

## ***Guest Editorial***

Industrial Revolution of the eighteenth and nineteenth centuries in Great Britain and other European countries has given birth to the concept of Industrial Property. The participants of the First International Industrial Exhibition held in 1851 at London demanded protection of industrial products before they are displayed in the Exhibition. The Paris Convention and the commencement of the Regime of Industrial Property Protection had their origin from the European countries' desire to protect industrial products. Historically, industrial property included patents for inventions, designs for industrial layouts and trademarks for marketing products. These three forms of Industrial Property together with copyright in literary works form Intellectual Property (IP).

Intellectual property is used to include all property resulting from the exercise of the human intellect (mind). In recent times IP is used to include all property resulting from the exercise of the human intellect covering patents, trademarks, designs and copyright. Intellectual Property Right (IPR) is a general term, which covers copyright, patents, registered designs and trademarks. It also covers layout designs of integrated circuits, geographical indications and anti-competitive policies in contractual licenses.

All these manifestations involve a lot of efforts and investments in material, human power, financial and other resources. Therefore the inventor or innovator or creator and/or the parent institution naturally try to take advantage and guard them like any other material assets. So, such institutions/organizations feel it is their right to protect their intellectual properties legally so that they get returns on their investments and are encouraged to invest more resources in such ventures. Naturally, the rights holders try to exploit by way of licensing, publishing, marketing, etc to get returns on their "intellectual property" investments and resort to legal remedies when rights of their works are infringed. Due to the huge economic and societal implications associated with them, IPRs have gained an important place in the current global scenario.

To safeguard their economic interests and technological prowess and also as a key to the rapid expansion of trade and services, developed countries made legal provisions to protect IPRs. Several developed countries moved for inclusion of IPRs in the General Agreement on Tariff and Trade (GATT). Despite the stiff resistance by developing countries, GATT has succeeded in bringing the IPR into its fold through eighth round of Multilateral Regulatory Negotiations Conference in 1995 in the form of Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) and Trade in Service. The Agreement on TRIPS consists of 7 parts with 73 articles concerning general provision and basic principles, standards concerning the availability, scope, use and enforcement of intellectual property rights; acquisition and maintenance of intellectual property rights and related inter-parts procedures; dispute prevention and settlement; transitional arrangements and institutional arrangements. TRIPS Council was established to administer the enforcement of relevant provisions of the Agreement. A Dispute Settling Body under the World Trade Organization, assisted by Panel Review Committee and Appellant Service with definite timeframes and well laid disputes settlement mechanism, was constituted. Members are required, as conditions of acquisition or maintenance of IPRs, to comply with reasonable procedures and formalities and be consistent with the provisions of the Agreement.

Now the IPRs have become a global phenomenon and an integral part of the World Trade Organization (WTO). Because of this, the IPRs are perceived as an imposition of technologically strong countries resulting in disagreement between the developed and developing countries (haves and have-nots) on many IPR-related issues. The World Intellectual Property Organization (WIPO), the WTO and the other organizations are creating an environment conducive for the export of intellectual property from the technology-rich countries to the technology-poor nations. The reality is, even the developed countries, in their developing stages, have not respected the IPRs other than their own. This is true even in the case of the United States, from where Charles Dickens could not get any royalty (towards copyright) out of the publication of his works, when the country was a net importer of intellectual property.

Intellectual property rights are legally protected and the exploitation of IPRs without legal owner's consent leads to infringement. The burden of proof in the case of litigation on IPR lies on the defendant only. This, otherwise, means that all the expenses towards Law Suit as well as the payments towards the damages due to the infringement will have to be borne by the infringer. Also, under the right of information, the infringer should have to inform the third parties to whom he shared information or the products supplied. This means that the user also should keep a watch on IPRs related to their acquired works.

However, the critical role of intellectual property is not well understood in the technology generation system in India. In the light of recent developments, considerable interest has been aroused in matters relating to intellectual property across a wide spectrum people including academics, scientists and engineers engaged in research laboratories; industrialists in acquiring new technologies; lawyers and attorneys in providing support for protecting and safeguarding inventions; and administrators for dealing and complying with the requirements of the TRIPS agreement under the WTO. The understanding of IPRs is also equally important for the library teachers, professionals, scholars and practicing librarians.

Keeping this in view a special issue of DESIDOC Bulletin of Information Technology was planned. The response of the authors for the issue was extremely good. It was, therefore, decided to bring out the papers received in two parts. This is the first part comprising five invited papers written by learned and experienced experts. The second part of the special issue will be following shortly.

The first paper by Dr V.K. Gupta is on Security-related Provisions in IPR Laws in India with emphasis on management of IPRs in defence like protection of confidential information, use of patent information in R&D, and sharing of IPRs during collaboration and the joint development of technology. In the second paper, Dr Madabhushi Sridhar discusses the importance of the right to know and the copyright and how they are relevant for democratic functioning. Dr G.B. Reddy, in the third paper, analyses the Indian laws related to copyright, concept of infringement of copyright and exceptions to the same particularly with regard to fair use/dealing of copyright. The fourth paper Protection of Geographical Indication of Goods by Dr C. Rajashekhar defines the term geographical indication (GI), its description and limitations under various licensed agreements. It also describes the impact of GI on reputation, quality and attributes of goods and products manufactured in a particular region and area. Dr Gopal Dabade, in the fifth paper on Data Exclusivity describes data exclusivity, its implications on generic drug manufacturers, and on cost of life saving drugs in developing countries like India.

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