

# Emerging Trends in Intellectual Property Right

**Dr. Smita Derashree**

Assistant Professor (Commerce), Government Nehru PG College, Agarmalwa

## Introduction

Intellectual property is an idea, a design, an invention etc. which can ultimately give rise to a useful product and application. Intellectual property is a category of property that includes intangible creations of the human intellect. There are many types of intellectual property and some countries recognise more than others. Intellectual property rights are legal rights that protect creations and /or inventions resulting from intellectual activity in the industrial, scientific, literary or artistic fields. Intellectual property rights protection gives your businesses a competitive advantage over other similar businesses. IPR protection allows you to prevent unauthorised use of your intellectual property and works.

Intellectual property rights are the rights given to persons over the creations of their minds. They usually give the creator an exclusive right over the use of his/her creation for a certain period of time. The main purpose of intellectual property law is to encourage the creation of a wide variety of intellectual goods. This gives economic incentive for their creation because it allows people to benefit from the information and intellectual goods they create and allows them to protect their ideas and prevent copying. The nature of intellectual property is intangible. In this paper intellectual property rights include Patent, copyright, trademark, design and geographical indications. The study shows about trends of Intellectual Property rights of last five years. This paper focuses on how many intellectual Property rights applications have been revived, examined, granted and disposal.

## Different Intellectual Property Right

### A) Patent

A patent is an exclusive right granted for an invention. A patent is a form of right granted by the government to an inventor, giving the owner the right to exclude others from making, using, selling, offering to sale and importing an invention for a limited period of time in exchange for the public disclosure of the invention.

### B) Designs

An industrial design right to protect the visual design of objects that are not purely utilitarian. An industrial design consists of the creation of a shape, configurations, or composition of pattern or colour, or combination of pattern and colour in three-dimensional form containing aesthetic value. An industrial design can be a two or three dimensional pattern used to produce a product, industrial commodity or handicraft.

### C) Trademark

It is a mark capable of being represented graphically and which is capable of distinguishing the goods or services of one person from those of others and may include a shape of goods, their packaging and combination of Colours. It is a symbol that is used to distinguish the goods of one enterprise from its competitors. A trademark may consist of a single letter, logo, simple design or numerals and three-dimensional features such as shape and packaging etc.

### D) Geographical

Indications-Geographical indication is a sign used on products that have a specific geographical origin and possess qualities or reputation data due to that origin. Geographical indications are indications which identify a good as originating in the territory of a member or a region or a locality in that territory, where the given quality, reputation or characteristics of the good is essentially attributable to its geographical origin.

### E) Copyright

A Copyright is also called a literary right or author's right . It is a right that is provided to the owner of a literary or artistic work. It is an exclusive right to control the publication distribution and adaptation of creative works.

### Objectives of Study

- 1) To understand the trends in intellectual property right.
- 2) To compare the different intellectual property right.
- 3) To analysis the trends in different intellectual property rights in last five years.

### Research Methodology

Research methodology states what procedure were employed to carry out the research study. The present study is mainly based on secondary data of the different intellectual property rights of last five years starting from 2016-17 and ending at 2020-21. The data is taken from the annual report of Office of intellectual property right. The tools are used to analysis the data are trend Analysis and percentage analysis

### Hypothesis of the study

HO: There is no significant difference in various intellectual property right in last five years

H1: There is significant difference in various intellectual property right in last five years.

HO: There is no significant trends in various intellectual property right during the period of study.

H1: There is significant trends in various intellectual property right during the period of study.

### Analysis and Interpretation

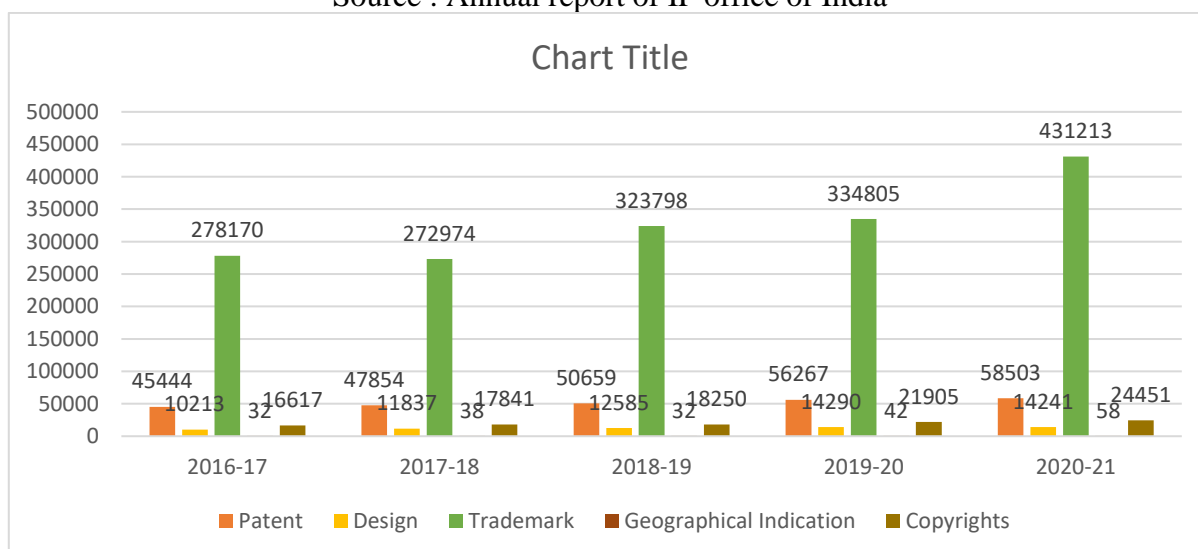
Filing of applications for protection of various intellectual property rights in IP offices under the administrative control of Controller General of Patents, Designs and Trademarks has been showing consistent growth over the years.

### Trends in last five years with respect to filing of IP applications

Table-1

Year	2016-17	2017-18	2018-19	2019-20	2020-21
<b>Patent</b>	45444	47854	50659	56267	58503
<b>Design</b>	10213	11837	12585	14290	14241
<b>Trademark</b>	278170	272974	323798	334805	431213
<b>Geographical Indication</b>	32	38	32	42	58
<b>Copyrights</b>	16617	17841	18250	21905	24451
<b>Total</b>	350467	350546	405324	427309	528471

Source : Annual report of IP office of India



The above table and chart show that there is an increasing trend in applications received of different intellectual property rights. In 2020-21, overall filing of applications for various intellectual property rights (528,471) has been higher as compared to the previous year (427,309), exhibiting an overall increase of 5.42%. The increasing trend in filing of applications for patents, designs, trademarks, copyrights and geographical indication has been observed during this year as compared to last year.

### Trends in respect of different IP activities :

#### A) Patent

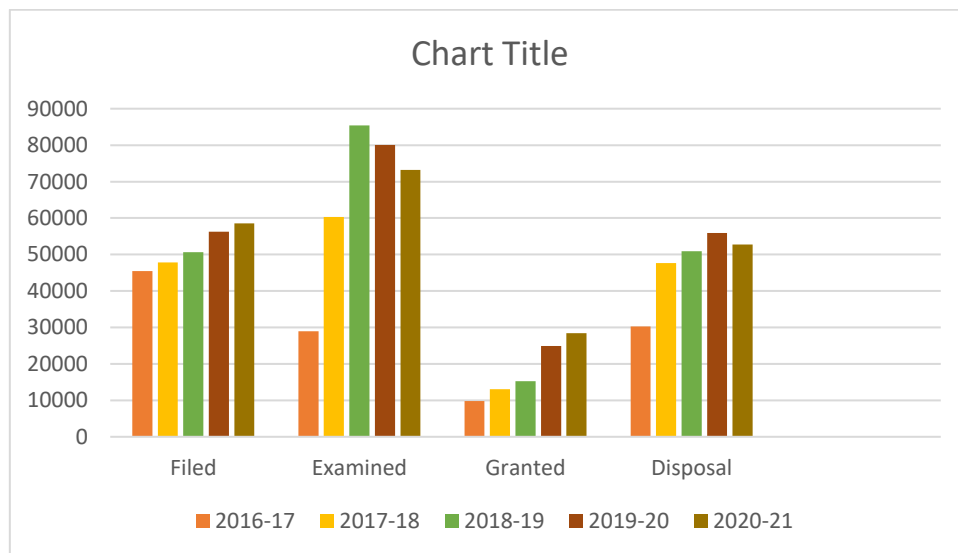
The trends of last five years in respect of patent applications filled, examined, granted and disposed are given below, disposal of applications includes patents granted and refused by the patent office, as also, applications abandoned and withdrawn by the applicants.

### Trends in patent Application

Table-2

Year	2016-17	2017-18	2018-19	2019-20	2020-21
Filed	45444	47854	50659	56267	58503
Examined	28967	60330	85426	80080	73165
Granted	9847	13045	15283	24936	28385
Disposal	30271	47695	50884	55945	52755

Source : Annual report of IP office of India



### Trends in Patent Application

The above table and chart show that in 2020-21, a total of 58,503 patent applications were filled exhibiting an increase of about 3.97% as compared to the previous year. The increasing trends in filing of applications of patent last five years. Granted of patent right application shows an increasing trend in last five years.

**B) Designs**

The table shows the filed, examined, granted and disposal of designs applications in last five years starting from 2016-17.

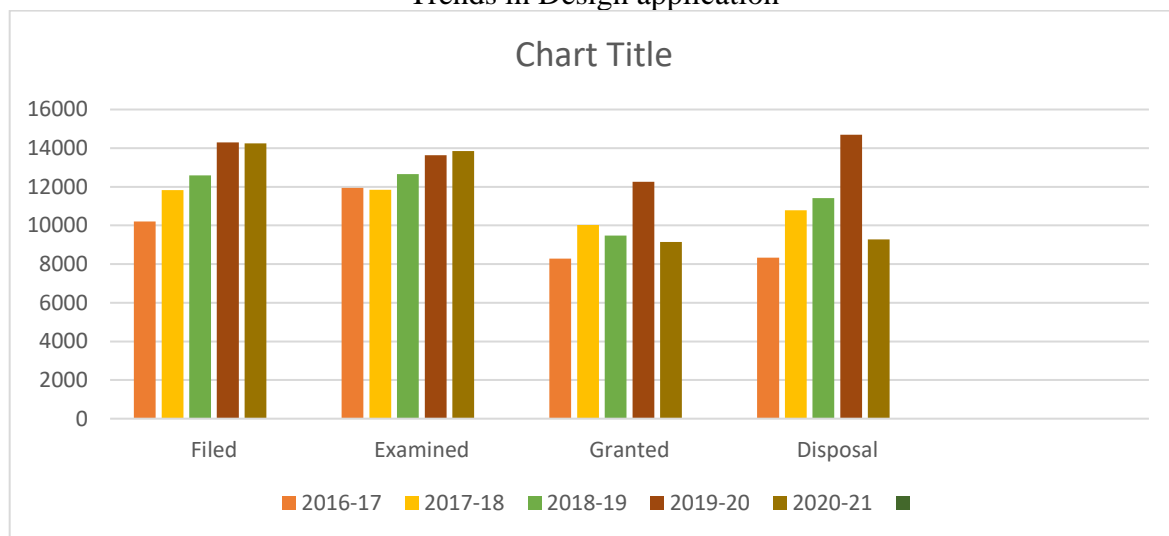
Trends in Designs applications

**Table**

Year	2016-17	2017-18	2018-19	2019-20	2020-21
<b>Filed</b>	10213	11837	12585	14290	14241
<b>Examined</b>	11940	11850	12661	13642	13847
<b>Granted</b>	8276	10020	9483	12256	9146
<b>Disposal</b>	8332	10788	11414	14701	9281

Source : Annual report of IP office of India

Trends in Design application



The above table and chart shows that during year 2020-21, a total of 14,241 designs applications were filed showing 0.34% decrease over the last year. The number of design applications examined was 13,847 showing the increase of 1.48% whereas registration and disposal of design applications during 2020-21 decreased by 25.36% and 36.8% respectively as compared to last year.

**C) Trademarks**

The table shows the filed, examined, granted and disposal of designs applications in last five years starting from 2016-17.

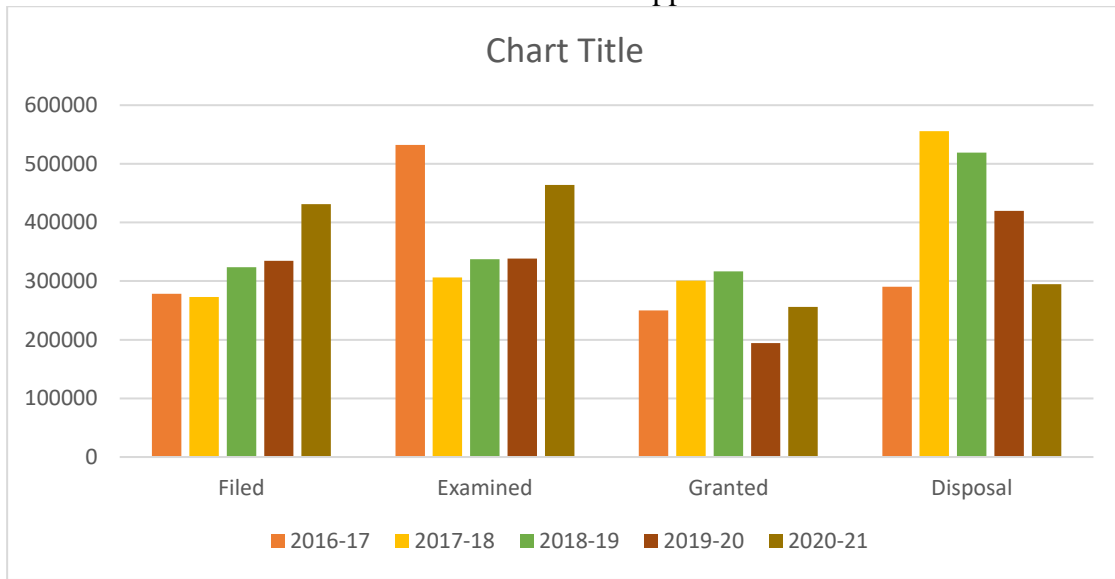
Trends in Trademarks application

**Table-4**

Year	2016-17	2017-18	2018-19	2019-20	2020-21
<b>Filed</b>	278170	272974	323798	334805	431213
<b>Examined</b>	532230	306259	337542	338551	463912
<b>Granted</b>	250070	300913	316798	194172	255976
<b>Disposal</b>	290444	555777	519185	419566	294944

Source : Annual report of IP office of India

Trends In trademarks application



The above table and Chart shows that during the year 2020-21, 431213 applications for registration of trademarks were filed. The number of applications examined is more than applications filed during this period and pendency in examination has been brought down to less than a month. The number of trademark registrations and disposals are less during this year as compared to last year due to the fact that old pendency has been cleared during the last three years.

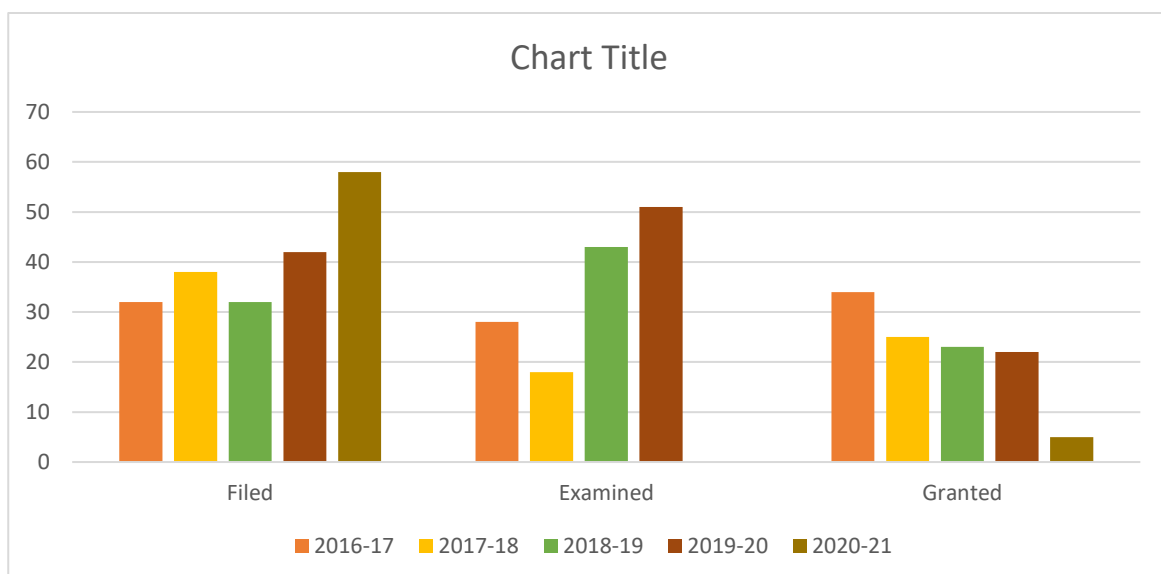
### D) Geographical Indication

The table shows the filed, examined, granted and disposal of designs applications in last five years starting from 2016-17.

Table- 5

Year	2016-17	2017-18	2018-19	2019-20	2020-21
Filed	32	38	32	42	58
Examined	28	18	43	51	0
Granted	34	25	23	22	05

Source : Annual report of IP office of India



The above table chart shows that in the year 2020-21, 58 Applications were filed new applications were examined as the consultative group meeting were not conducted due to COVID-19 pandemic and 05 geographical indications were registered. The trends granted of geographical indications application during the last five years are Decreasing .

**E) Copyright**

The trends in copyright applications field exam mind granted and disposal during the last five years are given below

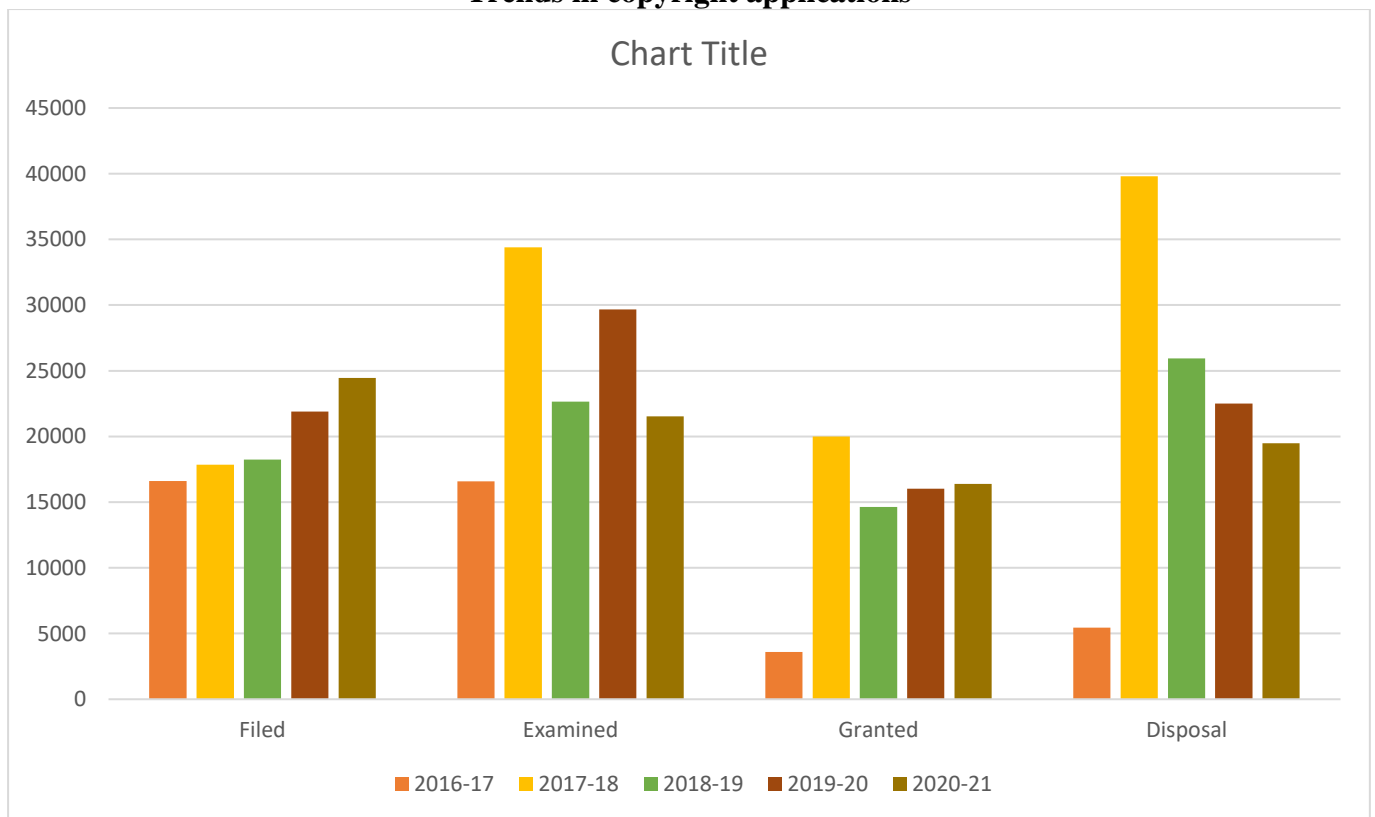
Trends in copyright applications

Table-6

Year	2016-17	2017-18	2018-19	2019-20	2020-21
Filed	16617	17841	18250	21905	24451
Examined	16584	34388	22658	29670	21523
Granted	3596	19997	14625	16029	16399
Disposal	5444	39799	25943	22516	19477

Source : Annual report of IP office of India

**Trends in copyright applications**



The above table and chart shows that total number of 24,451 applications were received for copyright registration during the year total 21523 applications were examined and 16,399 registrations of copyright were done, whereas a total number of applications disposed was 19477

**Test of Hypothesis**

1. It is clear from table number 1 there is significant difference in various intellectual property rights within period of five year .
2. It is clear from the table number 2, 3,4,5 and 6 that trends in various intellectual property right shows increasing trends in terms of filled applications.

### Conclusion

Intellectual property is a valuable asset since it provides a competitive advantage to the owner over other entities. An intellectual property right is a proprietary right on the product of one's intellect. These rights support innovation and help the innovators at every stage of the business development, competition and expansion strategy. It is also noteworthy that registered and enforced IP rights enable the consumers to make an informed choice about the quality, safety, reliability of their purchase. A purpose of an IPR is to create a reward for human intellect by providing exclusive rights to the creators over their inventions, artistic, musical works etc.

This paper shows that an increasing trend in filing of applications for patents, designs, trademarks, copyrights and geographical indications has been observed during the study period. The study also reveals that in patent and copyright applications granted are increased and in trademark comparatively in last five years shows a decreasing trend and also design and geographical indications shows decreasing trends in granted applications of last five years. Thus, the study results that the number of applications received in various intellectual property rights shows an increasing trend but in the form of granted applications of intellectual property rights shows comparatively decreasing trends.

### References

1. Bhandari, M.K. (2021). Law relating to intellectual property rights, sixth edition.
2. Ahuja, V.K. (2017). Law relating to intellectual property rights, third edition.
3. Reddy's, G.D. (2017). Intellectual property right and The law, Gogia Law Agency Hyderabad, 12th addition.
4. Wadhwa, L.B. (2016). Universal law publishing company, Fifth addition.
5. <https://www.ipr.res.in>
6. <https://www.wipo.int/about-up/en/>
7. <https://en.m.wikipediya.org>
8. <https://www.wto.org>