
APPLICATION OF IPR IN CONTEXT TO LIBRARIES

Dr. M. T. Bherwani

Librarian

Shri Mathuradas Mohota College of
Science

Abstract :

Explore the importance of Intellectual Property Rights (IPR) in libraries, highlighting the various types of IPR and their roles in the academic community. IPR laws play a crucial role in fostering new knowledge, creativity, and innovation, benefiting society while providing protection and incentives for creators and researchers across diverse fields. Libraries primarily focus on copyright laws to strike a balance between the rights of creators and the needs of knowledge users.

Introduction :

Intellectual Property Rights (IPR) are essential in the realm of libraries, where they support various aspects of the academic community. Different types of IPR serve distinctive roles, facilitating the creation of new ideas, fostering creativity, and driving innovation. This dynamic not only benefits society at large but also provides necessary protection and motivation for creators and researchers across multiple disciplines. Libraries particularly emphasize copyright laws to achieve a balance between respecting the rights of creators and addressing the needs of knowledge users.

Intellectual Property Rights :

Intellectual property (IP) pertains to the innovative creations of the human mind. It encompasses a range of legally acknowledged rights tied to creativity and innovation, distinguishing these intangible achievements from physical goods, real estate, and other concrete assets. Intellectual property rights encompass Copyrights, Trademarks, Patents, Industrial Designs, Geographical Indications, and Trade Secrets. These rights grant legal acknowledgment and protection for creative works.

According to the World Intellectual Property Organization (WIPO) of the United Nations, intellectual property refers to “creations of the mind,” including inventions, literary and artistic works, and various symbols, names, images, and designs utilized in commercial contexts. IP is classified into two main categories: industrial property—which includes patents for inventions, trademarks, industrial designs, and geographical indications—and copyright, which covers literary and artistic pieces such as novels, poems, plays, films, musical compositions, and artworks like drawings, paintings, photographs, sculptures, and architectural designs. Copyright-related rights also extend to performing artists for their performances, producers of sound recordings for their works, and broadcasters for their radio and television content.

Kinds of IPR :



Intellectual Property Rights are mainly of two types:

- Industrial Property.
- Copyrights & related rights.

The industrial properties encompass a range of intellectual property types, including Inventions, Trademarks, Trade Secrets, Industrial Designs, Integrated Circuit Designs, and Geographic Indicators of origin. Copyrights and related rights cover an extensive array of literary works, such as articles, newspapers, novels, storybooks, and poetry collections. Additionally, they protect visual arts like drawings, photographs, and paintings, as well as architectural designs, music, dance, films, and other artistic performances. From a library's perspective, copyright is a key issue in the realm of intellectual property rights (IPR). Libraries play a crucial role in finding a balance between the rights of creators and the needs of users.

Patent :

A patent serves as a framework designed to safeguard the rights of creators and inventors of original works, while also encouraging the responsible application of technological innovations for societal benefit. It consists of exclusive rights conferred by a sovereign authority to an inventor or their assignee for a specified duration, contingent upon the public disclosure of the invention, which addresses a particular technological challenge and can take the form of either a product or a process. Patents are categorized as a type of Intellectual Property.

As noted by Spinello, there are three distinct categories of patents: design patents, utility patents, and plant patents. Design patents safeguard any new, original, and ornamental design for a manufactured item, whereas utility patents cover any process, machine, or manufactured article. Patent protection grants an individual inventor or firm the authority to prevent others from making, using, selling, or importing the patented invention for a period of 20 years.

According to the India Patent Information System, patent rights are awarded for creative and innovative works that fall into the following categories:

- Art, Process, Method, or Manner of manufacture;
- Machine, Apparatus, or other Articles;
- Substances produced through Manufacturing;
- Computer Software with Technical applications in Industry or that operates with Hardware;
- Product Patents for Food, Chemicals, Medicines, or Drugs.

Trade Secret :

A trade secret represents a distinct category of intellectual property rights (IPR) utilized by businesses that possess confidential information pertaining to their unique operational qualities. Typically, a trade secret is characterized as information that is employed in business operations, providing the owner with a competitive edge over rivals who are unaware of or do not utilize that information, provided that its confidentiality is preserved. This form of protection can encompass "secret formulas" (like the one created by Coca-Cola), project



blueprints, marketing strategies, and manufacturing techniques.

Trade Marks :

A trademark represents the exclusive entitlement of a specific trade or commercial identity. It is a form of legal protection established under the Federal Trademark Act of 1946, commonly referred to as 'The Lanham Act.' This legislation grants the seller the sole authority to register a trademark and prohibits competitors from utilizing that mark.

Geographical Indicator :

Geographical Indicator (GI) represents a distinct category of intellectual property that was incorporated into intellectual property rights law through the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) established by the World Trade Organization (WTO). This term denotes any sign that signifies a product's origin from a specific location, where certain qualities, reputation, or other attributes of the product are fundamentally linked to its geographical source. India possesses numerous existing or potential GIs, with some, such as 'Darjeeling' (tea), 'Basmati' (rice), and 'Alphonso' (mango), already enjoying global recognition.

The protection of Industrial Design Intellectual Property Rights serves as a vital tool for enhancing the creativity of designers within micro, small, and medium enterprises (MSMEs). This initiative is part of a broader strategy to bolster national competitiveness in the context of free trade. By safeguarding industrial designs, IPR fosters innovative endeavors, encouraging the development of new and engaging designs specifically within the MSME sector, thereby facilitating the production of creatively appealing products.

Need of IPR :

Intellectual Property Rights (IPR) laws are inherently territorial. Most countries worldwide have established systems for the protection and enforcement of intellectual property, as these systems foster innovation and creativity, ultimately contributing to the economic well-being of the nation. The first recorded intellectual property law was enacted in Venice in 1474.

These laws serve as a foundation and motivation for creative individuals, ensuring they are compensated for their efforts. Without IPR, inventors would not benefit from their innovations, artists would not profit from their creations, and investments in works such as literature, films, and software would remain unrecovered. The reward for creativity encourages further innovation, yielding advantages for society at large.

Indian Copyright Law :

The Indian Copyright Act of 1957 underwent amendments in 1983, 1984, 1994, 1999, and 2012 to address evolving issues related to copyright implications. Notable changes introduced in the amendments of 1999 and 2012 include:

- The extension of the copyright term for performers from 25 years to the lifetime of the author plus 60 years for a single author, and for joint authors, the duration extends to



the lifetime of the last surviving author plus 50 to 60 years.

- A revised definition of literary works.
- Clarification of copyright concerning computer programs.
- New provisions granting the Government of India authority to enforce regulations related to broadcasting organizations and their performers.
- The Indian Copyright (Amendment) Act of 2012 includes provisions that support Technological Protection Measures (TPMs). Section 65A establishes that circumventing an effective technological measure designed to protect copyrights is a punishable offense, carrying a penalty of up to two years of imprisonment and a fine. Section 65B criminalizes the unauthorized removal or alteration of digital rights information and the distribution of copyrightable works from which such information has been removed.

Copyright infringement is subject to penalties ranging from six months to three years of imprisonment, along with fines between fifty thousand and two lakhs for first-time offenses. For subsequent offenses, the punishment increases to a minimum of one year and up to three years of imprisonment, with fines ranging from one lakh to two lakhs. The law empowers any police officer of the rank of sub-inspector or higher to arrest individuals responsible for such offenses without a warrant, provided they have reasonable grounds to believe that an offense has occurred, is occurring, or is likely to occur.

Role of libraries :

The function of libraries within the scholarly communication framework is influenced by copyright regulations. There are fundamentally three key participants involved:

- Creators, who possess legal rights;
- Publishers, who acquire legal rights through transfer agreements;
- Users, including individuals and institutions like libraries and academic entities, who hold legal rights through specific exceptions and limitations.

Conclusion :

The significance of intellectual property rights (IPR) and their appropriate application cannot be overstated. Various forms of IPR are intertwined with everyday life, highlighting the necessity for increased awareness among the various stakeholders in scholarly communication. Libraries and library professionals are crucial in balancing the rights of creators and users, as they serve as vital information hubs that deliver resources to users while also enforcing copyright laws and the policies of authors. Furthermore, copyright and other forms of IPR foster the development of new knowledge and support the efforts of creators and innovators.

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