

DE JURE NEXUS LAW JOURNAL

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2nd Year.**PROTECTION OF DIGITAL INTELLECTUAL PROPERTY RIGHTS**

“People recognize intellectual property the same way they recognize real estate. People understand what property is. But it's a new kind of property, and so the understanding uses new control surfaces. It uses a new way of defining the property.” - Michael Nesmith

Introduction to Intellectual Property :

The word intellect originates from the basis “intellectus” in Latin which implies the facility of knowing as distinguished from the facility to feel. Man has own capability to collect knowledge and increase his knowledge by gathering data throughout his life time. An intellectual product is nothing however the brain child of his original plan, artistic thought, that forms a special quite property referred to as intellectual property. Basically, it is the ownership of something intangible.

Protected innovation alludes to the responsibility for products. This incorporates thoughts, plans, images, compositions and manifestations. It additionally alludes to advanced media, for example, sound and video cuts that can be downloaded on the web. Since licensed innovation is immaterial, on the off chance that it is taken, it very well might be hard to recuperate

Essentials of Intellectual Property:

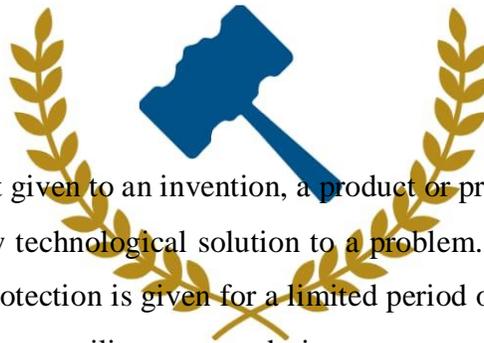
1. It is a kind of property which is intangible.
2. It is a different from the physical articles or products containing the rights.
3. The rights are capable of life and compliance in certain situations, with tangible shape.
4. The different rights could survive in the same things. One article could be subject to patents, trademark and a copyright.

As per **WORLD INTELLECTUAL PROPERTY ORGANIZATION**, there are several types of Intellectual Property Rights:

1. Patents
2. Trademarks, Trade names and Service marks
3. Copyright
4. Geographical Indications
5. Industrial Designs
6. Trade secret

PATENTS :

A patent is an exclusive right given to an invention, a product or process that provides a new way of doing something or a new technological solution to a problem. A patent gives patent owners rights for their inventions. Protection is given for a limited period of time, **20 years** in general. A patent can consist of three types: utility patents, design patents and plant patents. Utility patents are those inventions that, including a mobile phone or an MP3 player, are generally considered to be computers. Design patents are issued for a functional object to be designed. A plant patent is issued in respect of a new form of plant developed by human interference.



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TRADEMARKS:

Trademarks are signs or symbols, i.e. the emblem and the names registered to distinguish products and services by the manufacturer or retailer. Protection is normally provided for a period of **10 years** and is extended as long as the marks continue to be used. Different forms may be trademarks. A brand name, trade dress, service mark, certification mark or collective mark may be a trademark.

COPYRIGHTS :

The copy right can be enumerated as follows:

1. **Artistic work:** 1) It means a painting, a sculpture, a drawing 2) an engraving or a photograph 3) a work of architecture and any other work of artistic craftsmanship.

2. **Literary work:** It includes computer programmes, tables and compilations including computer databases.
3. **Musical work:** It means a work consisting of music and any graphical notation of such work.
4. **Dramatic work:** It includes any piece of recitation, choreographic work or entertainment in dumb show.
5. **Cinematography film:** It means any work of visual recording.
6. **Sound recording:** It means a recording of sounds.

GEOGRAPHICAL INDICATION: A Geographical indication is a sign utilized on merchandise that have a particular topographical root and have characteristics or a standing because of that spot of cause. Most regularly a Geographical indication comprises of the name of the spot of inception of the merchandise. For instance, Kolhapuri chappals from Kolhapur, India. Topographical signs might be utilized for a wide assortment of farming items

INDUSTRIAL DESIGN :A mechanical plan right is a licensed innovation right that secures the visual plan of an articles. It is concerned about three-dimensional highlights, like the shape or surface of an article, or two-dimensional highlights, like examples, lines or shading. Mechanical plan is applied to a wide assortment of items. From watches, diamond setters, extravagance things to modern and clinical executes; from house product, furniture, electrical machines to vehicles and architectural structures

IPR and Digital Rights :

In the computerized age the issue of protection is a significant subject where unapproved information sharing, information reconciliation, untrustworthy information usage and unapproved public exposure are the significant zones of concern. The significant issues are to be considered as follows:

1. Is digitization to be considered as like proliferation, for instance utilizing Xerox machine?
2. Is digitization an innovative action like interpretation starting with one language then onto the next?

3. Could transmission of digitized archives through Internet be considered as business dissemination or public correspondence like telecom?
4. Would we be able to consider information base as an extraordinary gathered work that ought to be secured by the copyright law?
5. What can be considered as reasonable use in the Internet climate?
6. What are the worries of the library local area?
7. In the advanced setting if access confined by the copyright proprietor, how is it possible that the would public exercise reasonable use with those work?

Challenges innate to digital IPR :-

1) WORLD WIDE WEB

One clear test with advanced protected intellectual property rights is the way that the web is an overall assistance, henceforth the term World Wide Web. When you make computerized resources, they can be reproduced and appropriated in different nations everywhere on the planet. Translations and rules in regards to IP law as of now fluctuate from state to state inside the US. Envision the jurisdictional issues when you are thinking about the IP laws of each country on the planet. What might be an unlawful utilization of computerized protected innovation in the United States may not be viewed as illicit in China. The World Wide Web makes a universe of jurisdictional issues with regards to computerized protected innovation

EASE OF REPRODUCTION

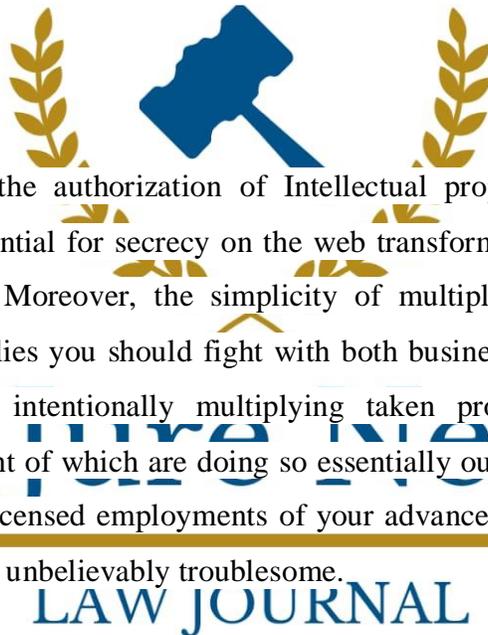
Generally, licensed innovation rights had a few normal hindrances set up that limited encroachment. In particular, replicating actual protected innovation was both exorbitant and troublesome. The expense of illicitly republishing and circulating a copyrighted book may have been sufficient to persuade would-be infringers to cease from taking the work. The constant illegal replicating and sharing of a DVD would likewise likely bring about a corruption of the item. Advanced resources, in any case, can be vastly, effectively, and efficiently repeated. The encroachment of advanced licensed innovation is a lot simpler than recreating actual works.

EASE OF DISTRIBUTION

In addition to the fact that it is a lot simpler to wrongfully imitate computerized licensed innovation, it is likewise a lot simpler to appropriate it. A great many illicit duplicates of your computerized IP can be sent around the globe in the snap of a catch. What's more, the expansion of web-based media just adds to this issue. Web-based media is worked around sharing, and it has developed to a point where it is almost difficult to police the large numbers of encroached photographs, recordings, and seriously being appropriated on destinations like Facebook and Twitter.

ENFORCEMENT

Before the advanced age, the authorization of Intellectual property law was at that point complex. Presently, the potential for secrecy on the web transforms numerous computerized IP infringers into apparitions. Moreover, the simplicity of multiplication and appropriation of computerized resources implies you should fight with both business infringers just as people—some of which might be intentionally multiplying taken protected innovation, however significantly a greater amount of which are doing so essentially out of obliviousness. On the off chance that you do find unlicensed employments of your advanced protected innovation, really seeking after a case might be unbelievably troublesome.

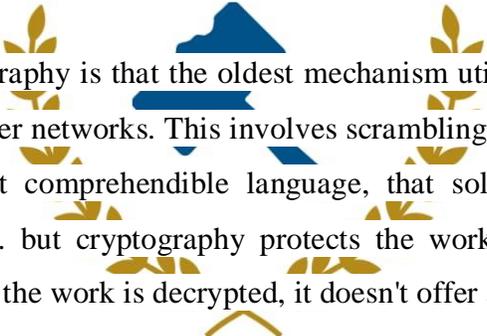


IP LAW IS NOT UNIVERSALLY INTERPRETED

IP law is quite possibly the most liquid territories of the law that exists.[2] It is continually changing and refreshing to attempt to stay aware of new innovation just as case law and even industry-related tradeoffs. Ask two diverse IP specialists their musings on a specific subject and chances are you will get two altogether different translations. This is particularly valid for computerized property. Advanced IP law is as yet a beginning subset of IP law, and it is as yet attempting to make up for lost time to the new innovation. When there are issues with your computerized IP, it tends to be hard to anticipate the result of your expected lawful activities.

Ways for defense of Digital / Intellectual Property: Digital Rights Management (DRM) technologies (also called Electronic Rights Management Systems) guarantee copyright through

distinguishing and protective the content, dominant access of the work, safe-guarding the integrity of the work and making certain payment for the access. DRM technologies forestall bootleg users in accessing the content. Access is protected through user ID and Arcanum, licensing agreements. in our own way to safeguard digital content is thru Technical Protection Measures (TPM). These technologies permit commercial enterprise corporations in securing and 10 protecting content like music, text and video from unauthorized use. If associate author desires to gather fee to be used of his or her work, then DRM technology are often used. The TPM and DRM technologies are progressively utilized to sell and distribute content over the net.

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1. **Cryptography:** Cryptography is that the oldest mechanism utilized to confirm security and privacy of knowledge over networks. This involves scrambling (or encryption) of the data to render it unclear or not comprehensible language, that solely the legitimate user will unscramble (or decrypt). but cryptography protects the work throughout transmission or distribution solely. when the work is decrypted, it doesn't offer any protection.
 2. **Digital Watermark Technology:** A digital watermark may be a digital signal or pattern inserted into a digital document. It's kind of like the electronic on-screen emblem employed by TV channels. a singular symbol is employed to spot the work. The message may contain info concerning possession, sender, recipient etc or info regarding copyright permission. The system consists of a watermark generator, embedded and a watermark detector decoder. The legal user will take away these watermarks with a planned formula. The watermarking technology is extensively employed in protective transmission works.
 3. **Digital Signature Technology:** Digital signature includes identity of the sender and/or receiver date, time, any distinctive code etc. This info are often other to digital product. This digitally marks and binds a wares for transferring to a such client. Digitally signed fingerprints guarantee document genuineness and stop black repeating.
 4. **Electronic Marking:** In this technique, the system mechanically generates a singular mark that's labeled to every of the document copies. this system is employed to shield copyright likewise as in electronic publication wherever documents are written, derived or faxed.

5. **Safety features of in operation System:** For protection of files, knowledge etc the OS of laptop like Windows 2000 skilled, Windows 2000 Server, MS-SQL Server has some distinctive special security and integrity options.

Conclusion:

Various issues are related with the use of computerized data for example issue of single articles versus full issues of e-diaries, ease of use, contradictory equipment and programming, organizing, illustrations, insightful acknowledgment and out of date quality. While it is critical to secure the copyright of the distributors, it is similarly essential to ensure interest of the libraries and the client. In computerized climate it is hard to draw a limit line between what is admissible, how much and what is encroachment. Little – scale infringement which doesn't struggle with proprietor's privileges might be acknowledged as a piece of reasonable use. With regards to computerized data, it is hard to pass judgment, grasp reasonable use, access and control the encroachment of copyright law. It is practically incomprehensible for a copyright proprietor to know which individual utilized his/her work. In this setting it is important to change the copyright law. The curators in the computerized climate have some obligation to gather data and help the pursuers by giving it regardless of whether it is an electronic structure. The copyright security ought to be empowering the innovativeness and not for making obstacles in the utilization of data. The Librarians should fill in as an impetus for the free progression of data between the proprietors of copyright and the clients of the data.