

AWARENESS OF INTELLECTUAL PROPERTY RIGHTS AMONG THE RESEARCH SCHOLARS IN HIGHER EDUCATION INSTITUTIONS

Dr. Vilas Y. Sonawnae

Principal, B. Raghunath Arts, Commerce and Science College, Parbhani, 431401.

Abstract- With the advent of modern science and technology it is been considered to benefit those who are in actual credit takes of some sorts of tech-scientific innovations. To benefit add encourage such innovative people and firms, Intellectual Property Rights. Came to existence. The term intellectual property guided his strength from a long time and much elaborated since then. The term is applied to all innovation irrespective of educational qualifications and implies to all subjects. It is not only important for the lawyers, judges and law as well as researchers to know IP rights and register their findings. At global level, in 2018, Finland, New Zealand, Switzerland and Sweden stands in top five in word ranking respectively. Therefore it is necessary to check out to the mindset of Indian intellectuals, whether they aware about IPR. If they would aware about IPR than only can proceed for IPRs in future for their research findings. As the researchers are hub of intellectuals therefore, current study is an insight of students as intellectuals of higher education institutions. It is to find out whether they are aware about IPR. To answer the question, awareness survey has been conducted by taking questionnaire.

Keywords- Intellectual Property, Copyright, Patent, awareness about IPR, Higher Education Institution.

Introduction

It is a moral duty to protect someone's investment of mind and time and other resource to achieve a specific knowledge. The outcome of such efforts should be used under authorization of investor. It makes a moral and socio-economic sense to use under authorization. In another way it is becoming a source of earning in a respect way. The IPR is only way to make balance between public and private rights.

Why IPR matters to India

Intellectual property is the only way to have deep insight of nationals of any country. In today's global village concept, IPR comes with other aspects. i.e. Educational, commercial and economic growth and development to new country. In 2017, US filed for 59624 patents, China fro48882 patents and Japan 48208 patents .Indian is not standing anywhere among 10 too. So, it's a matter of much concern for India like big education infrastructure with hug researchers to stand up and analyze the situation. As we know the awareness plays a key role in advancement in all aspect of progress of nay country, therefore, this paper gas taken awareness about IPR.

Different types of Intellectual property

Copyright and Related Rights: Copyright covers literacy works (such as novels, poems and plays), films, music, and artistic work. e.g. Drawing, painting, photographs, sculptures and architectural work.

- The purpose of copyright is to ensure and reward the general benefit of authors produce work.
- To get protection from the copyright law the work must be original and fixed in a tangible form. It must be first publication an original work. In case of work published out of India, at time author must be citizen of India.
- The protection is given literary work, artistic work, musical work, dramatic work, cinematography, architectural work, sound recording and computer program/software.

The term of copyright protection:

- Work is life of the author plus 60 years from the death of author.
- In case of multiple authors, the term is 60 years from the death of last author.
- In case of anonymous and preservation and pseudonym term is 60 years from the date of publication.
- The protection for photographs, cinematograph films and sound recording is 60 years from the date of publication.

Trademarks, trade names and Service marks:

A trademark can be a name, word, slogan, design, symbol or other unique device that identifies the product or organization.

- A trademark provides protection to the owner of the mark by ensuring the exclusive right to use it or to authorize another to use the name in return for payment.

Types of Trademarks

- Device
- Brand
- Label
- Ticket
- Numerals
- Symbol
- Color
- Shape
- Letter
- Name

Trademark Law in India

- The Indian trademark act, 1940
- The trademark and merchandise act, 1958
- Trademark act, 1999
- Trademark (amendment) act, 2010
- Well- known trademark and trans-border reputation
- Protection of domains names infringement and passing off
- Protection of unconventional marks
- India's accession to Madrid protocol
- Digitization of trademark registry
- Government's initiatives IP awareness and protection

The Term of trademark of is 10 year from the date of filling Application form.

Geographical Indications: A geographical indication says that a product is produced in certain place and has certain features which are due to the place of production. All producers who make their products in a place designed by the geographical indication and share the same qualities can use it.

Industrial design: An industrial design is the ornamental aspect of an article, which consist of three-dimensional features such as shape or surface or of two-dimensional features such as pattern, lines or color. It works like a tool for product differentiation and lures customers by enhanced visual appeal. It works like an Intellectual property to be protected. Industrial designs are applied on the products of industry or handicraft like house ware, furniture, electrical appliances, vehicles and architectural structures, textiles designs, toys etc. An industrial design is different trademarks primarily because it is constituted by the appearance of a product, which is not necessarily distinctive.

Patents: A patent is an exclusive right or right ranted by the government to an inventor for a limited time period in exchange for public disclosure of an invention.

A patent is an official right given to only person to company allowed or sale a new product for a certain time period.

Feature of Patent: Novelty, invention, industrial applicable, the inventions that are not applicable are:

- Invention which is against nature law.
- Mere/irrelevant or a infringement violence of a law.
- Mere discovery of scientific principle.
- Mere discovery of a new form of a known substance.

Types of Patents

- Utility patent
- Plant patent
- Design patent

Term of patent is 20 years from the date of filing for all patents.

Research Methodology

For the purpose of collection of primary data questionnaire method was used. According to the objective of research the questionnaire was prepared and was distributed to the research scholar of higher institutions for the study. Total 60 questionnaires were distributed to the respondents and 50 questionnaire received filling by the users.

Data Analysis and Interpretation:

Table no.1 show that 27 (54%) male respondent and 23 (46%) female respondents are aware about intellectual property right which shows that, male respondent is more aware than female respondent.

Table 1: Gender wise awareness about IPR

Gender	Respondents	Percentages
Male	27	54
Female	23	46
Total	50	100

Table no.2 shows the awareness of IPR types among the research scholar. From the above table it can be clearly see that 26 (52%) research are aware about copyright and only 7 (14%) respondent are aware about trademark.

Table 2: Awareness on Intellectual property rights on the basis of types

Awareness	Respondents	Percentages
Patent	17	34
Copyright	26	52
Trademark	7	14
Total	50	100

Total no. 3 describe about the awareness regarding the nature of intellectual property right. Out of 50 respondent 23 (46%) research scholars are mention that, intellectual property is a right and 17 (34%) research scholars are mention that intellectual property is a right and 17(34%) research scholars says that is an ownership.

Table 3: Awareness on nature of Intellectual Property Right

Nature	Respondents	Percentages
Public property	9	18
Right	23	46
Owner	17	34
None	1	2
Total	50	100

Table no.4 describes about the awareness about patent. Out of 50 respondents 35 (70%) respondent says that patent is a New Methodology and 6 (12%) respondents says that patent is new technology and books both while 4 (8%) respondent have no idea about the patent.

Table 4: Awareness about Patent

Awareness about Patent	Respondent	Percentage
New Technology	35	70
Books	5	10
All of above	6	12
No idea	4	8
Total	50	100

Table no 5 describe about the awareness about copyright .Out of 50 respondent 36 (72%) mentions that copyright is related to article and 4(8%) respondent mentions that copy right are related with books while 6 (12%) respondent says that copyright is books, article and idea.

Table 5: Awareness of Copyright

Awareness about Patent	Respondent	Percentage
Article	36	72
Books	4	8
Idea	4	8
All of above	6	12
Total	50	100

Table no.6 describe about the issue related to intellectual property right. Out of 50 respondent 14 (28%) respondent mentions that intellectual property issue related with the author work and 17(34%) respondents says that issue is related with both author of work and owner while 4 (8%) respondent says that there is no idea about the issue of Intellectual property right.

Table 6: Awareness about the issue related to Intellectual property Right

Issue	Respondent	Percentage
Author of work	14	28
Ownership	17	34
Both	15	30
None of above	4	8
Total	50	100

Conclusion

This research paper was initiated to study the level of awareness the Intellectual property right among the research scholars of higher institutions. The conclusion of this study shows that large number of respondent are no aware of intellectual property rights. However some of research scholars have little knowledge of intellectual property rights. It was also seeing that the researcher have very few knowledge of patent and copyright in their research.

Suggestion

- Intellectual property education should be encouraged among the research scholars of the higher education institutions
- To create awareness through organize seminar and workshop
- There should be paper of intellectual property rights at research program me
- To provide practical knowledge of intellectual property right to the research scholar

References

1. Bently, L.and Sherman (2008) .Intellectual Property Law. New Delhi, Oxford University Press.
2. Cornish W. and Liewelyn, D. (2007) Intellectual Property: Patents, Copyrights, Trade Marks and Allied Rights. London: Sweet and Maxwell.
3. Marshlkar ,R.and Alikhan ,S. (2004) .Intellectual Property and Competitive Strategies in the 21st Century .the Netherlands : Kluwer Law International.
4. [http:// www.txpatentattornry.com/blog/the](http://www.txpatentattornry.com/blog/the) history of intellectual property rights.