



Article : IPR: INTRODUCTION AND NEED FOR ITS PROMOTION IN INSTITUTIONS

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ABSTRACT

Today's world is controlled by Computer, Information Technology, but tomorrow world will be ruled by ideas, concept, creativity. Today's the most appreciating business is "Real Estate" and "Intellectual Property Right" will be of tomorrow. When IPR would take such important place in growth of individuals & nation, it is needless to emphasis the need of information about Intellectual Property Right to be promoted among students in general & engineering in particular. The paper apart from giving idea about IPR, & need for its promoting, will also suggest, steps for its promotion. The authors have undertaken survey of Engineering/Polytechnic Teachers using a questionnaire to identify their awareness & knowledge about IPR and procedure for patenting. The results are alarming and emphasise the immediate need of generation of awareness and training about IPR in teachers in general & technical teachers in particular.

Introduction:-

Today's world is a knowledge based society, presently world is controlled by Computers, Information Technology but tomorrow would be ruled by ideas, concepts, innovation and creativity. Intellectual property right (IPR) is an attempt to safeguard the rights of original contributor of ideas, concept, creativity or whatsoever of an individuals. Out of various indices of measurement, of developed country like economic power, military power, technical power, human recourses,

industrial development, entrepreneurial development, IPR and patenting is emerging as a strong parameter.

Indians are known to have good gray matter and a very good analytical left brain. The Indians are very innovative. But there is an emergent need of safeguarding these innovative ideas, concept, creations, designs etc. The attempt of development of awareness about IPR and innovation is possible if, IPR is added as a part of curriculum to all the students in general and technical students in particular. Unless the teachers are properly trained & enlightened, the information of IPR would not find place in its application in the areas of research & development.

IPR : An Introduction

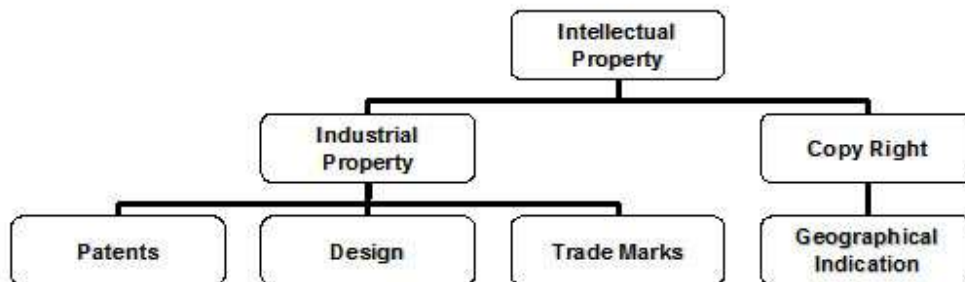
Intellectual Property means the property represented by the product emanating from creativity of the human mind, human intellect and creative ideas. It can be an invention, original design, practical application of a new ideas, artistic creation etc. In earlier times, only physical or tangible assets like movable and immovable properties fetched the maximum value and the owner had an exclusive right over it.

With the passage of time, new ideas cropped and means for the progress of mankind through new inventions came to the forefront, which brought about industrial, economical and cultural development in the society. These new activities acquired the form of intangible assets owing to the inherent and practical values associated with them. Therefore, another form of property right was generated which was required for safeguarding the owners of these intellectual properties. The property right, pertaining to such intangible assets, is called **Intellectual Property Right**, popularly known as **IPR**. and share many of the characteristics associated with conventional concept of the personal property. At present, IPR are regarded as a source of national wealth and mark of an economic leadership in the context of global market scenario.

The intellectual property is an asset and, as such, it can be bought, sold, mortgaged, licensed, exchanged or gratuitously given away like any other form of the property. Further, by acquiring a legal right over the property, the creator of the intellectual property seeks to ensure that he/she has exclusive right over it and that the property can be put to use by others only with his /her consent. Besides the ownership, Intellectual Property Right is a legal recognition and a reward creative efforts.

Intellectual Properties & Its Elements :

Intellectual properties can be divided broadly into two categories



A) construction, which is in substance, a mere mechanical device.

B) **Trade Mark:-**1) A Trade mark is a visual symbol in the form of word, name, logo, label as applied to an article of commerce, with a view to indicate the origin of the manufacture 2) A Trademark helps consumer to answer the question “who makes the product?” e.g. Coca Cola, Sony, TVS, Bajaj.

C) **Copy Right:-** It relates to an artistic creation such as publication literary, software, musical work provided such works in a tangible or material form. It is property right comes into existence as soon as the work is created.

D) **Geographical Indication:-** It identifies agricultural, natural or manufactured goods originating from definite geographical location e.g.: Assam Tea, Basmati Rice, Kanchipuram Sarees, & Nagpur Oranges etc.

Need For Protection Of Intellectual Properties:-

Any property has to be protected in order to save it from an unauthorized use. Similarly, the Intellectual property Rights also need be protected from infringement.

Basic rationale for protection and enforcement of intellectual property right.

1) IPR relates to new technology, new ideas, new product.

- 2) Technological innovation marks the progress of the country.
- 3) In today's dynamic and knowledge based industrial environment, the intellectual property rights are the key elements need to maintain a comparative edge, which determine success of the industry.
- 4) IPR protection provides an incentive to inventors for further research work and investment in R & D, which leads to creation of new and better products, and in turn brings about, economic growth and social benefits.
- 5) The cost of R&D to develop new processes is rising sharply. Hence there is need to accelerate the rate of return on investment and reduce the element of risk and uncertainly.

Step Involved In Patent Procedure * :

For Registration of the patent the following is necessary

- A) Any person who is true & first inventor is entitled to apply for a patent either alone or jointly to product his invention through patent right.
- B) The prescribed forms for applying for a Patent is form No.1 which is available in Patent office and its web side.
- C) Required Documents for registration of Patent:
 - 1) Application in the Prescribed from with fees, in duplicate
 - 2) Complete specification along with drawing in duplicate
 - 3) Abstract of invention in duplicate
- D) Publication and Examination of complete specification
 - 1) Every application shall be published in the official gazette after specified period within a span from the date of filling information, examination of patent can be carried out

2) A statement of objection, "First Examination Report" (FER) is issued to the applicant by patent office. The applicant shall submit his first reply to FER within stipulated period of the date of issue of FER by the patent office.

E) Acceptance & Notification of complete specification

1) Information of the application about acceptance specification of innovation will be notified in the Gazette of India part two which is published regularly.

F) Opposition to the grant of patent

1) Any interested person can oppose the grant of patent within a period stipulated from the date of publication in the Gazette.

2) The opposition to the grant of patent coming before the controller is a bi-party proceeding wherein, the controller, being a quasi-judicial authority, will decide the case based on the written statement and evidence placed by opponent and also the reply by statement and proof filed by the applicant.

G) Grant of Patent if the application is not opposed or the opposition is decided in favor of applicant then the patent is granted to the applicant within a stipulated period.

* Please refer site www.ipindia.nic.in , the manual of patent office practices and procedure, Government of India, Controller General of Patent Design & Trademarks, Page No. _____ for latest procedure.

Suggestion of Promotion of IPR in Engineering Institutions

Technical institute is a place for R & D activity and innovation. In order to know the detail procedure for registration of patenting product, the following are the suggestive steps which can be useful for an institution in promotion of Information about IPR.

A) Incorporate the IPR information in academic curriculum.

B) Arrange seminar, training programme to create awareness among the student

C) To depute staff members & students for training programme.

D) To Subscribe the literature in college library which provides information about IPR.

E) Faculties should take lead to undertake innovative project in final year and apply for registration under IPR.

F) Formation of IPR cell with interested faculty as in charge in the institute. They will organize the activity related to IPR in institute and near by areas.

G) Create internal vigilance and enlightenment among students by organizing debate, elocution and brain storming session to generate new ideas.

H) Seek help from govt. agencies created for promotion and training in IPR.

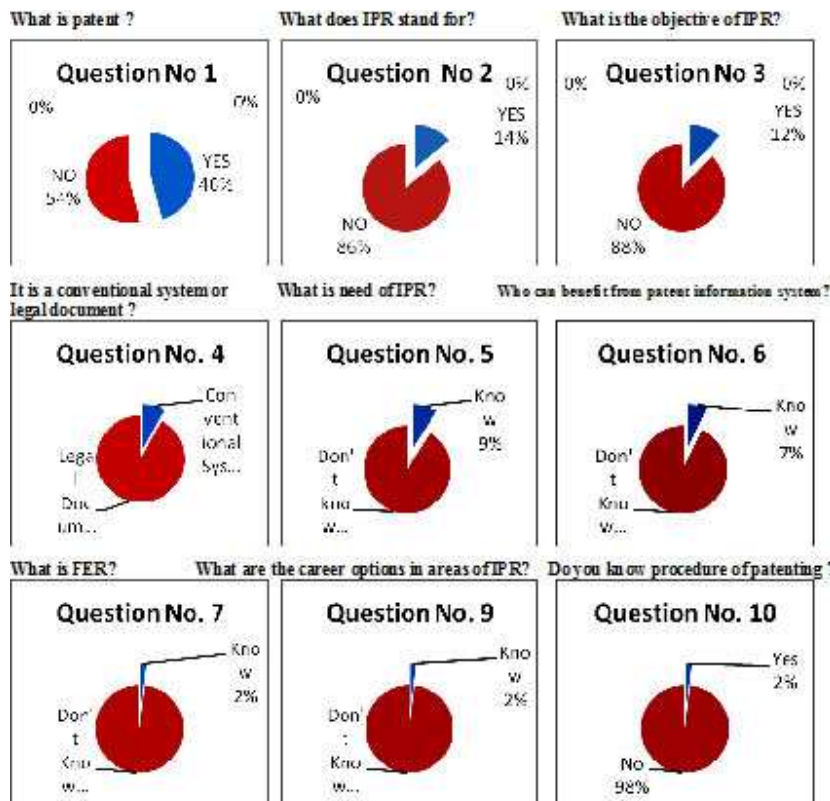
I) Seek funds for IPR activity from Govt. schemes providing funds for such activities.

J) There are government agencies which take efforts promotion and training in area of IPR. The institute can take their help.

Results & its Analysis.

A questionnaire was prepared consisting of ten questions, (enclosed as Annexure – I) designed to check the awareness and information about IPR and patent. About 160 engineering diploma institute faculty , UG/PG engineering students was chosen as survey sample respondent. The result were sought for their basic knowledge about the IPR terminologies, procedures etc.

Graphical Analysis :



Conclusion:-

IPR is the need of time for fast developing and creative country like India. The survey identifies the lack of awareness and information about IPR in both faculty & students.

The analysis of results brings alarming facts which are as below.

- 1) Though about 54% “ The students & teacher are aware of word patent” they are not well aware of terms IPR below 10% of .
- 2) Respondents were aware of basic question related to IPR & its areas.
- 3) The awareness, what so ever, about patent is by and large same in students and teachers.

4) Only 2% teachers know details of IPR and only 1% know of detailed procedure.

As such it is needless to emphasize the need of awareness and knowledge about IPR in engineering students, who are tomorrow's technocrats and creator of new technology. All possible efforts should be taken to see that every engineering graduate/ diploma in particular should be at least have clear idea about IPR. Faculty members should be motivated to take up research & project for patenting, ideas and products etc. Number of patents registered by college faculty will speak of its R & D efforts.

References :

- 1) IPR Training manual " Programme conduct by IPR Institute Nagpur" pp 1-11 .
- 2) Guide to PATENT INFORMATION, pp 7-29
- 3) A Journal of Intellectual Property Right
- 4) The manual of patent office practice and procedure, Govt. of India, controller General of Patents Design and Trademarks.
- 5) [http:// www.ipindia.nic.in](http://www.ipindia.nic.in)