

Intellectual property A catalyst for inclusiveness and empowerment

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KEYWORDS	ABSTRACT
Intellectual Property, Innovation, Economic Development, TRIPS, Patent, Trademark, Copyright, Geographical Indications, R&D, Investment, IP Enforcement.	<p>Intellectual Property (IP) plays a vital role in shaping modern economies and fostering innovation. It grants legal protection to creations such as inventions, artistic works, designs, and trademarks, enabling individuals and businesses to safeguard their intellectual assets. By securing exclusive rights, IP incentivizes creativity, attracts investments, and promotes technological advancements. A well-structured IP system not only benefits inventors but also bridges socio-economic gaps by providing equal opportunities for protection and commercialization.</p> <p>On a global scale, IP frameworks, particularly those developed under agreements like TRIPS, create a legal foundation for enforcing rights while ensuring public access to innovations. India has made significant progress in strengthening its IP regime through legislative reforms and policies such as the National IPR Policy (2016). Despite these efforts, challenges remain, including bureaucratic delays in registration, enforcement inefficiencies, and the need for stronger digital-era protections. Addressing these issues is essential to building investor confidence and fostering sustained economic growth.</p> <p>Historically, nations that prioritized innovation through effective IP policies—such as the Netherlands and Britain—experienced rapid economic expansion. In India, industries like biotechnology and information technology have thrived under IP protection, yet further improvements in enforcement mechanisms and streamlined registration processes are necessary. Key recommendations include expediting approvals, establishing dedicated IP tribunals, raising awareness, and updating laws to align with digital advancements.</p> <p>A robust IP framework serves as a catalyst for inclusivity by empowering creators, supporting economic development, and ensuring access to knowledge. Striking the right balance between protection and accessibility will pave the way for a more equitable and innovation-driven future.</p>

1. Introduction:

Intellectual property is a concept that plays a crucial role in our modern society Intellectual

property refers to creations of the mind, such as inventions; literary and artistic works; designs; and symbols, names and images used in commerce.¹ It

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is a bundle of rights for intangible ideas. Path to innovation and inventions, Intellectual property ensures the incentives for the inventor or person filing for any specific I.P. Rights like trademark, copyright, patent, etc. It removes the socio-economic gap by providing equal protection to all. The social access to IPR system irrespective of any discriminatory factor, ensures the connection of intellect and minds and give inspiration to all artists, inventors, and IP Businesses to build, express and invent innovative ideas and thoughts. Intellectual property (IP) is a crucial aspect of business, encompassing a range of creations, including inventions, literary and artistic works, designs, symbols, and names used in commerce. Having a clear understanding of IP and how to protect it is essential for individuals and businesses operating.

National and International IP Rights - Tool for economic growth

I.P. protection rights are there to have effective security for the idea or invention and promote technological advancement. IPR opens the road to monetize or gain financially from the exclusive right by building a framework through laws,

Any country or nation needs certain components to achieve the economic growth. As Ray dalio's eight key measures to power status which includes innovation & technology and other seven components, IPR protects this key component and promote latest ideas and innovation. As a Right IPR has great significance in modern society as the market size of IPR in India is upwards of 300cr rupees, the demand is huge with more than five million trademarked filed as on 2021² and over 66.2

thousand patent was filed in 2022³. Data shows that it is a big market, and it is growing at a massive pace. The need of proper IPR regime and easy ecosystem should be acknowledged by all countries.

During the round of GATT negotiation under the provision of TRIPS agreement, India introduced legislative amendments in Patents Act 1970, Trademark Act 1999, Copyright Act, 1957 and rules related to functioning of these acts, which is there to enforce IPR. These legislations are designed in such a way that it provides a balance between Development and Arbitrary use of these rights. For example, Patent laws in India prohibited getting patents on necessary items of living. Things like agricultural products, atomic energies are not patentable. India also recognises the doctrine of exhaustion out of which it is international exhaustion in trademark and patents which maintains a way between protecting intellectual property rights and promoting competition and consumer welfare. It was recognised in the case of *Kapil Wadhwa v. Samsung electronics & Co.*⁴

Intellectual property serves as a valuable business asset, providing legal rights and protection for various creations. It allows individuals and businesses to safeguard their ideas, innovations, and creativity, thereby fostering a competitive advantage in the market. By protecting intellectual property, individuals and businesses can control the use and commercialization of their creations, ensuring that they can reap the benefits and rewards of their hard work.

The true clarity on how IP contributes to economic development can be seen by rise of R&D after

patent rights are given to companies, the ability to monetise your invention is a blessing to boost economy. In 17th century Dutch economy became the superpower as they were able to capitalize on the invention of naval ships and opened the way of sea into the economy, they had the technique and skill to build ships which others lacked at time. Similarly English build their empire after capitalizing on industries and mass production. The point I am trying to make is that innovation and invention are pillars to economic success and IPR protect this for exclusive use. A robust and effective IPR ecosystem ensures development by way of investors' confidence in the policies which leads to increase in foreign and domestic investors, international trade, licensing and research and development⁵. All these channels will stimulate the economic growth. Technological transfer is a way to in house tech but for that the country must have strong IPR regime.

Recent technological transfer by USA to India via there huge defence deal is a notable example, this deal will help India to ramp up production for their military and defence sector and with that investment will increase and subsequently the economy will benefit. The link between all IPR rights to the economic growth is well established. Rights like Geographical indication is crucial for local producers because it authenticate the origin of the product and helps in avoiding cheap counterfeits. A poor IPR regime will give rise cheap alternatives, counterfeits, fake products which account for major losses for IPR holder, the reason why companies are now shifting their production plants out of China is because of their

poor IPR laws, companies invest millions of dollars in R&D and these fake products don't let them capitalize there investment properly, that's why they lose confidence in the system and move away, so there is direct relation of stronger IPR laws to the development of production and economy.

2. IPR Growth- India

In 2016, India introduced its first National Intellectual Property Rights Policy, signaling a commitment to streamline IP processes and enhance enforcement. The Department for Promotion of Industry and Internal Trade (DPIIT) oversees the portfolios of patents, designs, trademarks, copyright, geographical indications, and semiconductor integrated circuits layout design. The Cell for IPR Promotion and Management, under the DPIIT, plays a crucial role in implementing India's National IPR Policy, promoting IP awareness, commercialization, and enforcement.

Drug companies ramped up their R&D units in India and started investing for development of new drugs and protect them by patents. Biotech is also a sector which heavy benefited due to IP. Today with the estimated market size of more than one hundred billion dollars in biotechnology sector with companies like Biocon with more than eight hundred patents.

Another major sector in India is IT, India is known for its IT businesses and exporting its IT services to other nations, India is the place for patent filling for Indian and US IT companies.

IP industry is growing fast with that the laws and regulation needs to move with similar pace, Indian

regulations are getting evolved with development in IP space, India's intellectual property landscape presents unique challenges for rights holders and innovators. Despite the Indian government's stated commitments to intellectual property rights, progress in addressing longstanding IP issues has been slow. India remains on the Priority Watch List in the U.S. Trade Representative's Special 301 report, reflecting the need for continued efforts to foster innovation and promote creativity, the removal of IPAB which was the appellate board was not in favour of growth. The presence of dedicated appellate board is beneficial to the industry and reduce burden on other courts. Although high courts have a dedicated benches for IP related matters, but the quantum of case is so high that there are overburdened with cases, and this delays the whole operation which related in huge losses for firms. The need of change is not only limited to courts, but the filing for registration is also a very lengthy process, The patent and trademarks filing require examination of said application by a patent/trademark agent. The problem is that they are understaffed, and the application are filed every day, due to this a lot of applications are delayed. Although registrar office is hiring more n more staff to accommodate the heavy workload, but it needs to increase with much higher rate as the whole IP industry is growing and in future the workload will also increase.

3. Recommendations

My suggestions for an improved system of intellectual property rights (IPRs). Legislation must adapt to the changing nature of intellectual property in today's fast-paced, more digital society.

The government can ensure that innovators and creators are sufficiently safeguarded by putting these recommendations into practice, which will boost the economy and the creative sector.

Primarily, it is critical to strengthen the IPR infringement enforcement tools. This can be achieved by providing sufficient funding and resources to specialized IPR enforcement agencies. By providing these organizations with the appropriate tools and manpower, they can effectively investigate and punish cases of infringement, deterring potential violators.

The registration process for IPRs also needs to be streamlined and accelerated. Small creators are frequently discouraged from obtaining legal protection for their works due to the present complexity and drawn-out procedures. More people and companies would be encouraged to register their intellectual property, guaranteeing that their rights are protected, by streamlining the application process and eliminating pointless paperwork. reintroduction of a dedicated wing for IPR, similar to a tribunal, where only IP matters are treated,

Additionally, it is critical to update IPR laws to reflect the digital world. The prevalence of copyright infringement has increased since the internet's creation. In order to ensure that authors are adequately compensated for their work, it is crucial to set clear policies governing online piracy. In order to create efficient systems for monitoring and limiting access to copyrighted content without jeopardizing user privacy, this could involve collaborating with internet service providers.

In order to promote a culture of respect for intellectual property rights, education and awareness activities should also be strengthened. Future violations can be avoided by informing the public, especially the younger generation, about the value of IPR and the moral repercussions of infringement. This can be done through educational programs, public awareness initiatives, and collaborations with groups that support IPR awareness.

The harmonization of IPR legislation and cross-border collaboration should be given top priority. Aligning IPR laws across numerous jurisdictions is essential as the global economy grows more interconnected. This would enable international cooperation in the fight against infringement and guarantee that creators are always protected, no matter where they are.

Legislators may create a strong and comprehensive IPR regime that meets the problems of the modern world by putting these proposals into practice. In addition to giving producers more faith in the legal system, this will also draw investment and innovation, promoting economic expansion and prosperity.

4. Conclusion

In conclusion, the concept of intellectual property serves as a catalyst for inclusiveness and empowerment in several ways. Firstly, it encourages and protects creativity and innovation, providing people of all backgrounds with the opportunity to express their ideas and knowledge freely. This makes it possible for groups that are underrepresented to speak up and take an active role in shaping society.

Moreover, by encouraging investment in R&D, intellectual property rights promote economic growth. People and organizations can commercialize their works and profit financially thanks to patents and copyrights. By reducing the wealth gap, this economic empowerment can eventually promote inclusivity by generating jobs and reducing poverty.

Additionally, intellectual property is essential for advancing learning and information access. It guarantees the availability of high-quality resources, promotes cooperation, and supports sharing by defending the rights of creators and inventors. People with various origins can benefit from and contribute to society's developments in culture, science, and technology thanks to this inclusivity.

Striking a balance between security and accessibility is crucial, though. Excessive intellectual property limitations can impede development and reduce access to necessary resources, particularly for underprivileged areas. As a result, stakeholders and governments combined must work toward a complete framework that upholds both creators' rights and society's overall requirements.

Overall, intellectual property serves as a catalyst for inclusiveness and empowerment by fostering creativity, enabling economic growth, and promoting education and access to knowledge. In order to ensure that intellectual property benefits everyone, especially those who have historically been excluded, it is necessary to keep looking into new methods to use it.

5. Endnotes:

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