

# IPR: Cognizance Directed By NGOs and Institutions

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**ABSTRACT:** Intellectual property law is the law that concerns with the form of property that has everything to do with the human being's mind and is separate from the general property principle that deals with the transition of property law. In addition, these privileges are intangible in essence and are of the new evolution. Following the creation of the World Intellectual Property Organization (WIPO), the role of organizations and NGOs, local communities, and individuals as a whole was formally established to raise awareness of the development consequences of Intellectual Property Policy. Acts by NGOs to highlight the importance of conceptual identity for creativity and the security of ideas, along with the dignity of the founder to inspire future innovators, investors and futurists. This paper also assesses the steps taken by organizations so far in supporting intellectual property rights and can provide suggestions for extending the reach of efforts and remaining in the same flow as the World Trade Organization (WTO), the World Intellectual Property Organization (WIPO), including the efforts to disseminate information to all possible regions.

**Keywords:** Copyright, Intellectual Property, IP India, Indigenous Knowledge, NGO, Patent, Trade Mark, WIPO, WTO;

## INTRODUCTION

As India is a very creative nation, Indians are very imaginative in nature, but there is no good security for the structure in which we safeguard such innovations, discoveries, actions. This is partially because we do not have a very effective mechanism to implement the appropriate steps needed to safeguard IPs. Only if they know that their product is healthy would the trust level of those individuals who invent be strong.

We are creative, as we know, but at the same time we are good at innovating the job everyone has already done. We tend and imitate a lot of stuff, because people think it's really easy to copy things and think it's easy to take an immoral route. At the same time, we are also aware that the innovators and developers must be accustomed in order to be able to implement their IPRs, the enforcements and adjudication processes in the country must be improved, in that regard, we are organizing a national IPR compliance workshop that was inaugurated on 22 August 2017 by the Honorable Home Minister of India.

Hoping to increase visibility among police officers around the nation and create a kind of revolution where individuals can enforce their IPRs, appreciate the advantages of their IPRs without apprehension and with the full rule of law behind them. Around the same time, we are also strongly conscious of raising awareness of IPRs in school children and college students and the general public and industries so that they can protect their IP and respect the IP of others by knowing their own IPRs. And this awareness campaign has begun stating that we need to cover

more classrooms, colleges and industrial clusters, and we need to see India's intellectual property environment shifting and changing for the better in the days and months to come. We still look for stuff that can be gained quickly by paying or by illicit means, certain unethical activities, to be truthful research and development is not looked as very profitable on priority in the world.[1]

### *Role of Institutions and NGOS*

NGOs also had a major impact, targeting the intellectual property rights and growth policy issue. NGOs ought to be careful to make sure that, either indirectly or directly, they do not become donor oriented. Donor reliance will lead to pressure on NGOs to glorify unique concerns or turn focus away from IP rights to more immediately involved, concrete issues. On the part of NGOs, dealing with IP problems requires long-term strategies. This would be assured by the donors' long-term dedication. Over time, the importance of NGO contributions to intellectual property policy-making and standard-setting practices in multilateral organizations will become more relevant.[2]

By default, Indians are innovators and producers, and the Govt, to accept the streak. The IPR policy was implemented by India. As we have been through many schemes for our young innovator makers, India's entrepreneurs have been able to leverage it and reap economic benefits from it. Unfortunately, the quality attack is so prevalent that the information must be respected, it can only be valued if it is secured. It's not going to be free, unless you pay for it. We ought to ensure the originality and the ability used to produce the specific product as we speak about consistency.[3]

The home ministry claims that it will look at ways and ways to ensure that the compliance mechanism operates in a rigorous way or the information will die, creativity will be made obsolete, marketing will face and currency counterfeiting and the origins of innovation will be digged up by counterfeiting of these useful products. The task of NGOs is to uplift faith by having much-needed information in the right place. Via conferences, lectures, training courses, schooling for ordinary citizens, organisations, federal agencies, universities, students and investors, through the promotion and expansion of the value of intellectual property rights.[4]

A streamlined system is being worked out to conduct over 3500 awareness programmes in schools, universities and the industry across the country including Tier 1, Tier 2, Tier 3 cities as well as rural areas along with converting the content to various regional languages for a wider reach. The programme was an hour long interactive session with a presentation delivered by the INTA Working Group which included various games and activities to keep the kids engaged. Along with the presentation, colourful and vibrant posters on different IPs were put up and mementos including a brochure on IP designed for kids was given to all students.<sup>1</sup>

In Tamil Nadu, WIPO is planning to set up two centres, one in Punjab Innovation Support Center named TISC Technology and Innovation Support Center, and IPAB Intellectual Property

Appellate Board In Tamil Nadu, where academics can provide technical support along with industry, and hence centers, to increase momentum and benefit from the support system that is required, whether in Tamil Nadu. The Indian Industry Confederation (CII) has founded an Intellectual Property Rights Facilitation Centre (IPFC) for Indore, Mysore and Gandhinagar in alliance with the Ministry of Micro Small & Medium Enterprise, Government of India.[5]

The IP facilitation cell provides various programs and highlights that promote and offer appreciation and incentives solutions. If the same is further explained,

- a) IP Policy inputs to state administration,
- b) Development of training & capacity,
- c) Support for IP commercialization with careful research & fair value,
- d) IP Protection & information services,
- e) Acknowledgement & reward,
- f) Consultative & advisory services for investors.

#### *Understanding the Responsibilities in Relation with Trade Related Aspects*

The TRIPS or Trade-Related Aspects of Intellectual Property Rights is a global consensus administered by the World Trade Organization (WTO) defining minimum parameters for the many types of laws and regulations relating to intellectual property (IP) that extend to all other countries under the WTO Code of Conduct. This TRIPS deal was signed at the conclusion of the GATT Uruguay Round in 1994. GATT stands for the General Agreement on Tariffs and Commerce, a multilateral agreement overseeing foreign trade, which started in Geneva in 1947 and concluded in Doha in 2001. In order to control the legal parameters of intellectual property law in the international trade framework, the TRIPS agreement was adopted and remains an important and detailed intellectual property agreement to date. "In 2001, the Doha Declaration was the result of developing countries' concern for developed countries who insisted on a narrow reading of the agreement; henceforth, the Doha Declaration came into force, which clarified the scope of the TRIPS as "promoting access to medicinal products for everyone.[6]

In specific, the WTO has laid down guidelines to be complied with by copyright-providing members, covering the contents, geographical indicators and sensitive information which are inevitably needed by TRIPS. The Agreement sets down the criteria and standards for GATT-considered nations.[7]

TRIPS have laid down norms for seven types of intellectual property namely: -

Copyrights and related rights./ Trademarks/ Geographical indications / Industrial designs/ Patents/ Undisclosed information/ Lay out design of integrated circuits

Control of Anti-Competitive Practices in contractual Licenses TRIPS have been divided into VII parts, each dealing with a specific provision thereto governing the rules and regulations for the agreement. The Parts in which it is divided are

PART 1, which deals with the General Provisions and basic principles. ]

PART 2 deals with the standards concerning the availability, scope and use of IPR ]

PART 3 deals with enforcement of IPR ]

PART 4 deals with the acquisition, maintenance of IPRS and related procedures ]

PART 5 deals with the disputes prevention and settlement ]

PART 6 deals with transitional arrangements ]

PART 7 deals with final provisions and institutional arrangements. TRIPS have always been the most arguable international agreement on IPRS. The members who are in consideration with WTO are automatically bound by the agreements of TRIPS. It has always been as a controversial topic however it has had many effects too. One of the prime effects of the agreement is the amalgamation of trade and IPRS. This amalgamation has been opposed by many developing nations, which they may see as a threat to them as preventing them to carry out free trade between nations such as trade on bio diversity etc.[8]

The Drawbacks as suggested by them are: -

- Central Vigilance System
- No amendments
- Not defined patent, copyright, trade marks

The resale right depends upon reciprocity There are certain draw backs of the TRIPS agreement but as a whole the TRIPS agreement has been able to guide and direct the trade and IPRS of nations in a well-mannered way and with a hope to guide it all along unless there is some new law or Declaration in concern with the IPRS[4]

## CONCLUSION

Bringing a certain degree of legitimacy creates visibility among IPR holders and organizations among individuals that should genuinely know that they have to participate in order for the rule of law to play its full function, in order to establish loyalty that brings value to individuals who hold these rights.

In conclusion to this report, the position of institutions and NGOs in relation to IPR is further addressed in points as—

I. Intellectual property awareness workshops/seminars must be held in partnership with business organisations, academic institutions and stakeholders around the nation.

- II. Inform the Regulatory Body regarding the latest acquisition of Intellectual Property.
- III. Training projects can also be proposed to build a talent pool of trainers that will hold public workshops/seminars on Intellectual Property Understanding.
- IV. To further inform and warn the Judiciary, take the requisite measures
- V. To be optimized for Elementary School awareness activities (up to Grade 8),
- VI. Secondary Education (Grade 9 to Grade 12),
- VII. University/College and Business, MSMEs and startups included.

Industry workshops/seminars, the objective has to be to cover important topics in intellectual property, covering all inter-alia, inventions, copyrights, trademarks, genetic tools, GIs, plant varieties, prototypes, which must require international filing procedures in compliance with the PCT (Patent Collaboration Convention, 1970) and the Madrid Protocol.

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