



Intellectual Property Rights in Context of New Education Policy 2020

Arpana Sharma,¹ Aadyaa Bhardwaj,² Madhu Pruthi³ and Monika Sharma^{4†}

¹Department of Mathematics, Keshav Mahavidyalaya, University of Delhi, New Delhi — 110 034, India

²Department of Economics, Hansraj College, University of Delhi, New Delhi — 110 007, India

³Department of Microbiology, Keshav Mahavidyalaya, University of Delhi, New Delhi — 110 034, India

⁴Department of Physics, Deshbandhu College, University of Delhi, New Delhi — 110 019, India

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Intellectual property rights (IPRs) are the backbone of innovation and new ideas. They encourage prospective researchers and protect their interests. These rights give innovators an exclusive right over their creations for a certain period. India being a member of the World trade organization has complied with its obligations related to intellectual property rights. In India, IPRs are divided into the following categories as Copyright, patents, designs, and trademarks. The New Education Policy (NEP) 2020 puts major emphasis on ability enhancement and skill development with a technology-driven approach to teaching-learning processes accompanied by creativity and innovation. The purpose of IPR is to provide protection for the results of investments of individuals and stimulate innovation thereby rewarding and encouraging creative work in the development of NEP 2020. In today's era, it is very important to create IPR awareness within academic institutions among faculty members and students so that they can patent their innovative research work and consequently benefit the stakeholders. IPRs have also gained substantial importance with the advent of information technology. IPR is of prime importance in sustaining the Global business environment and hence subsistence all over the globe. These rights uplift the inquisitive mindset by duly acknowledging and providing benefits to the originator. The absence and inadequate execution of these rights may impede the social, technical, and economic growth of a nation. Hence appropriate propagation of IPR knowledge and its implementation is of paramount significance in the context of NEP 2020.

Keywords: Intellectual Property Rights (IPRs), New Education Policy (NEP), Patent, Research and Development, Copyrights, Trademarks

Intellectual property right (IPR) is a generic term that defines intangible assets that are owned by individuals or a company contributing to a state as well as national economics. In the modern era, IPR plays a significant role in the trade of every nation. IPR is one of the important forms of security for intangible properties which are open to the public and can be replicated by anyone. In this digitization world, there stands a higher risk of stealing creative and innovative ideas without the consent of the author or creator. As a consequence, IP crimes have become the part and parcel of the digitized world. Hence, the presence of IP Laws gives overall safety in the market and protects from hackers and pirates. The New Education Policy 2020 (NEP 2020) aims at providing holistic and multidisciplinary education to all the students of this country.¹ This policy focuses on bridging the gap between the job market essentials and the current state of the learning framework. NEP places adequate emphasis

on the professional qualification which serves as a stepping stone to employment.

The professional qualification offers a warrant of competence and expertise by simulating challenges and growth opportunities and hence becomes an intrinsic part of the Higher Education system. It includes skills that are fundamental in nature as well as skills in scientific and technological knowledge. NEP holistically grooms a child so that entry to the job market becomes smooth and friendly as they have the right skill tools and education to handle the business problems of the industry. This makes him a contributing citizen with a commitment to promoting and attaining the goals of equitable and universal access to quality education for all. This policy aims at creating a dynamic public education system that leads to encouraging and facilitates the equitable civic and private participation of all. To encourage creativity and invention in every field, a suitable IPR regime becomes necessary in every country.²

[†]Corresponding author: Email: msharma@db.du.ac.in

Intellectual Property Rights

Intellectual property (IP) refers to the invention, brand, concept, or other kinds of creations such as technical, literary, artistic, or scientific created by lateral thinking of the human mind for which a person has legal right over. Intellectual property rights give legal rights to the original creator or inventor to prevent his ideas/inventions or products to be used by others without his prior permission. It also allows the person to save it from infringements for a certain period. IPR gives the right to avail complete benefits to the creator from his brands/creations. IPR is customarily divided into the following:

- (i) Copyright – This is the right to protect original written or published works. The creativity may be in the form of a book, literary or artistic work, music, etc. Copyright thus protects the creator of his works to safeguard these from copying without consent.
- (ii) Patents – The patents give the rights to protect useful novel technical inventions such as new business products or processes to their creator.
- (iii) Trademarks – A trademark is a distinctive logo or sign assigned to a particular item that is created by a specific person or enterprise or industry. These trademarks distinguish the product or services from similar products or services created by the competitors.
- (iv) Industrial Designs – This constitutes the aesthetic or ornamental features of a product. These features may be two-dimensional for example patterns or three-dimensional for example, the shape of a product.
- (v) Trade Secrets – These rights are related to confidential information which may be licensed or sold.
- (vi) Geographical Indications – Geographical appellations are signs used for products that are related to a specific topographical origin and its related characteristics attributable to that geographical origin.

IPRs like trademarks, patterns, and copyrights can be registered through a legal authority such as, Intellectual Property Office. A creator has automatic legal rights over his product or design concerning unregistered IP. The unregistered IPRs include confidential information, copyright, trade secrets, etc.³

World Intellectual Property Organization (WIPO)

The United Nations (UN) has a distinctive agency known as the world intellectual property organization (WIPO) which is dedicated to the promotion and application of intellectual property.⁴ WIPO evolves and regulates various international IP legal framework, and also administers multilateral treaties across the globe. It provides global IP services for protecting new brands, inventions, and designs to protect them internationally by making it easier and more cost-effective. WIPO provides services to resolve a dispute like mediation and arbitration. Apart from the above-mentioned goals, WIPO also provides support and facilitates governments and various organizations to manifest IP and innovation strategies at the national and regional levels. The main objective of WIPO is to build the strategies which are essential for economic development. This includes providing favourable regulatory frameworks for intellectual property and building appropriate infrastructures and the human capacity for enhancing the potential of IP. For achieving this goal, WIPO not only provides a database related to IP but also trains and provides tools for making appropriate use of IP information.⁵

Intellectual Property Rights Systems in India

Intellectual Property Rights (IPRs) are of utmost essential for the societal, economic, technical, and cultural growth of society. India is an emerging economy with a very vibrant innovation culture.⁶ Hence, innovations at grass root levels require a robust and efficient enforcement mechanism for its protection. The main focus of this policy was to revolutionize the path of promoting creativity amongst entrepreneurs with a special emphasis on start-ups and synergizing innovative energies in educational institutions. A nation can strengthen and develop its strategic relations by supporting IPR. IPRs give a boost to technological innovations which help in the development of national economies.⁷ Indian Government has a dedicated Intellectual Property office to support such technical initiatives to encourage the economy of the nation. This office works under the Ministry of Commerce and Industry. The role of IPR is also significant in the protection of novel research.⁸

Organizational Structure of IP Protection in India

The overall organizational structure of IP protection in India is controlled by the office of the

Controller General of Patents, Designs, and Trade Marks (CGPDTM) located in Mumbai. The working of all the IP Acts such as, Patents Act, the Designs Act, Trade Marks Act, etc. is supervised by the Controller General (Fig. 1).

IPs are regarded as intangible assets and so the valuations of these assets are not easy. Intellectual Property Laws in India have a strong statutory and administrative implementation mechanism and are under Trade Related Intellectual Property Rights (TRIPS) compliance. These laws work under a dynamic judicial system and give a strong base and conducive environment to all communities whether commercial industry or academic institutions or individuals to diversify innovations. For the creation and preservation of IPRs, India has also initiated a national framework whose objectives are to meet global standards and boom continuously. One of the major challenge before the country is to take significant manoeuvres to scale up the procedure of IP creation and encapsulate data from the scientific and technological outcomes. This strategy would lead the country as an innovative and developed nation. India has signed a memorandum of understanding (MOU) with other countries for some IP agreements like the Berne Convention, the Paris Convention, and the Madrid Protocol, etc.⁹

Vision of National Education Policy 2020

The first Education Policy of the 21st century in India, The National Education Policy (NEP) 2020 approved on 29th July 2020 by the Union Cabinet of India, aims at addressing many growing developments in our country. This policy aims at providing holistic

and multidisciplinary education to all the students of this country.¹⁰ Also, creating a dynamic public education system can lead to encouraging and facilitates the equitable civic and private participation of all.

IPR in Context of NEP 2020

Intellectual property has gained substantial prominence in the advent of technology era throughout the competitive world. Intellectual property is leaping into the realm of economic growth and hence getting increasing recognition. IP is the force that gives the momentum of prosperity, fostering invention and innovation. Businesses are being forced to actively manage their IP to sustain competitive advantage and achieve superior performance, due to the enhanced importance of IP in the global economy. IPRs are now being used to create strategic associations between technological and societal-economic growth. They are also being used as a tool to protect creativity as well as to generate revenue simultaneously. The Intellectual Property Office under the Ministry of Commerce and Industry is devoted to mobilizing the development of technological skills to enhance the economic development of our country and to foster and protect innovations and creativity.^{11,12} Therefore, the development of technological capability of India coupled with the need for integrating the IP system in India with international practices and IP regimes. The act can be modified into modern harmonized and user-friendly legislation to adequately protect our public and national interest.

This National Education Policy foresees an education system embedded in Indian philosophy

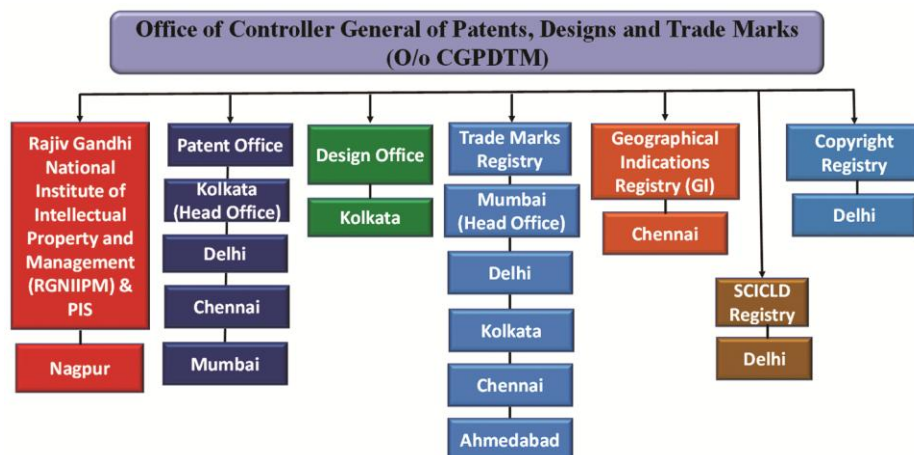


Fig. 1— Organizational structure of IP protection in India

that has a direct contribution towards creating a sustainable India with an impartial and dynamic knowledgeable society. It aims at making India a superpower in the domain of knowledge by providing high-quality education to all. The very important role to feed educated and skilled human resources to government, industries, R&D, and teaching will be played by the academic institutions of our country. To quickly respond to market needs, heavy demands are put on research and development (R&D)¹³ in scientific, engineering, and other areas by the knowledge society. To find the solution to these problems, collaborative R&D among national and international institutions plays an extremely important role. Therefore, the education sector, industry sector, and science & technology department are enforced to create a conducive environment to promote knowledge about rights and protection.

There is a need for extensive research on both the upfront areas of technology and the education sector to change the paradigm of classroom teaching for new technologies like artificial intelligence, smart boards, computing devices, etc. for the holistic development of students. To achieve this aim, academic institutions play a crucial role in providing career counselling to students and promoting research activities among them. Many institutions such as the Department of Science and Technology (DST), Department of Atomic Energy (DAE), and Department of Bio-Technology (DBT) fund the research project created by faculties and students.¹³ In today's era, the importance of research is fast growing as it contributes towards the intellectual, economic, environmental, technological, and societal, health and progress of a nation. The NEP envisions the setting up of a National Research Foundation (NRF) for this purpose. The goal of NRF is to enable and create a culture of research that permeates Indian Universities. The Digital India Campaign is a boost towards transforming the entire nation into a digitally empowered society and hence a knowledge economy. The government has taken multiple steps to promote IPR in higher education institutions and the nation. IPR laws motivate these higher education institutes to innovate, absorb and adapt new material in novel fields.

The Intellectual Property Office (IPO) focuses on creating cognizance about IP in all institutions including higher educational institutions, universities, and industries in government departments considering

the huge prospective of intellectual property generation at each level.¹⁴⁻¹⁵

Conclusion

India is a global leader in many domains such as pharmaceuticals, nanotechnology, communication and information technology, etc. The relationship between education and technology is bidirectional as education enhances technological innovations and vis-a-versa technology improves the educational processes and outcomes. The sheer creativity of teachers, scientists including students in the development of brainstorming technological techniques will influence society in many ways in the future. The thrust of the interventions for technology will be the purpose of improving teaching learning and evaluation processes. The NEP 2020 aims at making India a leader in research and innovation by enhancing the quality and quantity across all disciplines ranging from literature and arts to mathematics and sciences to languages to agriculture. The best practice to implement these goals is to train the stakeholders about IPR and conduct awareness programs.

References

- 1 Yenugu S, The new National Education Policy (NEP) of India: will it be a paradigm shift in Indian higher education? *Perspectives: Policy and Practice in Higher Education*, 2022, 1.
- 2 Venkateswaran K & Bhat P S, IPR trend in India: Empirical evidence for a self-reliant mission, *Journal of Commerce & Accounting Research*, 11(1) (2022).
- 3 Sreeragi S G, Intellectual Property Rights (IPR): An Overview, *Emperor International Journal of Library and Information Technology Research*, (2021).
- 4 <https://www.wipo.int/about-ip/en/>.
- 5 <https://www.wipo.int/enforcement/en/awareness-raising/>.
- 6 Maurya B R, A review on intellectual property in India, *South Asian Journal of Marketing & Management Research*, 11 (11) (2021) 128.
- 7 Stauf C & Horeth M, Benefits and effects of intellectual property rights, *International Journal of Intellectual Property Management*, 10 (2) (2020) 99.
- 8 Jajpura L, Singh B & Nayak R, An introduction to intellectual property rights and their importance in Indian Context, *Journal of Intellectual Property Rights*, 22 (1) (2017) 32.
- 9 Mishra R & Shukla A K, Intellectual Property Right and Initiatives of Government of India, *Journal of Intellectual Property Rights Law*, 3(2) (2020) 20.
- 10 Aithal P S & Aithal S, Analysis of the Indian National Education Policy 2020 towards achieving its objectives, *International Journal of Management, Technology, and Social Sciences*, 5 (2) (2020) 19.

- 11 <https://ipindia.gov.in/ip-awareness-rg.htm>.
- 12 <https://ipindiaonline.gov.in/trademarkefiling/user/frmloginnew.aspx>.
- 13 Manap N A, Shapiee R B, Tehrani P M & Shariff A A B M, Protecting R & D Inventions through Intellectual Property Rights, *Journal of Intellectual Property Rights*, 21 (2016) 110.
- 14 Saha C N & Bhattacharya S, Intellectual property rights: An overview and implications in pharmaceutical industry, *Journal of Advanced Pharmaceutical Technology & Research*, 2 (2) (2011) 88.
- 15 Sastry K, Rashmi H B & Rao N H, Nanotechnology patents as R & D indicators for disease management strategies in agriculture, *Journal of Intellectual Property Rights*, 15 (2010) 197.