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## AN IMPACT OF INTELLECTUAL PROPERTY RIGHTS AND ITS SIGNIFICANCE FOR E- COMMERCE & M – COMMERCE

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### Abstract :

*Intellectual property rights refer to the property rights which are granted to an author or creator of a new invention or intangible asset. The concept of intellectual property was developed in the 18th century, with the first federal statute on patents being passed in 1790*

*E-commerce & M- Commerce has become a significant global economic force, with online marketplaces facilitating the exchange of goods and services, including those reliant on intellectual property like software, designs, and creative content. IPR, encompassing copyrights, trademarks, patents, and trade secrets, is vital for protecting the value of digital creations and fostering innovation in the e-commerce sector. Protecting IPR is crucial for the sustainable growth and success of e-commerce businesses, ensuring fair competition, fostering innovation, and safeguarding the interests of creators and businesses alike.*

**Keywords:** Intellectual property rights, E-commerce, M- commerce Legal protection, Emerging technologies, ethical considerations consumer protection, artificial intelligence

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### Introduction :

Intellectual property (IP) is the term used to describe exclusive rights pertaining to creative works. Intangible assets including innovations, literary and artistic works, designs, phrases, symbols, and images can be protected under IP law. This protection is made possible by various IP rights, including patents, trademarks, designs, and copyright. These rights allow their owners to profit financially or gain recognition from their inventions or creations so we can assume that the Intellectual Property Rights (IPR) play a crucial role in M-commerce by protecting businesses from unfair competition and ensuring the value of their assets, including trademarks, designs, and creative content, in the digital market place

Electronic commerce, is the practice of conducting business dealings online. E-Commerce platforms like Amazon, Swiggy, Zomato, and others might serve as examples.

E-commerce often entails the sale of goods or services based on licensed intellectual property. Music, photos, graphics, software, content, and so many other sorts of intellectual property can all be transferred through an e-commerce platform in the domain of digital goods



## **Review Of Literature :**

The literature on Intellectual Property Rights (IPR) in the context of m-commerce (mobile commerce) or E- Commerce highlights the importance of protecting digital assets like software, designs, and brands, as well as the challenges of enforcing these rights in a mobile and globalized environment

E-commerce is one of the highest IPR relying or IPR as well as license using business models. Through E-commerce, one can exchange the objectives of IPR, types of IPR (Patents, Trademarks, Copyrights and Related Rights, Geographical Indications, Industrial Designs, Trade Secrets, Layout Designs For Integrated Circuits, Protection of New Plant Varieties), duration of IPR, and concept-related patents (Types of Patent, Tangible And Intangible Property, Novelty, Non-Obviousness,) Utility, Anticipation.

## **Significance of the study :**

The majority of businesses worldwide consider their intellectual property to be a much more valuable asset than any physical property they may hold. This is due to the fact that intellectual property laws shield businesses against unfair competition as well as the disclosure of their trade secrets. The primary goal of intellectual property legislation is to promote the production of several different intellectual goods. To do this, the law grants individuals and organizations ownership rights to the knowledge and intellectual products they produce, typically for a finite amount of time.

## **Objectives of the study :**

### **Safe guarding Intellectual Property:**

E-commerce relies heavily on intellectual property (IP) like trademarks, copyrights, and patents, which are often the core value of online businesses.

### **Preventing Infringement and Counterfeiting:**

Studies on IPR in e-commerce help identify and address issues like counterfeiting, copyright infringement, and unauthorized use of trademarks, which can severely damage businesses and consumer trust.

### **Encouraging Innovation:**

Strong IPR protection incentivizes businesses to invest in research and development, knowing their innovations will be protected and can generate revenue.

### **Ensuring Authenticity:**

IPR protection helps consumers identify genuine products and services, protecting them from counterfeit goods and scams.

### **Promoting Fair Competition:**

By preventing unfair competition, IPR studies contribute to a level playing field for



businesses, benefiting consumers through a wider range of authentic choices.

### **Building Trust:**

Strong IPR enforcement builds trust between businesses and consumers, encouraging online transactions and fostering a positive e-commerce environment.

### **Intellectual property rights and its role in e-commerce m-commerce :**

Role of IPR in e-commerce and M- Commerce

### **Protecting Business Interests:**

IPR laws safeguard a company's and its entities' business interests from unfair

### **Economic Growth:**

Strong IPR protection contributes to economic growth by fostering innovation, attracting investment, and creating jobs.

### **International Trade:**

IPR plays a crucial role in international trade, ensuring that businesses can protect their IP when operating in different markets.

### **Social Responsibility:**

Protecting IPR in e-commerce is a matter of social responsibility, ensuring fair and ethical business practices online. Competition, especially in the digital economy where IP violations are common.

### **Safeguarding Digital Assets:**

IPR protects crucial digital and technical assets like software, designs, networks, routers, applications, and other elements necessary for the functioning of the internet and e-commerce platforms.

### **Preventing Piracy and Counterfeiting:**

IPR laws help prevent the unauthorized copying, distribution, and sale of copyrighted works, trademarks, and other intellectual property, which can harm e-commerce businesses.

### **Licensing and Innovation:**

E-commerce businesses often rely on licensing agreements for software, technologies, and other IP to create and sell products and services.

### **Protecting Brand Identity:**

Trademarks protect brand names, logos, domain names, and other distinguishing signs, which are crucial for e-commerce businesses to establish and maintain their brand identity.



### **Enforcing Rights:**

IPR holders must actively monitor online marketplaces and social media platforms to identify counterfeit products and take appropriate action, such as issuing takedown notices or notifying relevant authorities.

### **Examples of IPR in E-commerce and M- commerce :**

**Copyright :** Protects website content, software, and other creative works.

**Trademarks :** Protects brand names, logos, and other distinguishing signs.

**Patents :** Protects inventions and processes used in e-commerce systems and technologies.

**Trade Secrets :** Protects confidential information, such as algorithms, source code, and business strategies.

### **Elements protected under e- commerce, m- commerce :**

#### **Consumer Protection Laws:**

E-commerce platforms must comply with consumer protection laws, which safeguard against product defects, unfair trade practices, and false advertising.

#### **Data Privacy:**

E-commerce businesses must protect customer data, including personal information and payment details, through security measures like encryption and firewalls.

#### **Privacy Policies:**

Businesses need to have transparent and easily accessible privacy policies that explain how customer data is collected, used, and protected.

### **Challenges In E-Commerce M- Commerce :**

**Cross-Border Infringement:** The global nature of e-commerce makes it difficult to enforce IPRs across different jurisdictions, as counterfeiters and pirates can operate from anywhere in the world.

**Rapid Technological Advancements:** The ever-evolving nature of technology creates new challenges for IPR enforcement, as new methods of infringement and piracy emerge.

**User-Generated Content:** E-commerce platforms often host user-generated content, which can include infringing material, making it difficult to monitor and remove infringing content.

**Intermediary Liability:** E-commerce platforms can face legal challenges for failing to prevent or remove infringing content, even if they are unaware of the infringement.

### **Solutions and strategies in E-commerce M – commerce :**

**Strong Legal Frameworks:** Clear and enforceable IPR laws are essential for protecting



businesses and consumers in the e-commerce space.

**Collaboration:** E-commerce platforms, intellectual property owners, and law enforcement agencies need to collaborate to identify and combat IPR infringement.

**Technology:** AI and other technologies can be used to detect and prevent IPR infringement, but they also need to be used responsibly and ethically.

**Education and Awareness:** Raising awareness about IPR and the importance of protecting intellectual property is crucial for both businesses and consumers.

**Effective IP protection and enforcement strategy:** EU companies engaged in e-commerce business should adopt an effective IP protection and enforcement strategy that tailor fits their requirements to protect and safeguard their intellectual property from infringement and counterfeiting.

### **Conclusion:**

This paper shows on numerous issues and potential solutions in this field while highlighting the crucial connection between intellectual property rights (IPR) and e-commerce. M- Commerce. The preservation of IP rights in the modern era is crucial given the e-commerce market's explosive growth, particularly in nations like India. According to the data, intellectual property (IP) infringement is a widespread problem in e-commerce that affects not only consumers who acquire fake goods but also authentic vendors and the e-commerce platforms themselves. The complexity of these infringements, which include concept theft, imitation websites, and inexpensive brand reproductions, makes it difficult to detect and respond to IP crimes. There are suggested legislative and policy-based solutions to lessen these difficulties. Sellers on e-commerce platforms are urged to register their goods for patent, trademark, and copyright protection. For recognising and preventing IP infringements, strict policies and preventative measures are advised, such as picture recognition and real-time interception systems.

The expansion of online commerce makes it easier for businesses to monitor and defend their trade activities, especially those that require maintaining anonymity. IPR owners are able to claim portion of the company's revenues thanks to IP rights in e-commerce. Intellectual property rights will be implemented with a focus on characteristics that are unique and unavailable to others, successfully enabling E-commerce activity in the public domain. The legal protection of intellectual property rights promotes sturdiness in the use of intellectual property, which aids 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 that rivals cannot offer. This promotes healthy competition online and generates income for the rightful intellectual property owners. Because of this, intellectual property protects e-commerce and promotes economic justice while the appropriate safeguards for protecting intellectual property rights are take.

### **References :**

- Bhattacharya, S., & Saha, C. (2011). Intellectual property rights: An overview and



- implications in pharmaceutical industry. Journal of Advanced Pharmaceutical Technology & Research, 2(2), 88. ncbi. <https://doi.org/10.4103/2231-4040.82952>
- Kumari,P.(2018).THEINTELLECTUALPROPERTYRIGHTSININDIANCONTEXT .Journalof
  - HarmonizedResearchinManagement,4(3),59.<https://doi.org/10.30876/johr.4.3.2018.59-66>
  - Rakoto,A. (2018).TheProtectionof IntellectualPropertyRightsinE-Commerce. SSRNElectronic Journal. <https://doi.org/10.2139/ssrn.3167687>
  - Lee,H.(2020).AStudyofActionLearningModelforIndustry-academiaCooperationtoStrengthen ExportCompetitivenessofSMEs.Korea AssociationforInternationalCommerceandInformation,22(1), 393–413. <https://doi.org/10.15798/kaici.2020.22.1.393>
  - Intellectual Property Rights and Legal Research: Issues and Challenges. (2021). Journal of Intellectual Property Rights, 26(6). <https://doi.org/10.56042/jipr.v26i6.40329>
  - Geiger,C.(2021).IntellectualPropertyandInvestmentProtection:AMisleadingEquation. SSRN Electronic Journal.<https://doi.org/10.2139/sn.3958320>
  - Google

