

Intellectual Property Rights: Patents & Copyright

The term 'Intellectual Property' is reserved for all types of property that result from creations of the human mind, the intellect. Interestingly, the term Intellectual Property in the convention establishing the World Intellectual Property Organisation (WIPO), does not have a more formal definition. It offers exclusive list of the rights relating to: "Literary artistic and scientific works; performances of performing artists, phonograms, and broadcasts; invention in all field of human endeavour; scientific discoveries; industrial designs; trademarks; service marks; commercial names and designations; protection against unfair competition; and all other related rights resulting from intellectual activity in the industrial, scientific, literary or artistic fields" (Convention establishing the WIPO, signed at Stockholm on 14 July 1967; (Article 2, viii)).

Industrial property, which includes patents for inventions, trademarks, industrial design and geographical indications and copyrights and related rights which cover literary and artistic expression, plus the rights of performing artists in their performance, producers of phonograms in their recordings, and broadcasters in their radio and television broadcasts which are also referred to as neighboring rights. There are several different forms of rights or areas of law giving rise to rights that together make up intellectual property.

This special issue of *DESIDOC Journal of Library and Information Technology (DJLIT)* on 'Intellectual Property Rights' comprises seven papers contributed by LIS professionals, leading investigators and scholars from India. It may be noted that in the year 2007, two special issues were brought out by *DJLIT* on 'Intellectual Property Rights'. A similar theme is chosen and the papers complement the earlier coverage and also deal with more issues of intellectual property rights.

Patent is a deal between the public and inventor. The State, by giving protection for a fixed term of 20 years ensures that the inventor gets rewarded. However, the invention becomes available for anyone's use on expiry of the 20 years term. More than 80 per cent of the patent information is never published in other form of documents thus makes patent as a unique source of information. Dr Pradeep Paranjpe in his article attempts to dispel the myths by explaining the nature of patent information and the contents of patent document. While surveying the availability of the patent information on internet, he explains the structure of the free patent databases and basic features of searching patent information on internet. Muqbil Burhan and Prof. Sudhir K. Jain explores the various options and tools available for patent search, analysis, and management of patent portfolios, for efficiently identifying the relevant prior art, managing patent clusters and/or competitive intelligence.

Highlighting the importance of patent literature in scientific developments and global trends in patent filings Dr N.B. Dahibhate and Dr S.K. Patil analyse the trends in Indian patents filed in the area of chemical sciences during 1995 to 2008. Sudha Kannan and Dr Pratibha Gokhale, while stressing the need to study the tools available for patent searching, propose an efficient search methodology to retrieve an effective result. The authors also present overview for pharmaceutical industry, international patent treaties, primary and secondary resources, the patent scenario, and patenting procedure in India.

An investigation efforts of many years, and R&D expenses running into the hundreds of millions of dollars or pounds, may be necessary before any new medicine reaches the market. Without the IP rights to exclude competitors from also making such new medicine, the pharmaceutical company creating such a new compound would have no incentive to spend the time and efforts outlined above to develop the drugs. Ishita Tripathy, Dr Surendra Yadav and Dr Seema Sharma, while stressing the need to revisit the spectrum of activities involved in R&D, analysis the primary data collected from 64 pharmaceutical firms and suggested that the policy implications are important for the pharmaceutical industry for formulating appropriate action plans to enable firms to efficiently employ their resources in the new patent era.

The multimedia production, a new genre of work to be covered under copyright, has emerged and although there is no legal definition, there is a consensus that the combination of sound, text and images in digital format which is made accessible by the computer program is considered an original expression of authorship and is therefore covered under the umbrella of copyright. S.G. Hombal and Dr K.N. Prasad highlight the issues concerning the copyright protection in the digital library environment, various digital rights management techniques and fair use doctrine and ambiguity. The authors opinioned to explore the possibility of bringing a new act in place and strengthening of the existing copyright act is the need of the day.

Traditional knowledge has a strong practical component, since it is often developed in parts as an intellectual response to the necessities of life, i.e., it directly or indirectly benefits the society. But when others take industrial and commercial advantages the role and contribution of Traditional knowledge holder is not recognised and respected. There should be consent and arrangement for fair sharing of benefits, greater respect and recognition for values, contributions and concerns of Traditional knowledge holders. Dr Mangala Hirwade and Dr Anil Hirwade analyse the features of indigenous knowledge and protection of traditional knowledge in India and its benefits. The authors further discuss biopiracy issues, the national and international initiatives and Traditional Knowledge Digital Library (TKDL), its benefits and outcomes against biopiracy.

Importance of intellectual property protection has been elevated by globalisation and the rapid proliferation of technology. A businessman wishing to protect his inventions, brands and business methods in foreign markets has to face the challenges created by the intangible nature of intellectual property and the worldwide inconsistency of standard practices. India has a vast cultivated land and pool of diversified intellectuals. Using these resources, we might also enhance our currency and economy by promoting IPR issues among intellectuals. Still there is a long way to go to firmly establish and promote IPR in India. Bill Gates, the Chief Executive officer of Microsoft Corporation, has distinguished that India has a most promising base for software. If such an IPR conscious business leader like Gates was of this opinion, one can only conclude that India's IPR scene is no deterrent to foreign companies. In this century, future standing will be determined by its ability to convert knowledge into wealth and creativity into social good.

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