

Careers In Intellectual Property Rights

Gyanandre Tripathi¹, Abhishikha Patel^{2,*}

Abstract

“An intellectual says a simple thing in a hard way. An artist says a hard thing in a simple way.” Intellectual property includes inventions, literary and artistic works, designs, symbols, names, and pictures used in business. Intellectual property rights are the rights that people are granted over their creative works. They usually grant the inventor a time-limited, exclusive right to use his or her invention. This article is about the literature reviewed by researcher to find more information about intellectual property and its rights as well as to unfold the career opportunities in intellectual property laws. The data for this study was gathered entirely from secondary sources. Therefore, this study limited to secondary data available information. The risk of creative ideas being stolen without the author’s permission is fairly significant in our digitized era, and demand for intellectual property lawyers is also pretty high. India’s intellectual property law practice will flourish as the country’s global importance as a rapidly growing market for consumer goods, technology, media, automobiles, and luxury items grows. One could be a legal associate, intellectual property lawyer, judge, lecturer, author, or a journalist. Contracts and agreements are crucial legal elements in the realm of intellectual property and include, among other things, the drafting of confidential information agreements, license agreements, assignment agreements, and franchise agreements. An intelligent lawyer must therefore be conversant with the issues surrounding intellectual property and the agreements that surround it. This creates a huge number of career chances.

Keywords: Intellectual property, IP, career, IP laws and rights

INTRODUCTION

“I am a strong believer that intellectual property rights need to be protected.”

—Jim Oberweis

The ability of individuals and nations to transform knowledge into wealth and social good through innovations and creations will be a determining factor for future success. Intellectual property rights (IPR), which are intangible in nature, grant exclusive rights to an inventor’s or creator’s valuable innovation or production [1]. In the current era of globalization, IPR is a key component of international trade and daily life. While a country’s economic, technological, and societal advancements may be hampered by a lack of awareness of IPR and its ineffective application, these rights foster a more creative environment by providing acknowledgement and financial rewards to creators or inventors. WIPO (World Intellectual Property Organization) is the international organization for intellectual property (IP) services, policy, information, and cooperation. They are a self-sustaining United Nations agency with 193 member countries.

*Author for Correspondence

Abhishikha Patel
E-mail: patelabhishikha509@gmail.com

¹Associate Professor, Department of Management, G.S College of Commerce and Management, Jabalpur, Madhya Pradesh, India

²Research Scholar, Faculty of Management, University Institute of Management, Rani Durgawati University, Jabalpur Madhya Pradesh, India

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Intellectual property is a word that refers to how the human brain is used for invention and

creativity. To invent or produce something new, a variety of efforts in the form of inputs of labor, time, energy, talent, money, and so on, are needed. The fundamental principle by which an innovation or creation was made is an immaterial right of the person who put effort into it. As a result, according to the law, creators and innovators are granted legal rights or monopoly rights so they can profit financially from their inventions or creations. Copyright, patents, trademarks, and trade secrets are the most well-known types.

The market's demands, reaction, the cost of converting IP into a business enterprise, and other factors all have a significant impact on IP and its related rights. In other words, IPR administration must consider trade and commerce issues. Different IPR forms necessitate different management, planning, and strategies, as well as the involvement of people with diverse subject-matter expertise, such as science, engineering, medical, law, finance, marketing, and economics. In lieu of disclosing his or her intellectual property in an IPR application, the applicant or owner of an intellectual property may apply for an IPR, which is a legal right granted by the government, to prohibit others from using the IP for commercial purposes for a specified period of time.

INTELLECTUAL PROPERTY RIGHTS

There are two kinds of Rights—Moral Rights (To protect personality of creator/inventor/artist) and Economic Rights (To bring economic benefits). IPRs are safeguarded in accordance with the provisions of a country's corresponding legislation. In India, IPRs can be *protected* and *monopolized* under the provisions of different acts, mainly, for example, shown in Table 1.

Table 1. Name of acts and the ministry/department for intellectual property rights.

Act	Ministry/department
The Copyright Act, 1957	Higher Education
The Patents Act, 1970	Industrial Policy & Promotion
The Designs Act, 2000	Industrial Policy & Promotion
The Trade Marks Act, 1999	Industrial Policy & Promotion
The Geographical Indications of Goods (Registration and Protection) Act, 1999	Industrial Policy & Promotion
The Semiconductor Integrated Circuits Layout-Design Act, 2000	Information Technology
The Protection of Plant Varieties and Farmers' Rights Act, 2001	Agriculture and Cooperation

Source: T.C. James [2]

Patent

Patents are one of the most important types of IPR. It is defined as "A government authority or license conferring a right or title for a set period, especially the sole right to exclude others from making, [3] using, or selling an invention." Patent protection is given only for a limited period, say 10 or 20 years. Patents are classified into three types: utility patents, design patents, and plant patents.

Trademark

A trademark is a distinctive sign that assists consumers in determining the source of specific goods or services. It can take the form of text, a word, a numeral, a phrase, a symbol, a design, a signature, a smell, a shape, a color, a sound, packaging, texture, or any combination of these elements.

Copyright

Copyright refers to the rights granted to creators, authors, artists, and composers for their "original" creative work, as well as to performers, artists, and broadcasters for related rights. Copyright, like patent laws, is a monopolistic right. Copyright grants the author the exclusive right to sell, publish, and reproduce any literary, musical, dramatic, artistic, or architectural work. Books, stories, novels, poems,

plays, newspapers, magazines, advertisements, movies, computer programs, databases, musical compositions, songs, choreography, videos, paintings, drawings, photographs, sculpture, architecture, maps, and technical drawings are all examples of works protected by copyright.

Trade Secret

Trade secrets are an important aspect of intellectual property law. As the name implies, it refers to a company's secrets that allow it to gain an economic advantage over competitors. If the trade secret is revealed, the company may suffer significant financial losses as well as irreparable reputational harm. Trade secrets can take the form of confidential information, data, formulas, compositions, processes, designs, methods, or compilations or combinations of one or more of these, all of which should be kept solely by the business.

Industrial Designs

An industrial design is the ornamental or aesthetic aspect of an article in a legal sense. An industrial design may include three-dimensional elements, such as an article's shape, or two-dimensional elements, such as patterns, lines, or color.

Geographical Indications (GI)

A GI is a sign used on products that have a specific geographical origin and have qualities or a reputation that are attributed to that origin. To function as a GI, a sign must identify a product as coming from a specific location.

CAREERS IN IP LAW

Competition Law

If an innovation or creation is understood to be monopolized by intellectual property, monopoly is known to be prevented by competition legislation.

Audits And Valuation

The main purpose of intellectual property auditing is to consider the intangible assets that businesses have amassed through time. IP audits and valuation are crucial since they take the company's goodwill into consideration and are one of the numerous reasons businesses obtain protection.

Corporate Law

Contracts and agreements are crucial legal elements in the realm of intellectual property and include, among other things, the drafting of confidential information agreements, license agreements, assignment agreements, and franchise agreements.

Investigation and Enforcement Advisory

The identification of IP rights violations is one of the fundamental components of IP enforcement. In these situations, investigators who are knowledgeable about the rules governing intellectual property can make questions and provide pertinent guidance regarding whether or not to take action.

Fashion, Media, and Sports

Fashion, media, and sports are some of the niche areas of practice where Intellectual Property law is important. These industries rely heavily on intellectual property. In addition to registering patents, copyrights, and trademarks, these industries have a significant amount of work relating to licensing, franchising, IP assignment, IP prosecution, and IP enforcement globally.

Litigation

Litigation is a field that is evergreen. An individual simply needs to put in the effort to work hard and establish their name in the field. Given the dynamic nature of this area of law, the judiciary is also focusing on it.

Patent Lawyer

This includes Patent Analyst, Licensing Specialist, Patent LPOs (Legal Process Outsourcing) and Patent Drafting Specialist.

SPECIALIZATION IN IPR

After completing law school, an IP law enthusiast can pursue a master's degree in Intellectual Property. There are top-tier colleges in India that provide the same education [4]. To gain admission to a good college, a law student can take the CLAT-PG or CET exams.

OBJECTIVES OF THIS STUDY

- Understanding intellectual property.
- Identify intellectual property laws.
- Researching the various types of IPR.
- To learn about the various career paths available in IPR.

LITERATURE REVIEW**Savale and Savale (2016) [5]**

“As a matter of government policy, the Indian government grants intellectual property rights. Intellectual property rights protect intellectual activity in the economic, scientific, literary, and creative domains. These rights provide time-limited rights to manage the use of intellectual property in order to protect the creators and other producers of the intellectual property. Individuals are given the freedom to create with their minds. They typically grant the creator a limited time, exclusive license to use his or her works. The government grants this exclusive right to protect the novelty and originality of patent-oriented inventions Data and Maintaining Quality, Safety, Efficacy, Standard, or Certification of Drug, Any Product, and Services.”

Jajpura et al. (2017) [6]

They have concluded that “In knowledge-based economy, intellectual property rights are very much essential for progressive societal development. The IPR is basic necessity to be a part of local as well as global competitive trade as without dissemination of IPR knowledge and implementation, creating the innovative environment is really impossible. It is essential for policy makers to include IPR in basic educational system and promote IPR registration by encouraging the innovators and creators. India is having all the resources in terms of available raw material, cheap labor, innovative, and creative dedicated manpower. No doubt that India and other developing countries will definitely harness its proportionate share in global trade by exploration in intellectual property rights.”

Rout (2018) [7]

“In a knowledge-based economy, intellectual property rights are critical for progressive societal development,” they conclude. The IPR is a basic requirement for participating in local as well as global competitive trade because creating an innovative environment is impossible without the dissemination of IPR knowledge and implementation. Policymakers must include IPR in the basic educational system and promote IPR registration by encouraging innovators and creators. In terms of available raw materials, cheap labor, innovative and creative dedicated manpower, India has it all. There is no doubt that India and other developing countries will use intellectual property rights to increase their proportionate share of global trade.”

Gaikwad and Dhokare (2020) [8]

The market's demands, reaction, the cost of converting IP into a business enterprise, and other factors all have a significant impact on IP and its related rights. In other words, IPR administration must consider trade and commerce issues. Different IPR forms necessitate different management, planning, and strategies, as well as the involvement of people with diverse subject-matter expertise, such as

science, engineering, medical, law, finance, marketing, and economics. Each industry should have its own IP rules, management practices, strategies, and so on, depending on its area of specialization.

CONCLUSION

“To force oneself to believe and to accept a thing without understanding is political and not spiritual or intellectual.”

Any society's progress is directly influenced by IPR and the framework of its policy. Lack of IPR awareness led to the demise of inventions, increased risk of infringement, financial loss, and the end of a nation's intellectual era. IPR include things like patents, trademarks, industrial designs, geographic indications, copyright, and so on, along with the associated rules, regulations, need, and purpose, particularly in India. According to the Indian Trademarks Act, trademarks are any distinctive marks capable of distinguishing one enterprise's goods and services from those of another and capable of being graphically depicted. India has all the resources in terms of readily available raw materials, inexpensive labor, and committed, imaginative, and creative human capital. India and other emerging nations would without a doubt utilize their fair share of international trade by investigating intellectual property rights.

REFERENCES

1. Kamath N. (2021). Career opportunities, benefits and challenges in Intellectual Property Law. Available at <https://blog.ipleaders.in/career-opportunities-benefits-challenges-intellectual-property-law/> [Accessed on July 2023]
2. James TC. An overview of intellectual property rights. Nagpur, India: National Intellectual Property Organisation. 2011.
3. Yadav RP. (2018). Professional opportunities, Patent act and GI Act. Available at <https://slideplayer.com/slide/14403575/> [Accessed on July 2023]
4. Chudasama D. Importance of intellectual property rights. J Intellect Prop Rights Law. 2021; 4 (2): 16–22.
5. Savale SK, Savale VK. Intellectual property rights (IPR). World J Pharm Pharm Sci. 2016; 5 (6): 2529–2559.
6. Jajpura L, Singh B, Nayak R. An introduction to intellectual property rights and their importance in Indian context. J Intellect Prop Rights. 2017; 22 (January 2017): 32–41.
7. Kumar S. A brief review on intellectual property rights with special attention on patent. J Appl Adv Res. 2018; 3 (3) 73–77.
8. Gaikwad A. A study of intellectual property rights and its significance for business. J Comput Acoust. 2020; 10 (2): 552–561.