

Unit 3: Intellectual Property in the Cyberworld

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Unit Structure

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- 3.3 Intellectual Property in the Cyberworld
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3.1 LEARNING OBJECTIVE

This chapter used to study about Intellectual Property in the Cyberworld.

3.2 INTRODUCTION

In common use, property is simply 'one's own thing' and refers to the relationship between individuals and the objects which they see as being their own to dispense with as they see fit.

- Property is often conceptualized as the rights of 'ownership' as defined in law.
- Private property is that which belongs to an individual; public property is that which belongs to a community collectively or a State.

The term intellectual property reflects the idea that this subject matter is the product of the mind or the intellect, and that intellectual property rights may be protected at law in the same way as any other form of property.

- Intellectual property laws are territorial such that the registration or enforcement of IP rights must be pursued separately in each jurisdiction of interest.
- There are various kinds of tools of protection that come under the umbrella term 'intellectual property'.

3.3 INTELLECTUAL PROPERTY IN THE CYBERWORLD

Every new invention in the field of technology experiences a variety of threats. Internet is one such threat, which has captured the physical marketplace and have converted it into a virtual marketplace.

To safeguard the business interest, it is vital to create an effective property management and protection mechanism keeping in mind the considerable amount of business and commerce taking place in the Cyber Space.

Today it is critical for every business to develop an effective and collaborative IP management mechanism and protection strategy. The ever-looming threats in the cybernetic world can thus be monitored and confined.

Various approaches and legislations have been designed by the law-makers to up the ante in delivering a secure configuration against such cyber-threats. However it is the duty of the intellectual property right (IPR) owner to invalidate and reduce such mala fide acts of criminals by taking proactive measures.

Important among these are the following:

- Patents
- Trademarks
- Geographical Indications
- Layout Designs of Integrated Circuits
- Trade Secrets
- Copyrights
- Industrial Designs

➤ **Copyright**

- Basic Concept
 - Copyright is a right given by law to the creators of literary, dramatic, musical and artistic works and producers of cinematograph films and sound recordings to do or authorize the doing of certain acts with regard to their creations.
 - It is a kind of protection against unauthorized use or misuse of a work, but for a limited duration.
 - Generally the rights include the rights of authorship, reproduction, distribution, communication to the public, broadcasting, adaptation and translation.
 - In India, copyright is governed by the Copyright Act, 1957, the Copyright Rules, 1958 and the International Copyright Order, 1999.
 - The Copyright Act provides the basic law so far as copyrights are concerned, the Copyright Rules contain the rules and regulations as well

as various procedures and the International Copyright Order extends copyright protection to works of nationals of specified foreign countries.

- Rights Included in the term 'Copyright'
 - Copyright is a bundle of rights and this bundle can be broadly classified into two categories, viz. economic rights and moral rights.
 - Economic rights are so called because “they imply as a rule that within the limitations set by the copyright law the owner of the copyright may make all public use of the work conditional on payment of remuneration”.
- (a) Right of Reproduction
 - (b) Right to Issue Copies of a Work
 - (c) Rights of Public Performance
 - (d) Right of Communication to the Public
 - (e) Adaptation Right
 - (f) Translation Right

Check Your Progress 1:

1. Discuss Intellectual Property in the Cyberworld.

3.3 CHECK YOUR PROGRESS: POSSIBLE ANSWERS

Check Your Progress 1

1. Refer the Topic no 3.3