

## A Distinctive Study on Importance of IPR in Digital Media.

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### Abstract

Intellectual property refers to the legal ownership of any product or service which includes creative thinking, unique designs, symbols, contents, and creations. When speaking about IPR in digital media it refers to various audio and video clips which can be shared and downloaded online. As the fact is intellectual property rights are intangible, if at all it has been hijacked, it becomes very difficult to recover it. In the current parameters of the world, IPR awareness has become the key to technical innovation and in the imminent knowledge-based economy; the importance of IPR is likely to go ahead. Every individual when asked about IPR in Digital media has a limited amount of knowledge. The enlightenment among the creators of strategy and knowledge about IPR has become a necessity in the world of digital media, as it becomes very difficult to prove rights whenever they appear. Right from application makers, software developers, web designers all are solely responsible for their own legal copyrights. In this paper I have done a study on the Importance of INTELLECTUAL PROPERTY RIGHTS (IPR) in the Digital Media.

**Keywords:** Intellectual Property Rights (IPR), Digital Media, Innovation, and enlightenment.

### INTRODUCTION

“IPR is a general term covering patents, copyright, trademark, industrial designs, geographical indications, protection of layout design of integrated circuits and protection of undisclosed information (trade secrets). IPR is the legal ownership by an individual or business of an invention/discovery attached to particular product or processes which protects the owner against unauthorized copying or imitation.” (Business Guide to Uruguay Round, WTO, 1995)

### What is Intellectual Property?

Intellectual property refers to the process of an individual’s imagination and creativity and the rights of these people to control the use of their products. Intellectual property can be acquired, sold, changed, and licensed to other people or organizations by the intellectual property holder. Intellectual property is unreal and is not linked to the tangible artistic, dramatic, or musical work which may have resulted from it. For example: a journal or text book is actual property and can change hands without affecting the intellectual property (in this case copyright) of the artist. IPR is protected by intellectual property law. There are six major types of intellectual property law: copyright, patents, designs, trademarks, layouts and

new plant varieties; however, confidential information, the duty of fidelity, trade secrets, confidentiality and moral rights are also included.

## **HISTORY OF IPR**

Through the years passing by history has been documenting remarkable contents which have contributed much of their facts to improving society. Intellectual Property Rights plays a very eminent role in not just protecting individuals facts from misuse, but also to promote originality and creativity. As per the earliest record of laws on intellectual property rights dated back in 1474, We joined the World Organization (WIPO) in 1980 only after 10 years after it was established and the Intellectual Property code has only taken into consideration during 1987. Later the country is viewed as one of the nations that are not eligible in enforcing laws governing Intellectual Property. As a result, Millions lost in revenue for corporations and the government in taxes. Consistent enforcement is crucial because of the reality that there are people who do not respect the Intellectual property rights of others. The reason may keep changing from greed, lack of awareness, intent necessity, criminal intent or even an innocent mistake. When illegal copies take market share or even try to finish a potential market the enforcement mechanisms become vital to not only protect the players and the entities but also the general public as well. Most of the industries that are affected are computer software, music, films, luxury goods and fashion, perfumes, books, watches, medicine , creative contents and even voice. According to World Intellectual Property Organization (WIPO) the factors that influence the rise up include a huge gap in the consumer purchasing power, inability to meet the market demand and emergence of new technology making it more easy to produce volumes of illegal copies at faster rate. Enforcement measures are in the form of actions engaging administrative, criminal, civil and technological. But to succeed a concerted effort to enhance public awareness and a strong political will can make a difference in minimizing if not eradicating the problem.

## **Fears And Opportunities Of Digital Media**

The internet, as a global means of communication, has the ability to reach an unlimited number of people spontaneously, with minimum expenses, and with no restrictions in terms of time and geographical limits. This transformation has extensive implications on the cost structure and strategies of content intermediaries. The consequences brought about by in digital media content industry as a result of the new technologies are already under our eyes. For instance, the combination of MP3 technology, - compressing digital files up to 1/2 of their original size and substantially reducing their storage space - and peer-to-peer technology, has determined a substantial transformation in how intellectual creations are stolen, used and circulated, maximising the contingency for the spread of culture, but also enhancing possibilities for illegal appropriation and distribution of pirated, counterfeit, unauthorized products. The fact is intermediation of authors, distributors, and record companies can be easily eliminated. In order to maintain their employment , content

intermediaries are compelled to make a radical change. Content intermediaries aroused by the imminent process of elimination of their role in the transaction process are resorting to very strict copyright protection measures. Digital products are particularly well structured for price discrimination and customers are often ready to pay for immediate on-line access to a distinct content: a large variety of contents, infact may be easily disaggregated and circulated on demand. Digital contents also has the the ability to exploit various stratification of consumers that can be classified by intent-to-use and immediacy-of-need. Finally, the migration of audience or viewers to new media, the shifting expectations of audiences, the possibility to market to an increasingly diverse and stratified customer base, and the tangible differentiaton of completely digital vs. physical products, developpe a multitude of options for revenue generation. Hence for these reasons content providers are looking with positive interest to «pay-per-view» or «pay-per-download» web services.

### **Necessity of Intellectual Property Rights:**

The Intellectual Property rights came into existence basically for documentation and was accepted around the globe in view of some very important reasons. Few of the reasons for accepting these rights are listed below :

1. Providing to the individual for new creation.
2. Ensuring recognition to creators and inventors.
3. Ensuring material reward for intellectual property.
4. Ensuring the availability of genuine and real products.
5. Monetary profit is the most important, in most cases, the only motive behind man's relentless toil, inventiveness and ingenuity.
6. With the advent of technology one of issue is legal characterization of the invention.
7. It is created to protect the rights of individual to enjoy their creations and invention.
8. Created to insure protection against unfair trade practices.
9. To assure the world a flow of useful, informative, and intellectual works.

### **LITERATURE REVIEW:**

**Bomanwar** considered IPR in the context of new information society, noted the thrust area of economic activity shifted to knowledge-based industries and intellectual goods, and described impact of piracy of intellectual property act viz. viopiracy, geoprivacy and IT products of new information society. He also noted that developed countries demand protection against piracy while developing countries feel that such protection will prevent entry of newcomers and felt that in the free flow of information IPR was hurdle to it.

**Panda K C** and few others evaluated copyright law in the electronic age and noted proliferation of digital information creating interest in the minds of authors, publishers, audiences and intermediates regarding the copyright law. Discussed the role of IFLA in the

protection of copy right in the global ssituation and the conclusion was that there is an urgent need to reconsider the existing copyright law to make it suitable in the age of electronic media o Digital media.

**Lakshmana Moorthy, A and Karisiddappa, C.R.** observed copyright and digital information, viewed that the main objectives of copyright law as promoting the access and the use for information and protecting the work from infringement and for encouraging the authors for pursuit of knowledge. As discussed by them the Indian Copyright law 1957 and its amendments, mentioned the most important worldwide projects to protect copy right of electronic information and concluded that the library professional should negotiate few electro copying advantages for legitimate non-commercial usage of electronic information similar to the kind of fair use as in the case of printed materials

**Murthy, T.A.V. and Jain, S.P.** they found the current copyright law which was framed after the invention of the printing press as by and large being forced on the existing electronic environment and felt that there is need to modify the IPR which confers exclusive right to the author to exploit the work created by him/her for monitory gains in compensation of labor, skill and capital investment in generating information.

## IPR IN INDIAN DIGITAL MEDIA

**Deming Zhou** when discussed Chinese copyright protection rule had raised specific concerns of IPR in digital context. They are also similar to Indian context. The occurrence of digital technology has greatly accelerated the circulation and distribution of information with great spirit and accuracy never seen before. It is much easier to publish literary, artistic and scientific work to a very large community of netizens and users of electronic media. At the same time occurs few problems and issues for consideration. The major issues are:

Is digitization to be considered akin to reproduction, for example using a photocopy machine? Is digitization a reasoned activity such as translation from one language to another? Can conveyance of digitalized documents through Internet be considered as commercial distribution or public communication like broadcasting? Is the principle of exhaustion of the distribution right still effective in the digital media?

What can be considered as —Fair usage in the world of digital media? What are the concerns of the Digital community? In the digital context if access could be technologically restricted by the copyright owner, whether digital sources should be prevented from employing technology to retain work by making three copies-an ancient copy, a unique copy, and a use copy? Whether Internet Service Providers (including libraries and educational institutions) should be liable for copyright violation merely because they facilitated the transmission of digital data that translated into other party ‘s copyrighted work.

The concerns mentioned above are specific to the library community. The media center as a service have allowed their readers to read a document, to browse through the whole collection, to search through the library catalogue, to supply copies for specific individual research and educational purpose; to widely distribute the re-produced copies of documents requiring public awareness service. Will these activities continue in the digital age? If digitization is considered as reproduction, in digitization the initial work is merely changed into the digital form and the process of changing is accomplished by a machine, without any creativity. At the same time if it is considered as a translation from one language to another, the digitization is also a change from human language into binary language of machines. In the world of digital media however, there is lot of creativity involved and it could be considered as an activity similar to reprography. The copyright protects creative works. Simply converting in to the digital form of an original content cannot be considered as creative.

## CONCLUSION

According to this paper the conclusion that came out is , before the arrival of Information and Communication Technology (ICT), IPR and copyright laws and ethics seemed to be as a dull and irrelevant space of law relating to information provision. Nevertheless, with the usage of ICT the IPR has now become the leading point and one of the most dynamic and rapid moving areas of law. In the current scenario, IPR awareness is the key to technological modernization and in the emerging knowledge-based economy the priority of IPR is likely to go more further. The awareness among the inventors of information and knowledge about IPR has become essential in the digital media because in digital media it is becoming difficult to prove rights violation whenever they appear. In the context of digitalized information, because it is distributed to a larger community, it is difficult to judge, —usage , access and control the violation of copyright law. It is hardly possible for a copyright owner to know which person used his/her work, also it is impossible for copyright owner to accord permission to use and receive remuneration. In this context it is a need to modify the copyright law. The librarians in the digital world have equal responsibility to collect information and help the audience by giving it even if the form is in electronic source. The role of Curators is to be secured and enhanced. The copyright security should be encouraging the use of information for creativity and not for creating boundaries in the use of information. The Curators should continue to work as catalyst for the free flow of information between the owners of copyright and the users of the informational source.

## REFERENCES:

1. <http://agropedia.iitk.ac.in/>
2. BOMANWAR, V.J. Intellectual property rights and new information society. In Towards the new information society of tomorrow: Innovations, challenges, and impact. Papers

presented at the 49th FID conference and congress, New Delhi, 11-17 October 1998. ed by N.M.Malwad and others. FID publications No.719. INSDOC, New Delhi, 1998.

3. JADHAV, V. G. Intellectual Property Rights with special reference to Copyright Laws in India, International Journal of Science and Research (IJSR) ISSN (Online): 2319-7064

4. PANDA, K.C. Copyright law in the electronic age. In Access to electronic information: Papers presented at the SIS-97, - 16th Annual Convention and Conference. 29-31, January 1997. Bhubaneswar ed. By M. Mahapatra and others. Society for Information Science, Bhubaneswar Chapter, Bhubaneswar, 1997. Pp 400- 402.

5. LAKSHMANA, A. and KARISIDDAPPA, C.R. Copyright and electronic information, pp 403-416.

6. MURTHY, T.A.V. and JAIN, S.P. Network access to electronic documents and its copyright implications to developing countries. pp iv 40-44.

7. SREEKUMAR, M.G. and SREEJAYA P. Digital library initiatives and issues in India : efforts on scholarly knowledge management.

8. DEMING ZHOU, Chinese copyright protection system and the challenges of digital technology; pp 45-50.

9. HOMBAL, S.G. and PRASAD K.N., DESIDOC Journal of Library & Information Technology, Vol. 32, No. 3, May 2012, pp. 233-239)

10. <http://www.Business dictionary.com>

11. World Intellectual Property Organization (WIPO) <http://www.wipo.info>

12. Wikipedia. <http://www. wikipedia.org>

13. <http://www.123helpme.com/view.asp?id=95396>

14. <http://www.dlf.org>

15. N. M. Malwa and M.Anjanappa, IPR in digital environment : issues of concern to library community

16. National seminar on information policies and cyber laws. 4-6 December 2000. Bangalore. Sarada Ranganathan Endowment for Library Science. Bangalore,2000

17. Narender Kumar, University Libraries and Copyright Laws