज्ञानिक प्रगतीला गती मिळाली.

क. पॅरिस करार :

पॅरिस करार हा १८८३ मध्ये औद्योगिक मालमत्तेच्या संरक्षणासाठी स्वीकारण्यात आला. या कराराने पेटंट, ट्रेडमार्क आणि औद्योगिक डिझाइनसाठी समान आंतरराष्ट्रीय नियम ठरवले. या कराराचा मुख्य उद्देश म्हणजे विविध देशांमध्ये पेटंट आणि ट्रेडमार्कसाठी अर्ज करण्याच्या प्रक्रियेत सुसूत्रता आणणे आणि बौद्धिक संपदा हक्कांचे समान संरक्षण करणे. भारत १९९८ मध्ये पॅरिस कराराचा सदस्य बनला. या करारामुळे भारतीय कंपन्यांना आणि संशोधकांना त्यांच्या शोध आणि ब्रँडचे आंतरराष्ट्रीय स्तरावर संरक्षण मिळण्यास मदत झाली. तसेच, भारतातील संशोधन संस्थांना त्यांच्या नावीन्यपूर्ण संशोधनासाठी जागतिक स्तरावर पेटंट मिळवण्याचा मार्ग सुकर झाला.

ड. बर्न कन्व्हेन्शन :

बर्न कन्व्हेन्शन हा १८८६ मध्ये स्वीकारण्यात आलेला करार आहे, जो साहित्यिक आणि कलाकृतींना जागतिक स्तरावर संरक्षण देतो. या करारांतर्गत, सदस्य देशांमधील लेखक आणि कलाकार यांच्या साहित्यिक आणि कलात्मक निर्मितींना कोणत्याही स्वतंत्र नोंदणीशिवाय आंतरराष्ट्रीय संरक्षण दिले जाते. भारत १९२८ मध्ये बर्न कन्व्हेन्शनचा सदस्य बनला. या करारामुळे भारतीय लेखक, संगीतकार, चित्रकार आणि चित्रपट निर्मात्यांना त्यांच्या निर्मितीचे जागतिक संरक्षण मिळाले. तसेच, भारतात तयार होणाऱ्या साहित्यिक आणि कलाकृतींना अन्य देशांमध्येही कॉपीराइट संरक्षण लागू झाले. त्यामुळे भारतीय साहित्य आणि कला क्षेत्राच्या जागतिक ओळखीला मदत झाली.

ई. माद्रिद करार :

माद्रिद करार हा १८९१ मध्ये स्वीकारण्यात आला आणि तो ट्रेडमार्कच्या आंतरराष्ट्रीय नोंदणीसंदर्भात महत्त्वपूर्ण आहे. या करारांतर्गत, कोणत्याही सदस्य देशातील कंपनी किंवा व्यक्ती एकाच अर्जाद्वारे अनेक देशांमध्ये ट्रेडमार्क नोंदणी करू शकते. भारत २०१३ मध्ये माद्रिद कराराचा सदस्य बनला. या करारामुळे भारतीय कंपन्यांना जागतिक स्तरावर त्यांचे ट्रेडमार्क नोंदणी करणे सोपे झाले. त्यामुळे भारतीय ब्रँड्सना आंतरराष्ट्रीय बाजारपेठेत अधिक स्थैर्य मिळाले आणि त्यांच्या उत्पादनांचे संरक्षण करण्यासाठी जागतिक पातळीवर मदत मिळाली.

बौद्धिक संपदेच्या संरक्षणासाठी भारताने विविध कायदे आणि धोरणे स्वीकारली आहेत. १९९९ आणि २००५ मध्ये भारताने पेटंट कायद्यात सुधारणा करून TRIPS कराराच्या अंमलबजावणीसाठी आवश्यक पावले उचलली. तसेच, भारताने कॉपीराइट कायदा २०१२, ट्रेडमार्क कायदा १९९९, औद्योगिक डिझाइन कायदा २०००, आणि भौगोलिक संकेत कायदा १९९९ लागू केले.

भारतातील बौद्धिक संपदा व्यवस्थापन अधिक प्रभावी करण्यासाठी राष्ट्रीय बौद्धिक संपदा

धोरण २०१६ लागू करण्यात आले. या धोरणामुळे संशोधनाला चालना मिळाली, नवसंशोधन सुलभ झाले आणि स्टार्टअप्सना त्यांच्या नाविन्यपूर्ण संकल्पनांचे संरक्षण मिळू लागले. भारत सरकारने बौद्धिक संपदा शिक्षण आणि जागरूकता वाढवण्यासाठी विविध उपक्रम सुरू केले आहेत. त्यामुळे भारत आता जागतिक स्तरावर बौद्धिक संपदा संरक्षणाच्या बाबतीत अधिक प्रभावी देश बनत आहे.

बौद्धिक संपदा संरक्षणातील कायदेशीर आव्हाने :

भारतात बौद्धिक संपदा हक्कांसाठी विविध कायदे अस्तित्वात आहेत, मात्र त्यांची अंमलबजावणी करताना अनेक अडचणी येतात. कायद्यांची काटेकोर अंमलबजावणी होण्यासाठी सक्षम यंत्रणा आणि प्रशिक्षित अधिकारी आवश्यक असतात, मात्र भारतात अद्याप या संदर्भात मोठी तफावत दिसून येते. बौद्धिक संपदेचे उल्लंघन झाल्यास तक्रार नोंदवण्याची प्रक्रिया गुंतागुंतीची आणि वेळखाऊ आहे, त्यामुळे अनेक व्यवसाय आणि संशोधक त्यांच्या हक्कांसाठी न्यायालयीन लढा देण्याचे टाळतात.

स्थानिक आणि आंतरराष्ट्रीय कंपन्यांना न्यायसंस्थेकडून वेगवेगळे अनुभव येतात. न्यायालयीन प्रक्रिया संध असल्यामुळे अनेक गुन्हेगार सहज सुटून जातात, परिणामी बौद्धिक संपदेचे उल्लंघन मोठ्या प्रमाणावर घडते. यासाठी भारतात तांत्रिकदृष्ट्या सुसज्ज आणि अधिक वेगवान न्यायप्रणाली विकसित करणे आवश्यक आहे.

भारतातील संगीत, चित्रपट, सॉफ्टवेअर आणि प्रकाशन उद्योग मोठ्या प्रमाणावर कॉपीराइट उल्लंघनाला तोंड देत आहेत. इंटरनेट आणि डिजिटल माध्यमांमुळे साहित्य, चित्रपट आणि संगीत सहजगत्या चोरणे आणि वितरण करणे शक्य झाले आहे. भारतात पायरेटेड सिनेमा आणि संगीत सहज उपलब्ध होतात, आणि त्यावर प्रभावी कारवाई करण्यासाठी कठोर यंत्रणा नसल्यामुळे उल्लंघन रोखता येत नाही.

न्यायालयात कॉपीराइट संदर्भातील प्रकरणे अनेक वर्षे प्रलंबित राहतात. कॉपीराइटधारकांना न्याय

मिळण्यासाठी दीर्घ कालावधी लागतो, परिणामी त्यांचे आर्थिक नुकसान मोठ्या प्रमाणावर होते. न्यायालयीन प्रक्रियेत वेग आणण्यासाठी तंत्रज्ञानाचा अधिक वापर, जलदगती न्यायनिर्णय आणि विशेष कॉपीराइट न्यायालये स्थापन करण्याची गरज आहे.

पेटंटशी संबंधित अनेक प्रकरणे भारतीय न्यायालयांमध्ये अनेक वर्षे प्रलंबित राहतात. पेटंट मंजुरीची प्रक्रिया संथ असून, एका पेटंटला मंजुरी मिळण्यासाठी अनेक वर्षे लागू शकतात. न्यायसंस्थेत पेटंट कायद्याची सखोल जाण असलेले न्यायाधीश आणि तज्ज्ञ कमी असल्याने अनेक प्रकरणे गुंतागुंतीची ठरतात.

परदेशी कंपन्या आणि भारतीय संशोधक यांच्यातील पेटंट विवाद अनेकदा मोठे स्वरूप घेतात. न्यायालयाच्या संथगतीमुळे अनेक संशोधक आणि कंपन्यांना त्यांच्या बौद्धिक संपदेचे संरक्षण करण्यासाठी मोठ्या अडचणीचा सामना करावा लागतो. यासाठी पेटंट प्रकरणांवर निर्णय घेण्यासाठी स्वतंत्र बौद्धिक संपदा न्यायालये स्थापन करणे आवश्यक आहे.

भारतातील जनरिक औषध कंपन्या आणि आंतरराष्ट्रीय औषध कंपन्यांमध्ये पेटंट संरक्षणाच्या मुद्द्यावरून मोठे मतभेद असतात. TRIPS कराराच्या अंमलबजावणीनंतर भारताने २००५ मध्ये पेटंट कायद्यात सुधारणा केल्या, ज्यामुळे आंतरराष्ट्रीय औषध कंपन्यांना भारतीय बाजारात संरक्षण मिळाले. मात्र, यामुळे स्थानिक औषध कंपन्यांना मोठे नुकसान सहन करावे लागले.

भारतीय कायद्यांनुसार जीवनावश्यक औषधांसाठी बौद्धिक संपदा संरक्षण मर्यादित ठेवण्याची तरतूद आहे, परंतु मोठ्या आंतरराष्ट्रीय कंपन्या अनेकदा न्यायालयात जाऊन स्थानिक कंपन्यांच्या उत्पादनांवर बंदी आणण्याचा प्रयत्न करतात. त्यामुळे भारतीय औषध कंपन्यांना संशोधनासाठी पुरेसा वाव मिळत नाही. बौद्धिक संपदेच्या संरक्षण आणि जनहित यात समतोल साधण्यासाठी सरकारला अधिक स्पष्ट धोरण आखण्याची गरज आहे.

भारतातील स्टार्टअप्स आणि स्थानिक कंपन्यांना मोठ्या बहुराष्ट्रीय कंपन्यांशी स्पर्धा करावी लागते. बौद्धिक संपदा कायद्यांचा आधार घेत मोठ्या कंपन्या लहान उद्योगांना बाजारातून बाहेर टाकण्याचा प्रयत्न करतात. पेटंट आणि ट्रेडमार्क यांसारख्या मुद्द्यांवर अनेक वेळा स्थानिक कंपन्यांना जागतिक कंपन्यांच्या विरोधात लढावे लागते, परंतु न्यायालयीन प्रक्रिया संथ असल्याने त्यांना मोठे नुकसान होते.

आंतरराष्ट्रीय ब्रँड्सनी भारतीय बाजारपेठेतील स्थानिक नाविन्यपूर्ण उत्पादनांवर पेटंट आणि ट्रेडमार्कचे दावे दाखल करून अनेक भारतीय कंपन्यांना मोठ्या संघर्षात टाकले आहे. या समस्येवर उपाय म्हणून, सरकारने स्थानिक संशोधन आणि इनोव्हेशनला पाठिंबा देणाऱ्या धोरणांची अंमलबजावणी करावी आणि भारतीय कंपन्यांना जागतिक स्पर्धेत टिकून राहण्यासाठी सहाय्य करावे.

राजकीय आव्हाने आणि धोरणात्मक उपाय:

भारतात बौद्धिक संपदा संरक्षणासाठी अनेक कायदे अस्तित्वात असले तरी, धोरणात्मक स्तरावर अनेक अडचणी आहेत. बौद्धिक संपदा हक्कांचे संरक्षण करण्यासाठी राष्ट्रीय धोरण २०१६ लागू करण्यात आले, परंतु त्याची प्रभावी अंमलबजावणी अद्यापही अपूर्ण आहे. संशोधक आणि उद्योगांसाठी पेटंट नोंदणी प्रक्रिया सुलभ करण्याची गरज आहे.

शासनस्तरावर बौद्धिक संपदा धोरणे आखताना वेगवेगळ्या मंत्रालयांमधील समन्वयाचा अभाव दिसून येतो. तसेच, बौद्धिक संपदा हक्कांचे संरक्षण अधिक प्रभावी करण्यासाठी न्यायालयीन प्रक्रियेत वेग वाढवण्याची आवश्यकता आहे. धोरणात्मक स्पष्टता नसल्यामुळे परकीय कंपन्या आणि भारतीय स्टार्टअप्स यांच्यात बौद्धिक संपदेच्या मालकी हक्कांवर अनेकदा संघर्ष निर्माण होतो. यावर उपाय म्हणून, धोरणांमध्ये सुसूत्रता आणण्यासाठी एक विशेष बौद्धिक संपदा नियामक यंत्रणा स्थापन करण्याची गरज आहे.

परकीय गुंतवणुकीसाठी भारत ही एक महत्त्वाची बाजारपेठ आहे, परंतु बौद्धिक संपदा

संरक्षणाच्या संदर्भात परदेशी कंपन्यांना अनेक अडचणी येतात. आंतरराष्ट्रीय कंपन्यांना भारतातील पेटंट आणि कॉपीराइट संरक्षण प्रणाली स्पष्ट आणि पारदर्शक नसल्याची तक्रार असते. त्यामुळे परकीय गुंतवणूकदार भारतात संशोधन आणि विकास (R&D) केंद्र स्थापन करताना सावधगिरी बाळगतात.

भारताने परकीय गुंतवणुकीला चालना देण्यासाठी बौद्धिक संपदा संरक्षण अधिक मजबूत करणे गरजेचे आहे. यासाठी परकीय गुंतवणूकदारांना भारतीय बाजारपेठेत प्रवेश मिळवताना स्पष्ट मार्गदर्शक तत्वे उपलब्ध करून देणे आवश्यक आहे. तसेच, स्टार्टअप्स आणि लघु उद्योगांना बौद्धिक संपदा हक्कांचे संरक्षण करण्यासाठी सरकारी पाठबळ मिळाले, तर परकीय गुंतवणुकीसोबत भारतीय कंपन्यांचा विकासही सुकर होईल.

तंत्रज्ञान हस्तांतरण हा भारतीय उद्योग आणि संशोधन क्षेत्रासाठी महत्वाचा मुद्दा आहे. आंतरराष्ट्रीय कंपन्या त्यांचे तंत्रज्ञान भारतीय कंपन्यांसोबत शेअर करताना बौद्धिक संपदा हक्कांचे उल्लंघन होण्याची भीती व्यक्त करतात. त्यामुळे भारतातील स्टार्टअप्स आणि उद्योगांना अत्याधुनिक तंत्रज्ञान मिळण्यात अडचणी येतात.

भारतीय धोरणांमध्ये तंत्रज्ञान हस्तांतरणाला चालना देण्यासाठी स्पष्ट मार्गदर्शक तत्वे आवश्यक आहेत. सह-नवोपक्रम (co-innovation) आणि परकीय कंपन्यांसोबत संयुक्त संशोधन प्रकल्पांना अधिक प्रोत्साहन दिल्यास भारतातील उद्योगांना जागतिक स्तरावर स्पर्धात्मक बनवता येईल. तसेच, परकीय कंपन्यांचे तंत्रज्ञान सुरक्षित राहील याची हमी देण्यासाठी कायदेशीर उपाययोजना करणे गरजेचे आहे.

भारताच्या व्यापार धोरणांवर बौद्धिक संपदा संरक्षणाचा मोठा प्रभाव पडतो. TRIPS कराराच्या अंमलबजावणीनंतर भारताने आपल्या बौद्धिक संपदा कायद्यांमध्ये महत्त्वपूर्ण सुधारणा केल्या. मात्र, यामुळे भारतीय औद्योगिक क्षेत्राला काही अडचणीही निर्माण झाल्या, विशेषतः औषध कंपन्यांच्या संदर्भात.

भारताने बौद्धिक संपदा हक्कांच्या संदर्भात व्यापार धोरणे अधिक संतुलित ठेवण्याची गरज आहे. जागतिक बाजारपेठेत भारतीय कंपन्यांना संधी मिळण्यासाठी स्थानिक नवसंशोधनाला प्रोत्साहन देणारी धोरणे आवश्यक आहेत. तसेच, भारताने व्यापार भागीदार देशांशी बौद्धिक संपदा संरक्षणासंबंधी करार करताना स्थानिक उद्योगांच्या हिताचे रक्षण करणे गरजेचे आहे.

निष्कर्ष:

बौद्धिक संपदा संरक्षण हे आधुनिक अर्थव्यवस्थेचा एक महत्वाचा घटक बनले आहे. भारताने जागतिक पातळीवरील विविध करारांसह (TRIPS, WIPO, पॅरिस करार, बर्न कन्व्हेंशन) स्वतःच्या बौद्धिक संपदा कायद्यांमध्ये सुधारणा केल्या आहेत. मात्र, अंमलबजावणीतील त्रुटी, न्यायालयीन प्रक्रिया, पेटंट विवाद, औषध कंपन्यांवरील परिणाम आणि जागतिक व स्थानिक कंपन्यांतील संघर्ष यांसारखी आव्हाने अजूनही कायम आहेत.

राजकीय स्तरावर बौद्धिक संपदा धोरणाच्या स्पष्टतेचा अभाव, परकीय गुंतवणुकीवरील प्रभाव, तंत्रज्ञान हस्तांतरणातील अडचणी आणि व्यापार धोरणांवरील परिणाम यामुळे भारताला अनेक समस्यांचा सामना करावा लागत आहे. न्यायव्यवस्थेतील विलंब आणि कार्यक्षमतेचा अभाव यामुळे अनेक कंपन्या आणि संशोधक आपल्या बौद्धिक संपदेचे पूर्ण संरक्षण करू शकत नाहीत.

भविष्यातील धोरणे अधिक प्रभावी करण्यासाठी सरकारने बौद्धिक संपदा संरक्षण मजबूत करणे, स्थानिक उद्योगांना मदत करणे आणि आंतरराष्ट्रीय स्तरावर भारताच्या हिताचे रक्षण करणे आवश्यक आहे. नवसंशोधन आणि संशोधकांना प्रोत्साहन देणारी धोरणे राबवून भारत जागतिक बौद्धिक संपदा क्षेत्रात महत्वाची भूमिका बजावू शकतो.

शिफारसी:

बौद्धिक संपदा संरक्षण अधिक प्रभावी करण्यासाठी भारताला धोरणात्मक, कायदेशीर आणि व्यावहारिक पातळीवर सुधारणा करणे आवश्यक आहे. पुढील उपाययोजना राबविल्यास बौद्धिक संपदेचे संरक्षण मजबूत होईल आणि आर्थिक विकासाला चालना मिळेल:

- कायद्यांची अंमलबजावणी सुधारणे:** बौद्धिक संपदा कायद्यांची काटेकोर अंमलबजावणी करण्यासाठी विशेष न्यायालये आणि जलदगती निपटारा यंत्रणा निर्माण करावी.
- संशोधन आणि विकासाला प्रोत्साहन:** संशोधक आणि स्टार्टअप्ससाठी पेटंट अर्ज प्रक्रिया सुलभ करून त्यांना आर्थिक मदत आणि कर सवलती द्याव्यात.
- जनजागृती आणि शिक्षण:** बौद्धिक संपदा हक्कांची जाणीव वाढवण्यासाठी उद्योग, शैक्षणिक संस्था आणि स्टार्टअप्ससाठी प्रशिक्षण कार्यक्रम आयोजित करावेत.
- परकीय गुंतवणुकीस अनुकूल धोरणे:** आंतरराष्ट्रीय कंपन्यांना भारतात गुंतवणुकीसाठी विश्वासाह वातावरण निर्माण करून तंत्रज्ञान हस्तांतरण सुलभ करावे.
- स्थानिक उद्योगांचे संरक्षण:** बहुराष्ट्रीय कंपन्यांशी स्पर्धा करण्यासाठी भारतीय स्टार्टअप्स आणि लघु उद्योगांना आर्थिक सहाय्य आणि कायदेशीर मदत द्यावी.
- आंतरराष्ट्रीय सहकार्य:** TRIPS आणि WIPO करारानुसार भारताने आपली भूमिका अधिक स्पष्ट करून देशाच्या हिताचे संरक्षण करावे.

वरील उपाययोजनांमुळे भारतातील बौद्धिक संपदा संरक्षण प्रणाली अधिक सक्षम होईल आणि देशाच्या आर्थिक विकासाला चालना मिळेल.

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M. S. P. Mandals
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