

# Awareness of Intellectual Property Rights (IPR) among the Students of Selected Colleges Affiliated to the Kerala University

Sarita S. Rajan\*, S. Mohamed Esmail\*\*

## Abstract

Intellectual Property Rights (IPR) are tangible; IPR refers to the creation of the intellects, which needs to be protected. In the present age of globalisation, IPR is the core of global trade practices and livelihood around the world. These rights enhance the inventive environment by giving legal security, recognition, and economic benefits to the creator or inventor. The lack of IPR awareness and its fruitless execution may hamper the economic, technical, and societal progress of the nation. Hence, dissemination of IPR knowledge and its proper implementation is the ultimate goal of any nation. This study underlines various terms of IPR, such as patents, trademarks, industrial design, geographic indications, copyright, and so on, with their need and role. This study is aimed at observing the understanding and knowledge of Intellectual Property Rights (IPR) among university students. A survey was conducted to gather information about IPR from students at the undergraduate and postgraduate level, from selected colleges affiliated to the Kerala University. Many students realise that plagiarism and piracy are an infringement of IPR. This study points out that students are currently not well-informed about the procedures for protecting their IPR rights. Hence, students should be given the requisite information and be made aware of IPR.

**Keywords:** Intellectual Property Rights, IPR, Copyright, Patent, Trademarks, WIPO

## Introduction

In the age of globalisation, it is important to keep pace with innovations and creativeness to compete in the field of trade and technology. The progress of any society

depends on IPR and its policy framework. Lack of IPR awareness results in the wiping out of inventions, a high risk of infringement, economic loss, and the decline of intellectual human resources in the country. Thus, there is a dire need for dissemination of IPR information to stimulate indigenous inventions and developments in the field of research and technology. In the following sections of this paper, an attempt is made to point out the various intellectual property rights in India, along with the appropriate rules and regulations, and their need to, and role in society.

Intellectual property (IP) emerges in four different spheres – literary, scientific, artistic, and industrial arenas (WIPO, 2004). IPR tends to protect the creators, the inventors, and the innovators. Such protection would also motivate research and development, innovation, and inventions. At the same time, infringement of IPR is an issue that demands serious attention. The Government of India has taken various steps to bring about changes in the administration of intellectual property rights in line with the commitments made in international treaties and agreements, particularly, the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS).

On the basis of the type of invention and their implementation, the intellectual property rights are categorised as patents, trademarks, industrial designs, layout designs, geographic indications, and copyrights.

Patents deal with practical things, whereas copyrights are concerned with creative works, and trademarks protect the word or symbol that identifies a given product in the

\* Research Scholar, Department of Library & Information Science, Annamalai University, Tamil Nadu, India.  
Email: saritha788@gmail.com

\*\* Professor, Department of Library & Information Science, Annamalai University, Tamil Nadu, India.  
Email: smelibau@gmail.com

mind of the consumer. A speech before a group cannot be copyrighted. A dance performance by a gentleman cannot be copyrighted. However, if the speech is documented or transcribed as it is delivered, it becomes static in a physical medium and can be protected by copyright. If the dance is written down as steps of a dance composition or if it is recorded, those physical forms of expression can be copyrighted. Once an artistic expression takes a tangible form, the copyright holder has five exclusive rights: the right to copy; the right to prepare derivative works; the right to distribute copies; the right to perform the work publicly; and the right to display the work publicly. (Although these last two rights seem to be similar, the right to display work is a very important concept in the field of distance education.) While the five rights are explained later in this paper, it is easier to first explain what cannot be copyrighted, because these points are more specific.

- *Patent*: Patent relates to creations borne out of inventions, which are solutions to technical problems. A patent is a government-granted and -secured legal right to prevent others from ‘practicing’, i.e. making, using, selling, or importing inventions covered by the patent. The patentability of any creation needs to fulfill certain criteria, such as usefulness, novelty, and non-obviousness.

The patent filing steps include:

- Filing of patent application
- Publication of application
- Opposition of patent
- Request for examination
- Examination and clarification of raised objections, if any
- Grant of patent
- *Trademark*: A trademark is an identification symbol, which is used in the course of trade to enable the purchasing public to distinguish one trader’s goods from similar goods of other traders. With industrialisation, trademark became inevitable in the modern world. Trademark helps companies make their recognition, repute, and faith among customers.
- *Indian Trademark Act*: The Indian Trademark Act specifies that any mark which is capable of distinguishing goods and services of one undertaking

from another, and capable of being represented graphically, can be trademarked.

- *Industrial Design*: The creative pursuit of achieving an ornamental or aesthetic appearance of mass-produced commodities or articles comes under industrial design. The protection is given for independently created industrial designs that are new or original for fifteen years. An industrial design motivates innovation and skill development among the individual and industrial sectors, by nurturing more elegant and appealing products for society. The patent offices at Chennai, Mumbai, New Delhi, and Kolkata are associated with industrial design.
- *Layout Design*: Life in this digital era is not possible without electronic devices like a smartphone, laptop, computer, cameras, healthcare equipment, home appliances, and so on. Layout design is a three-dimensional structure of elements organised for an integrated circuit for industrial manufacturing.

Integrated circuits are creations of the human mind. There is a need for the creation of new layout designs, which reduces the dimensions of existing integrated circuits as they also increase their functions. The protection is given for designs that are original, not commercially exploited in India or any other country, and is inherently distinctive. The law prohibits reproducing, importing, selling, or otherwise distributing, for commercial purposes, the protected layout design or an integrated circuit in which a protected layout design was incorporated. The protection is for ten years.

- *Geographical Indications*: A geographical indication is an indication that identifies goods as originating in a territory, where a given quality, reputation, or other characteristics of the goods are essentially attributable to their geographical origin. Arabian Horses, Nagpur Orange, Kancheepuram Silk, Basmati, and so on, are examples of products having specific quality and registered as GI. In India, registration of products is done under Geographical Indication of Goods Rules 2001. The GI Act is administered by the Controller General of Patents, Designs, and Trademarks, the registrar of GI. The protection is granted for ten years, and can later be renewed.
- *Copyright*: Copyright safeguards the expression of an idea by creators, and not the idea itself. One

obtains copyright automatically after completion of work by creation, so it is not mandatory to register for a copyright. The registration of copyright is carried out under the Indian Copyright Act 1957, which was amended recently in 2012.

- The copyright protects the exclusive rights to authorise others to use protected works from reproduction, performing, recording, broadcasting, and translation. The copyright exists in a work for the lifetime of the authors plus 60 years. The examples for protection include books, research publications, pamphlets, lectures, dramatic or musical works, cinematographic works, paintings, photographic works, works of applied arts, and maps. Computer programs and databases are also protected under copyright.
- Copyright Infringement is making and selling of, or benefitting from copyrighted work without permission, which is a criminal and punishable offense.

Plagiarism is using another person's writing without the permission of the author. As per the copyright law, the use of another's work is permissible by paraphrasing the text or by using a quotation mark with a suitable reference or citation of the original contributor.

## Objectives

- To explore the level of awareness of IPR in the student community.
- To scale the degree to which students consider the implications of IPR.
- To create awareness for the future value, need, and use of IPR among the learning community.

## Literature Review

Copyrights and IPR are key drivers in creativity and innovation (Bach, Cohendet, Penin & Simon, 2010). Copyright laws award the author exclusive rights to his or her creative work, including the right to make copies for dissemination. Explicitly, copyright protects literary, musical, artistic, dramatic, and audiovisual work from being reproduced, without permission from the author (Spinello, 2007). However, creativity and innovation in video games and music evolve from the limitations

in existing applications, which may be a combination of old and new ideas. As such, issues with regards to IPR can sometimes be difficult to handle when there is a grey line that divides imitation and innovation of existing artwork and ideas (Bach et al., 2010). Spinello (2007) suggested adequate rewards to spur creativity and innovation, but moderate protection on IPR, so that the former will not restrict the expansion of ideas. Spinello stressed that overprotection of IPR can be as damaging as under-protection.

However, when knowledge is recognised as IPs, and they are shared and utilised to improve work processes, the firms' performances can be enhanced. Bollen, Vergauwen, and Schnieders (2005) stressed that it was necessary to integrate IPR when formulating a firm's strategy because the firm's performance depended on intellectual capital as well as physical capital. Farhadi and Tolstiga (2010) agreed and further explained that IPs should not be addressed in isolation but be attended concurrently with other business applications, strategies, and road maps. Therefore, the lack of knowledge and understanding of IPs among policymakers and governing authorities would obstruct the formulation and implementation of IPR (Said, 2010).

Plagiarism is using another author's work as your own without proper acknowledgment. As a result of ignorance of the importance of IPR, the issue of plagiarism has become a major concern to many institutions of higher education. Plagiarism, self-archiving on research repositories, and respect for commercially owned copyright material are IP issues that can be addressed effectively through a change of attitude and implementation of appropriate policies (Joint, 2006). Information literacy programmes, for example, are essential to promote and enhance students' understanding of intellectual property issues (Joint, 2006).

Saha (2006) defines intellectual property rights as a collective term, which includes patents, copyrights, trademarks, design registrations, protection of integrated circuit layout design, geographical indications, and protection of undisclosed information. The article concludes with a brief on Indian Science and Technology Policy 2003 and the experience of Indian universities; they start by rising to the occasion and putting in place some useful systems and policies in the country.

According to Arewa (2012), intellectual property laws today reflect an increasing emphasis on depicting knowledge and culture within a property rights paradigm. The author discussed about conceptions of culture and observed that cultural progresses are important for understanding critical aspects of intellectual property theory and its implementation in varied contexts. Cultural resources may be simultaneously both valuable assets and essential elements in living cultures. Reconciling these two potentially conflicting conceptions of culture remains a key element to restoring what many consider to be the needed balance to intellectual property frameworks.

### Methodology and Findings

This study is conducted through a self-administered survey. A questionnaire was designed using the five-point Likert scale to elicit information about the perception and implication of IPR among the students. Three-level response options – ‘1’ representing ‘Important’, ‘2’ ‘Good’, and ‘3’ denoting ‘Neutral’ – were designed in the questionnaire. Around 120 questionnaires were distributed and 118 completed responses were used in this analysis.

Unawareness of IPR among the students, youth, academicians, researchers, and industrialists in India was predominant. The students have a misconception that more and relevant information are available on social networks like Facebook, personal blogs, chat rooms, and so on. Thus, there is a dire need to arrange seminars, talks, or training to promote IPR awareness among the youth.

The two major limitations in this study are:

- The study centered only around the students of three colleges affiliated to the Kerala University.
- The sample size is limited to 120.

### Analysis of Data

The questionnaire was delivered personally to the sample selected. An analysis of data collected was carried out using MS Excel. Responses obtained are presented in Fig. 1.

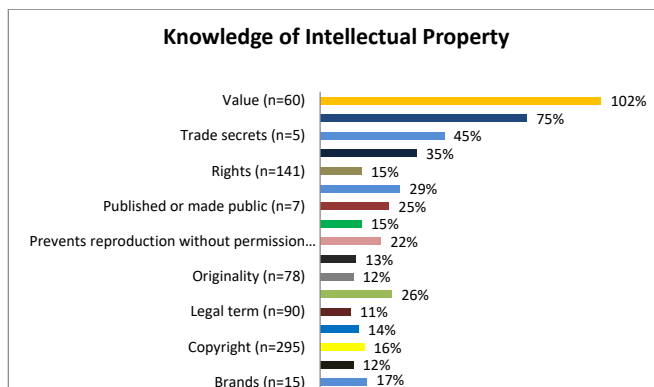


Fig. 1: Knowledge of Intellectual Property and their Designs

The response shows that there is an understanding of some terms; many have responded to the different aspects of IPR. Most of the participants referred to IPR as a general term, and not a specific term.

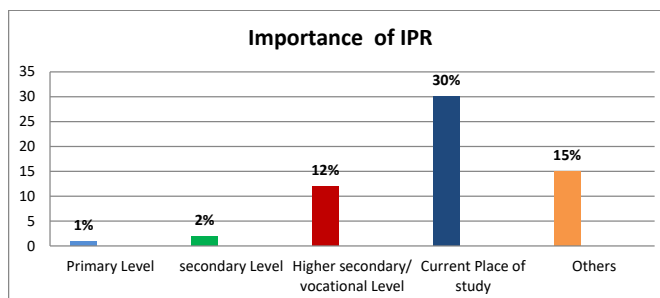


Fig. 2: Importance of IPR Topics

Students were asked to rate the importance of IPR in various aspects, such as using other’s work in their studies, ensuring recognition for the collaborative author, recognition for their work and ideas, knowing and informing about the value of IPR, and so on. A majority were aware of the importance of IPR in using and accessing other’s work in their studies.

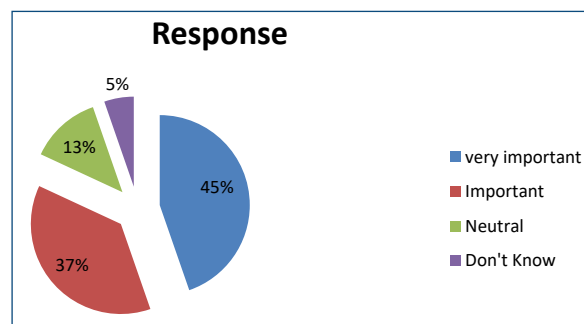
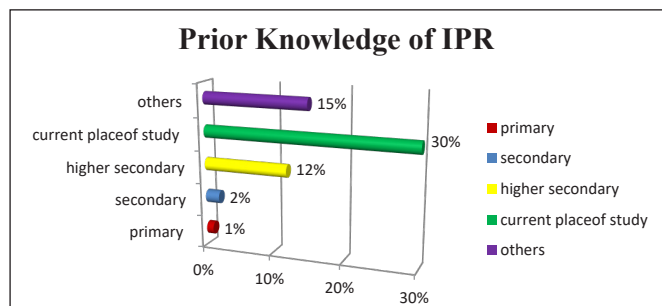


Fig. 3: Importance of IPR during Education

Students were asked about the importance of IPR during their education and their response portrayed their awareness, indicating that most of the respondents felt that IPR was very important.



**Fig. 4: Prior Knowledge of IPR**

A majority responded that they had never learned about IPR before their current place of study.

## Suggestions

- Students should be made aware of IPR in the early stages of their study.
- Better support should be provided for IPR education and awareness among students.
- Awareness among academic staff should be improved.
- Participation of government bodies and university authorities, as well as IPR awareness activities, are some of the suggestions made by the respondents.

## Conclusion

In the knowledge-based economy, intellectual property rights are vital for continuous societal development. It encourages innovators and creators. The electronic media has made copying, transferring, and manipulation of information easier and cheaper. There is a need to focus attention on the awareness and importance of protecting IPR and creating awareness of the significance of the existence of infringements of IPR. The study summarised that 70% of users supported the need for IPR awareness and 30% were neutral. Although this study only focuses on a few students in Kerala, the findings are a good indicator of the perception and awareness of IPR among

college students. The students believe that knowledge of IPR is valuable not only for their studies but also for their future career developments. Students had less awareness about the diverse topics of IPR. In addition, strict implementation of the Copyright Act is needed for checking the piracy of computer software and other IT products.

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