

INTELLECTUAL PROPERTY RIGHTS IN INDIA

Seminar Proceedings

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INTELLECTUAL PROPERTY RIGHTS

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INTELLECTUAL PROPERTY RIGHTS

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EDITORIAL

Perhaps the most important asset for a human being is his intellect. But it had not been recognized as an asset for a long period of time. Certain qualities like that of an artist, musician, architect, etc. are not transferable, and come to an end with the end of his life.

But there arise a question with regard to the intellectual property rights of certain asset. For example, take the case of a hit music. It's lyrics are written by one person, music by another, sung by a third person, and there are several others who contributed to the success of it. The same music may be sung by another talented with a different music, which may also become a hit. And what will happen to the music, if they do not permit a third person from singing it, out of IPR? If not sung by the ordinary persons, it is not going to be a hit. If so, would it be the property of the common people!?

Should we pay royalty to William Gilbert or Nikola Tesla or Michale Faraday for using electricity? Should Apple and Windows pay to Charles Babbage? Should Walter Hunt be paid for 'safety pin' we use?

The history of human life is full of giving and taking. The society develops only through sharing knowledge. But in the world of corporate business, where profit is an inevitable element of growth, this sharing becomes impossible without royalty.

But who is the real owner of inventions and innovations? The one who invented or the one who marketed?

History is with the marketer or the corporate owner. ‘Tajmahal’ is associated with King Shajahan, who was never recognized as an architect! The architect is still unknown, who was the real genius behind. But the question arises whether the architect would be capable enough to construct the ‘Tajmahal’ without the support of the King?

In short the IPR is always a question of controversy. But whatever be the ethical dilemmas we possess, the international world has recognized IPR. Hence every intellectual property has to be registered for the benefit of the inventor as well as his country. But unfortunately it has not become a fashion or culture in India. That might be the reason why UGC urges for its popularization.

This seminar on IPR in India is first of its kind in the history of Pavanatma, perhaps in the history of this ‘high range’ too. Let me take this as an opportunity to thank Prof. Shinsa P Mathew of SRM Chennai, Sri. K.A. Saifudheen of Madhyamam Daily Kozhikode, and Mr. Blaize Joseph for being the key resource persons to this seminar. Let me also thank Dr. B Sindhu for being the chair of paper presentations. We are equally thankful to the Ambitious Books Pvt Ltd, for materializing this book.

Boby Thomas Athickal
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PREFACE

We are honored to bring you the collection of articles from the National Seminar on 'Intellectual Property Rights in India' which was held at Pavanatma College Murickassery as on 18th and 19th march 2019.

The seminar was designed to bring together the researchers, students and academicians for knowledge sharing in different areas of IPR. During the Two days of seminar, the participants presented their new outcomes in IPR related areas. It served as a good platform for the commerce fraternity. Intellectual property refers to creations of the mind: inventions; literary and artistic works; and symbols, names and images used in commerce.

Intellectual property is divided into two categories: Industrial Property includes patents for inventions, trademarks, industrial designs and geographical indications. Intellectual property law deals with the rules for securing and enforcing legal rights to inventions, designs, and artistic works. Just as the law protects ownership of personal property and real estate, so too does it protect the exclusive control of intangible assets.

University technology commercialization has become an important topic of discussion in an era where the results of university research may create opportunities for new processes and products. Despite the government's allocation of research grants to universities in developing countries such as Malaysia, the level of technology commercialization is still low. While numerous factors contribute to the poor commercialization rate, the internal dynamics are one of the major driving factors. It is in this context that we analyze the influence of awareness of market requirements and intellectual property issues and collaboration on technology commercialization.

Taking the researchers as the unit of analysis, while controlling for experience and other individual characteristics, we found that researchers' awareness of market requirements, intellectual property rights and university-industry collaborations play an important role in determining the success of university technology commercialization and opportunity to exchange their new knowledge and ideas.

As a chair of the session for the paper proceedings, I would like to thank all participants who have taken interest and contributed to this endeavor a success. I would also thankful to the coordinator of this conference and all the staff and students who were the part and parcel of this programme.

Dr. B. Sindhu

(Chair: Paper Presentation)

Assistant Professor and Research Guide,
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PRODIGIOUS SCOPE AND FACETS OF INTELLECTUAL PROPERTY RIGHTS

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ABSTRACT

The paper deals with the different intellectual property rights which are so closely associated with the day to day life. In this era of technological development, it is very much essential to have minimal knowledge about IPR. IPR is a wide discipline to study but, easy to understand in practical life. Man is desirous of ownership. What kind of properties can be owned is a fascinating question. Intellectual property can also be owned in form of patents, copyrights, trademarks, designs etc...General awareness about IPR and the procedure to own an intellectual property is not something limited to lawyers and patent officers, but to all. Thus, the paper tries to draw your diligence towards the different intellectual properties and its wide scope.

Key Words: IPR, WIPO, TRIPS, Patent

INTRODUCTION

The Danish story ‘The Emperor’s New Clothes’ resembles the physical existence of Intellectual Property Rights (IPR), ie. something we think that physically exist like the invisible clothes of the Emperor. Ownership of a property is the highest right a man can have to anything. It can either be on corporeal or incorporeal things. As if, IPR is an intangible right exercisable and asserted in respect of a material or tangible work. Intellectual properties are brain child of the

persons, the fruits of the labour and therefore considered to be their property (Gramophone Co. V. Birendra Bhadur Pandey). Intellectual property, very broadly, means the legal rights which result from intellectual activity in the industrial, scientific, literary and artistic fields. Generally speaking, intellectual property law aims at safeguarding creators and other producers of intellectual goods and services by granting them certain time-limited rights to control the use made of those productions.

Before analysing various intellectual properties, a little knowledge about the importance of IPR internationally is essential.

A FLIP THROUGH IPR AT INTERNATIONAL LEVEL

WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)

A slight history is inevitable to soak up IPR. Paris Convention for the Protection of Industrial Property, 1883 was a mile stone of IPR. In the year 1873, when International Exhibition of Inventions in Vienna, foreign exhibitors were reluctant to exhibit their inventions as they were afraid that their ideas might be stolen and exploited by other nations. Thus, Paris Convention paved way to help the creators of intellectual works to protect their creation or invention in other nations. This Convention covers inventions, trademarks and industrial designs.

Berne Convention for the Protection of Literary and Artistic Works, 1886 was to give protection for creative works internationally. Protection was given to novels, short stories, poems, plays, songs, operas, musicals, sonatas and drawings, paintings, sculptures, architectural works.

Madrid Agreement, 1891 came up with first international IP filing service, ie. Madrid System for the International Registration of Marks. In the year 1893, the two secretariats set up to administer the Paris and Berne Conventions combine to form WIPO's immediate predecessor, the United

International Bureaux for the Protection of Intellectual Property – best known by its French acronym, BIRPI.

In 1970, BIRPI transformed to WIPO by the Convention establishing World Intellectual Property Organization, with its headquarters at Geneva, Switzerland. WIPO became the specialized agency of UN in the year 1974. WIPO developed the largest IP filing system called PCT (Patent Cooperation Treaty) international patent system. International applications are to be filed in Receiving Office or International Bureau of WIPO. The WIPO Arbitration and Mediation Centre (1994) is established. The Centre offers alternative dispute resolution services to help solve international commercial disputes between private parties. WIPO Academy was also established in the year 1998.

Now WIPO plays a prominent role in IPR at international level. All the members of UN are entitled to become members of WIPO but not obliged. Apart from this twentieth century witnessed Trade Related Aspects of Intellectual Property Rights (TRIPS), 1994, World Copyright Treaty, 1996, World Performance and Phonograms Treaty, 1996 etc...

TRADE-RELATED ASPECTS OF IPR (TRIPS)

Trade-Related Aspects of Intellectual Property Rights (TRIPS), negotiated during the 1986-94 Uruguay Round, introduced intellectual property rules into the multilateral trading system for the first time. Over and above shipping of goods across the borders, trade developed substantially. Innovations, creativity, branding are all valuable in modern trade. Flow of knowledge becomes an integral part of trade.

TRIPS agreement covers the link between multilateral trading system and international intellectual property and minimum standard of protection for IPR. The procedure for enforcement of TRIPS, settlement of disputes and special transitional arrangement for implementation are also covered. The general

objectives of the TRIPS agreement are transfer of technology and technical innovation.

THE AMAZING HORIZONS OF IPR

1. PATENTS

Inventions are different from discoveries and it is a little more than the latter. The history of patents can be traced back to 15th century when patent laws were introduced by the State of Venice in 1474. It was granted for novel techniques and infringers were fined. The term ‘patent’ was first used by Queen Elizabeth by the issue of Letters Patent to commonly used products as a part of her colonization. It was to create monopolies. The first statute on patents was Statute of Monopolies, 1624. This statute provided patent to real inventors for a period of 14 years. The first reported case was *Liardet v Jhonson*, where the patent was for stucco, a cement tile.

INDIAN SCENARIO

Patent is a right granted for a novel, useful and inventive way of carrying out an idea. To be more specific, patent is not for the ideas. When the idea which is invisible is made visible with the help of intellectual input, it is recognized by patents. Richard Arkwright was awarded patent for spinning machine in 1769. In 1875 it was revoked as it was found that John Ray’s inventive skill only made the idea or dream of Arkwright.

The Patent Act, 1970 grants exclusive privilege to the inventor to exploit his innovation for 20 years. The monopoly is given as a reward for the disclosure of the invention, which will be passed to the public after the monopoly period. For the development of economy of a nation technological development is essential and patents stimulates the new inventions.

What are not inventions?

- an invention which is frivolous or which claims anything obviously contrary to well established natural laws.
- an invention contrary public order or morality or which causes serious prejudice to human, animal or plant life or health or to the environment.
- the mere discovery.
- the mere discovery of a new form new property or new use for a known substance or of the mere use of a known process, machine or apparatus.
- the mere arrangement or re-arrangement or duplication of known devices.
- a method of agriculture or horticulture.
- any process for the medicinal, surgical, curative, prophylactic diagnostic, therapeutic or other treatment of human beings or any process for a similar treatment of animals to render them free of disease or to increase their economic value or that of their products.
- plants and animals.
- a mathematical or business method or a computer programme per se or algorithms.
- a literary, dramatic, musical or artistic work or any other aesthetic creation whatsoever including cinematographic works and television productions.
- a mere scheme or rule or method of performing mental act or method of playing game.

Who can apply for patent?

- True and first inventor of the invention
- By any person being the assignee of the person claiming to be the true and first inventor in respect of the right to make such an application

- By the legal representative of any deceased person who immediately before his death was entitled to make such an application

In India patents shall not be granted to inventions related to atomic energy. Invention means a new product or process involving an inventive step and capable of industrial application. New invention means any invention or technology which has not been anticipated by publication in any document or used in the country or elsewhere in the world before the date of filing of patent application with complete specification, i.e., the subject matter has not fallen in public domain or that it does not form part of the state of the art. Inventive step means a feature of an invention that involves technical advance as compared to the existing knowledge or having economic significance or both and that makes the invention not obvious to a person skilled in the art.

How to file a Patent application?

Patent application should be filed with the patent office by paying the prescribed fees. Application number and fee receipt will be issued on the same day. After 18 months of application, it will be published in the official journal in the website (on request the application will be published even before 18 months). Within a period of 48 months of filing, request for examination can be made. On such request the application will be sent to the examiner within 1 month and the examiner will be giving his report within 3 months to the Controller. After the examination of the report the Controller will issue the First Examination Report along with objections within 6 months from the filing of request. The applicant can meet the objections within the available period of 12 months. Once the objections are successfully met, the Controller will grant the patent within 1 month.

Pre-grant oppositions are to be filed within 6 months of publication and opportunity of hearing will be given. Such

oppositions will be sent to the applicant for his response and response should be filed within 3 months. Within one month after opposition proceedings, the Controller can either reject the opposition or reject/modify the patent application. Grant of patent will be published in the official journal. The patent should be renewed every year.

2. COPYRIGHT

Copyright consists of intangible rights which marked its beginning from City of Venice where creators of work were given monopolies to print certain books in 1476. The Statute of Anne, 1709 commenced the modern statutory legal history of copyright. It prohibited the printing and publication of writings without the consent of the authors and publishers. The ambit of copyright expanded in this technologically advanced epoch.

In India the Copyright Act,1957 was amended in 2012 to make its provisions in conformity with that of WIPO Copyright Treaty (WCT),1996 and WIPO Performances and Phonograms Treaty (WPPT), 1996. The WCT deals with the rights recognized by the Berne Convention, ie. the protection for the authors of literary and artistic works. The WPPT deals with the protection of rights of the performers and producers of phonograms.

Copyright is an exclusive right in respect of a work or any substantial part thereof, namely an original literary, dramatic or musical, artistic work, cinematograph film and sound recording under Copyright Act, 1957.

How to register?

Application should be filed in the prescribed manner along with the fees (schedule I and II, Copyright Rules,1958). Diary number will be allotted to the applicant and a period of 30days is mandatory for filing objections. In case of published works three copies of the work should be submitted along with the application. If it is unpublished work, a copy of

manuscript has to be submitted. It is for the purpose of affixing the stamp of Copyright Office as a proof of registration. In absence of any objections copyright will be approved by the registrar.

3. **TRADEMARK**

Trade mark days of yore is much fascinating than the other IPs. Identification of goods was arduous during ancient period as there was no effective media. Thus some visible marks were used for the identification of the good. Even cattle were marked to identify them by the owners, especially agriculturists. Apart from this trade groups or guilds of certain regions had internal oral contracts to mark their goods for the purpose of identifying quality goods. A formalized system of trademark law started by the process of registration of symbol or marks by the trader to distinguish his product from similar products.

Trademark stand together with patent and copyright in case of monopoly. Goodwill of a business is the most valuable asset of a proprietor. A trademark helps the purchaser to identify goods with quality and will not get confused with the similar goods. According to The Trademark Act,1999, trademark means 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 shape of goods, their packaging and combination of colours. Trademarks can be of different types like associated trademark, certification trademark, collective trademark, generic trademark etc...

How to register?

Select the trademark type for your business and conduct a search for similar trademarks to avoid future issues. After the search file an application for registration at Trademark Registrar Office. A trademark number and registration receipt will be issued. After verification the authority will issue

examination report and application will be published in Trademark Journal. 3 months period will be waited for the opposition and if there are no oppositions, certificate of registration of trademark will be issued.

DESIGNS

The Designs Act, 2000 defines design as, means only the features of shape, configuration, pattern, ornament or composition of lines or colours applied to any article whether in two dimensional or three dimensional or in both forms, by any industrial process or means, whether manual, mechanical or chemical, separate or combined, which in the finished article appeal to and are judged solely by the eye; but does not include any mode or principle of construction or anything which is in substance a mere mechanical device, and does not include any trade mark or property mark any artistic work. Design does not mean the article but, its features.

Design must be new and original. It should not be published in any country and not contrary to public order and morality. Any individual, firm, partnership or legal entity can file application for registering design.

How to apply?

The applicant to the design should first search whether similar designs are registered. For systematic registration identify the class of design. File the application along with necessary documents and fee prescribed. After numbering and formal checking within 6 months substantive examination will be conducted. Within this period of 6 months objections can be filed if any. Acceptance of registration is the next step and after acceptance, within one month it will be published in the official journal. A certificate will be issued for 10 years and further subjected to renewal.

Alike other IPs, industrial designs have far-reaching advantages. When products are artistically designed it can grab the attention of the consumers. It makes an everlasting

effect in the mind of the consumer and it benefits the owner of the design.

CONCLUSION

The glamorous world of IPR is based on certain justifications and theories. If anyone mixes his labour with the materials from state of nature, that person is the owner of the creative result (Labour theory). When a person invests in creating a work, he who creates the work deserves to own it (Desert theory). A work is the expression of the self of the creator, and he should not be alienated from it (Personality theory). IPR is the reward for the labour and also stimulus to creativity (Instrumentalist theory). Likewise, many theories justify the IPR. It is a wide field of study with the blend of science, technology, economics, politics, law and many more.

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EFFECTIVENESS OF A TRAINING MODEL FOR MINIMISING JOB STRESS AMONG TEACHERS IN SPECIAL SCHOOLS

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ABSTRACT

The study aims to find out the effectiveness of a training model developed by the investigators to minimise the job stress in teachers of special schools in Kerala. The investigation followed a mixed methodology wherein descriptive cum experimental design was employed to find out valid answers to the research questions. The descriptive part, aimed to find out the level of job stress in special school teachers, by administering a researchers made Job Stress Scale of acceptable validity and reliability on a stratified random sample of 250 teachers in the special schools selected from eight districts of Kerala. Analysis exposed heightened levels of job stress in teachers working in special schools of Kerala. A pretest-posttest single group design was adopted for testing the effectiveness of the training model developed by the investigators. A selected group of special school teachers (n = 60) was exposed to the one-week experimental treatment with the help of the training model. Significant difference in the post-test scores of job stress of the participants was observed, indicating the effectiveness of the training model in reducing the job stress of teachers in special schools.

Key words: Training model, Job stress, Special schools

INTRODUCTION

In a highly competitive world, education is not merely a basic human right but is more a survival need. It is more so in the case of differentially abled children. The need and importance of education for disabled children is best manifested in the report of the Education Commission (1964–66) as: “the education of the handicapped children should be an inseparable part of the education system.” (Govt. of India, 1966). The role of teacher in the process of education is vital. The growth and development of the child depends considerably on the quality and ideal of the teacher under whose care the child is left for studies. In fact, a teacher is an exemplar influencing every facet of the student’s growth and developing their innate potentials, in addition to being a motivator, guide and friend. To quote the Education Commission (1964-66), “of all the different factors which influence the quality of education, and its contribution to national development, the quality, competence and character of teachers are undoubtedly the most significant” (Govt. of India, 1966). Research has emphasized the importance of effective teachers as the most critical factor in determining student success (Goldhaber & Anthony, 2007; Marzano, 2003; Mathers & Olivia, 2008). The effectiveness of a teacher depends largely on his personality (Khatal, 2010). His abilities, both inborn and acquired, his talents, professional skills, his attitudes, temperament, level of satisfaction in the profession etc. are all decisive factors in classroom effectiveness. It is more so in the case of teachers working in special schools, as they are bound to meet the special needs of the differentially abled children apart from meeting other educational and developmental needs common for normal children of the same age.

The increased job stress and subsequent low job satisfaction among school teachers have been the topic of active research in Education in recent years (eg: Ghani, Ahmad & Ibrahim, 2014; Chamundeswari, 2013; Abdulkadir 2013; Kyriacou & Chien, 2009; Alam, 2009; Kumar, Bhandari & Patil, 2009). Realizing the detrimental effect of teachers' job stress on student outcome, efforts have been initiated in recent years to reduce the professional stress of teachers. In spite of the heightened levels of job stress among teachers working in special schools, they are largely neglected from such investigations and no effort has been so far initiated to address the job stress of teachers working in special schools. This paper, part of the research study of the first author under the supervision of the second author, aims to test the effectiveness of a Training Model to alleviate the job stress of teachers working in special schools.

OBJECTIVES

1. To find out the level of job stress among teachers in the special schools of Kerala.
2. To develop a training model for minimising job stress of teachers in the special schools
3. To test the effectiveness of the developed training model in minimising job stress of teachers in the special schools for the sample.
4. To test the effectiveness of the developed training model in minimising job stress of teachers for the component based on Interpersonal relationship, Wage/Salary, Administration, Teaching facility, Parental support, In-service training, Family support and Social recognition.

HYPOTHESES

The following hypotheses were tested for the study:

1. Teachers in the special schools have job stress.
2. A training model will be effective for minimising job stress of teachers in special schools
3. There will be no significant difference between the pre-test and post test scores of the components on minimising job stress of teachers based on Interpersonal relationship, Wage/Salary, Administration, Teaching facility, Parental support, In-service training, Family support and Social recognition.

METHODOLOGY

The study involved two distinct phases. The first phase was a descriptive survey to find out the job stress of teachers working in special schools. 250 special school teachers selected on a stratified random basis from eight districts of Kerala constituted the sample for the study. Data collection was accomplished by administering the Job Stress Scale for Special School Teachers (Paulose & Geetha, 2018). It is a 35 item, five point Likert-type scale which covers eight dimensions of job stress such as Interpersonal relationship, Wage, Administration, Teaching facility, Parental support, In-service training, Family support and Social recognition. The test is found to have concurrent validity of 0.74 with another established test and test-retest reliability of 0.86. The second phase of the study followed a pre-test post-test single group design wherein the effectiveness of a Training Model, developed by the investigators, to mitigate the job stress of special schools teachers were tested on group of 60 special school teachers from Trissur district.

The Training Model and Intervention

A “trainee-centered” dynamics, rather than “trainer-centered” approach was adopted for developing the training model. The

training content involved eight components such as Interpersonal relationship, Wage/Salary, Administration, Teaching facility, Parental support, In-service training, Family support and Social recognition, complementary to the sources of job stress experienced by special school teachers. The training model encompasses four phases, viz., Analyzing Phase, Training Phase, Sharing Phase and Realizing Phase. The situations of job stress are analyzed during the Analyzing Phase. The objectives of training in each area are also set during this phase. The instructor makes rapport with participants and shows video clippings and pictures related to job stress. Through several activities, the teachers are motivated and pass to the next phase. In the second phase administering the training programme, i.e., actually training the teachers selected to participate in the experimentation phases. Various techniques are adopted by the instructor to motivate the teachers which including lectures, role playing, discussions, buzz sections, brainstorming and the like. Trainees wholeheartedly participated in the discussions to asses all the situations and limitations of our system. The instructor uses positive approaches and concluded with current examples gives clear understanding about job stress of teachers. Sharing phase is the key to release stress from the people. Through sharing, the teachers understand that several people are focusing the same problem, and try to minimize their stress. The Trainer encourages the teachers to share their experiences in the context of each component. Caution is taken to ensure relaxed, comfortable and free-wheel atmosphere. In this phase the trainees are divided into convenient groups. Members of each group share their experiences with regard to job stress. Separate issues are also given to each group and members of each group to discuss and suggest about coping strategies that can be adopted to minimize job stress. The relevant experiences are recorded and the leader of each group presents them to all the

participants. In the releasing phase the presentation by the group leaders, open discussion is allowed regarding each issue. When the situation is realized, there happens release of stress and regaining of job satisfaction. When suggestions are drawn from the participants it gives the effect of a non-directive counseling. Suggestions from the participants are drawn in a warm hearted way. The trainer uses very open and positive approach and concludes the session with current examples without hurting anyone.

RESULT AND DISCUSSION

The data were analyzed by keeping the objectives and hypotheses in mind. The Arithmetic Mean (M), Median, and Standard Deviation (σ) of the job stress scores were estimated and the total sample and sub-samples based on gender were separated into High-, Average-, and Low levels of job stress based on the $M \pm \sigma$ principle. The result obtained is presented in Table 1.

Table-1: Level of job stress of teachers in the special schools

Sample	N	Mean	Median	σ	Level of Job Stress %		
					High	Average	Low
Total	250	85.78	89.00	13.38	22	52	26
Male	67	84.85	90	15.36	25.4	49.2	25.4
Female	183	86.13	88	12.61	24	49.7	26.2

The Table 1 reveals that, the mean score of the total population under study is 85.78 with a standard deviation of 13.38. The median estimated for the distribution is 89.00 which is very close to the mean value of 85.78. The table shows that 52% of the total sample has average job stress and 22 % has high job stress. A closer observation of the table 1

indicates that significant percentage of male and female teachers has average job stress.

Paired t-test was applied to find out the significant difference, if any, in the job stress of the special school teachers between pre-test and post-test conditions. The result of the analysis is given in Table 2.

Table 2: Effectiveness of the training model for minimizing job stress of teachers in the special school

Sample	Pre – test		Post- test score		Mean Diff	t-value
	Mean	SD	Mean	SD		
Total	83.43	22.0	61.27	15.45	22.16	18.71*

The data and result of the analysis given in Table 2 shows that, after the intervention the score a decrease of 22.16 can be observed. The t-value estimated is 18.71 which is greater than the table value 2.58 for 0.01 level of significance. So it can be concluded that for the total sample the developed training model is effective for minimizing job stress among the teachers in the special schools. The analysis further continue to find out the components of job stress which contributed to the observed fall in the job stress of special school teachers, and the result of the component wise analysis is given in Table 3.

Table 3 reveals that the paired t-value obtained for all the components are greater than the table value 2.58 for 0.01 level of significance. So it can be stated that for all the components, job stress is significantly reduced as a result of the training model implemented. So the developed training model is effective for minimizing job stress among the teachers in the special schools.

Table 3: Effectiveness of the training model for minimizing job stress components

Job Stress Components	Pre test		Post test		Mean Diff	t-value
	M ₁	σ_1	M ₂	σ_2		
Interpersonal relationship	13.05	2.57	7.58	1.39	5.47	19.34*
Wage/Salary	11.00	1.50	8.53	1.29	2.47	21.42*
Administration,	13.23	3.30	9.47	2.44	3.76	18.89*
Teaching facility	13.27	3.19	9.67	2.21	3.6	18.21*
Parental support,	13.17	3.64	8.62	2.24	4.55	18.30*
In-service training,	9.53	1.74	6.53	1.16	3	18.61*
Family support	8.63	1.22	5.08	1.05	3.55	29.05*
Social recognition.	8.37	1.40	6.20	1.09	2.17	16.88*

CONCLUSIONS

The present study revealed that 52% of the total population has average job stress and 22% of the teachers have high jobs stress. Close observation reveals that 49.2 % of male and 49.7% of female teachers have average job stress and 25.4% of male and 24% of female have high job stress. In this context the Hypothesis 1 is hence accepted. The average score before the intervention of the ‘developed training model’ for the total sample is 83.43. After the intervention the score decreased to 61.27; a decrease of 22.16 can be observed. The paired t-value obtained is 18.71. So it can be stated that for the total sample, job stress is significantly reduced as a result of the training model inducted. so the Hypothesis 2 is accepted. There exists an obvious decrease after the intervention of the training model in the post test scores. it is clear from the data

that training model is significant at 0.01 level .Hence the hypothesis 3 is also accepted

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WHY INTELLECTUAL PROPERTY RIGHTS? IN THE GROUNDS OF DIFFERENT AREAS

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ABSTRACT

The concept of Intellectual property rights, trademark, Patent, copy rights are wide spread in many years. The purpose is to encourage people to invent their own ideas in various fields by rewarding them with right to own their ideas. Many discussions and issues are all relating to this concept now a days. Intellectual property rights laws and policies give much more concentration and recognition towards intellectual properties. An organisation under this IPR is called World Intellectual Property Rights Organisation {WIPO} to empower the intellectual property services, policies, information and corporation. IPR has a significant role to play in a developing country like India it promotes for innovations, new product developments and more technological advancements. To become more competitive in the market the developing countries should follow an effective IPR system to gain market attention and ensure quality control which helps to improve productivity. IPR policies are adopted in different fields in order to capture the unfavourable advantage taken by others. This paper mainly concentrated on why intellectual property rights are so important now a days and major scope and reach of IPR in this competitive world.

Key words: Intellectual Property Rights, Scope, trademark, copyright

INTRODUCTION

Intellectual Property Rights are the rights given to the persons for their creative minds. This special right gives the creators

to use their creations for a pre-determined period of time. Basically, this creation includes inventions, literary, artistic works, and images, names, symbols used in trade or commerce. Intellectual Property Rights allow the inventors or owners of copyright, patent and trademark to capture the full advantage on their creation or the benefits for the investment that they made on it. This specified in Article 27 of Universal Declaration of Human Rights, the rights to benefits from the protection of moral and material interests from authorship of literary, scientific or artistic productions. Government of India has been appointed Department of Industrial Policy and Promotion {DIPP} and Ministry of Commerce as a nodal department to coordinate, guide and oversee the implementation and future development of IPRs in India. The cell for Intellectual Property Right Promotion and Management {CIPAM} set up under DIPP is also for the implementation of the objectives of the National IPR Policy.

The needs for the protection IPRs in different areas are arise in different periods. The need for the protection is reveals in different treaties. There are mainly two bodies for Intellectual Property Rights one is World Intellectual Property Organisation {WIPO} under UN. It is a global forum for IPR services, policies, information and cooperation, with 191 member states. 1-7 International treaties are under this body. Among them Paris Convention for Industrial Property 1883 is important to recognize the relevance of IPR and it covers only Patent and Trademarks. This was the first treaty to recognize the International trade principles like National treatment, common rules, Right Priority etc. The second one is Bern Convention for literary and artistic work 1886.

Intellectual Property Rights brought increasing advantages of various property rights during the economic liberalisation and cut thought competition. The market power created through IP can be changed from one item to another. Now a day's various issues and challenges were emerged under IPR so the

strict rules and regulations are still needed to overcome these challenges.

STATEMENT OF THE PROBLEM

Intellectual Property Rights provides a safe environment for investors, scientists, traders, designers etc to foster innovation. These innovations yield returns and rewards to the real owners. Obviously original owners have the right to get such returns. However, society at large should also be gained by such returns. Thus, IPR regime aims to make a good balance between private and public rights. The need for protection in various fields are essential in various fields are essential in this scenario. So, in this context Why Intellectual Property Rights? in the grounds of different areas is quite relevant. It will give an overall idea about scope and reach of IPR and why it is said to be so important.

OBJECTIVES

1. To evaluate the scope and reach of Intellectual Property Rights.
2. To identify why IPR is important now a days

METHODOLOGY

The study is secondary in nature. Information has been sourced from various Journals, Official websites, Articles etc.

REACH AND SCOPE OF IPR: A REVIEW

Intellectual Property Rights provide legal security to the inventors. They can use their creations in the market without any fear. These special rights provide protection over a specified period of time, and any malpractices or copying will be punishable under law during that period. The various sub branches of intellectual property laws, namely patent, trademarks, designs and copyright which ensure legal protections in the market. In this competitive world, these property rights are inevitable to achieve and retain the market shares. The term IPR exclusively used to perform a well-defined manufacturing or marketing activity.

IPR can influence on different fields, the need for IPR are also increasing in day to day manufacturing and marketing areas. The reach of IPR in India in various areas is discussed below.

PATENT

Patent is a special right offered for innovative and new innovations. The original owner of the inventions gets protection for a limited period, generally 20 years. Normally patent rights are provided on situations like, when a person introduces any idea which is an innovative way of doing something or any new problem-solving technique or plant varieties and inventions in the field of technology. Patents provide incentives to individuals for their marketable inventions or creativity which enhance the quality of human life. In certain situations, for safeguarding the interest of patentholders TRIPS agreement permit government to issue “compulsory licences” which allow the competitor in the market to produce the same product or process under license without the patent owners consent.

INDUSTRIAL DESIGN

Design includes patterns, ornamentation, composition of colour or combination of these applied to any article. These industrial designs can be applied in different products and handicrafts technical or medical instruments to watches, ornaments and other luxury items. By protecting these industrial designs helps the owner to protect from unauthorised copying by third parties. This ensures fair returns. Protecting of industrial designs helps in many grounds i.e., promoting competition, economic development by creativity in various sectors of economy, enhancing export and promoting more pleasing products. In most of the countries industrial designs are registered under industrial design law. As per TRIPS agreement new industrial designs must be protected for at least 10 years. This will help to the owners escape from the unauthorised copying of designs.

TRADEMARK

Trademark helps to identify certain goods and services produced by a company or individual trademark is represented graphically and which is differentiating the goods and services of an enterprise from those of other enterprise. A trademark may be including letter, word, numbers, symbol, pictures, emblem, colours, shape or packaging or any combination of the above which can be applied to goods and services. In ancient time's craftsman duplicate signatures or symbols over their works and products and now this mark is evolved as the system of trademark. This will help to the customers to identify the specific trademark protection safeguard the owners to use this right to discover goods or services.

COPYRIGHT

Copyright is a special right which give protection to the artistic or literary creations. Copyrights also includes related rights i.e., the right given to producers, programmers and organisations. TRIPS agreement gives certain provisions and related obligations. TRIPS agreement also proposes computer applications for literary works in Berne Convention explains how the database can be used as a respective tool under copyright. The beneficiaries of related rights are: actors, musicians for their performance, and creators of compact disc, any organisation for their radio and television programmes.

GEOGRAPHICAL INDICATIONS

This indicates any particular manufacturing and agricultural products which are originated from a particular territory or country or region. Where such quality, features or any other attributes of the goods are essentially from that geographical origin and any special preparation, processing and production is also taken place in a particular territory or origin this all are under IPR in the area of geographical indications. This are particularly used in situations to indicate the place in which the products are created. More importantly identifies products

unique features. Well known examples include Scotch whiskey, Darjeeling. When the products with similar products are produced elsewhere with similar quality have the chance to misleading customers.

LAYOUT DESIGNS OF INTEGRATED CIRCUITS

As per semiconductor integrated circuits layout design Act 2000 provide protection of IPR in the area of semiconductor integrated circuit layout design and any matters connected with this. Integrated circuits are electronic device which includes electronic components into a single integrated platform to perform electronic functions. This protection is through Washington Treaty on Intellectual property under World Intellectual Property Organisation but not yet come into force.

UNDISCLOSED INFORMATION

Undisclosed information normally it's about trade practices and other related data. Any facts relating to trade which give protection against unauthorised use. Such protection is based on the condition that any information being confidential and it having special values. That is data submitted to the government in order to get approval from the market for any new chemical in agricultural and other sectors must be protected against unfair disclosure and uses.

WHY INTELLECTUAL PROPERTY RIGHTS ARE IMPORTANT?

For the promotion and development of intellectual property a global forum was introduced in the year 1967 is popularly known as World Intellectual Property Rights (WIPO). It basically includes intellectual property services, policy, information and cooperation. WIPO is a united nations agency with 191 member states. This agency charged with protecting intellectual property through a global system that encourage the creativity of people and enable them to sustain their innovative thinking and helps to the development of economies.

Now a days intellectual property rights get more acceptance and recognition from various fields namely trade, industry medicine and so on. Why it is so important in those fields because:

- It can be used as tool to differentiate the products and services from other competitors in the market.
- It will become important revenue to the company or enterprise.
- Helps to offer different and innovative products and services to the customers.
- Marketing and manufacturing of new products and services can be accessible to the company and IPR can become an essential part of marketing and branding.
- IPR can be used as security measure for obtaining loans.

RESULTS AND DISCUSSIONS

Intellectual Property Rights are basically the protection for the creative thinking. Every organisation put more concern for protecting their IPR. One of the major issues under IPR is plagiarism that means use ideas or inventions of others without permission. Ineffective implementation of intellectual property laws create loopholes which create problems in intellectual property matters. In this digital era the ease of reproduction of information's becomes easier than before. This will create illegal reproduction of intellectual property. Under this technologically competent world, it is very crucial to upgrade intellectual property laws for taking legal actions. But this upgradation of laws is considered to be the greatest problem that face today's world. Because of this when an issue emerges sudden legal actions will become difficult. Internet becomes the world-wide user. Through internet the users can distribute the content worldwide through various platforms. IPR laws vary from one place to another so this arises problems in this context.

A proper implementation and follow up of intellectual property laws are needed to avoid the issues relating to IPR

laws. By this upgradation the proper legal actions can be taken when it is needed. Protect it from any actions to braking the terms of law helps to defend in the court about the use, make, sale and import. Take remedial measures for using making selling or importing goods without the permission.

CONCLUSION

The protection of intellectual property rights in the digital era is crucial issue. Intellectual properties rights take into consider the increasing advantages of property rights at the time of economic liberalisations and trade competition. But this intellectual property laws provides limited protection against exploitation. IP rights understood worldwide. All most all the countries have framed their own laws for protection of ideas and information's with commercial importance. Various branches of IP i.e. patent, trademark, copyright which ensure to exclude legally in the market. In this new world these property rights are inevitable to fight to achieve and retain market share. In order to cope with the digitalisation of the economy the upgradation of IP laws are necessary to take legal actions whenever it is needed.

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COPYRIGHT ISSUES IN DIGITAL MEDIA

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ABSTRACT

The paper briefly touches about the digital technologies and copyright-related issues. The issues and concerns of librarians in the face of the intellectual property laws in digital media are highlighted. Characteristics of copyright implications with digital technologies and its adverse impact on knowledge Society and library services are discussed in detail. This paper also discusses Fair use and not fare use rights in digital environment. It gives a brief idea to the readers about the copyright issues and its implications in the digital information handling. Rapid technological progress in information technologies poses new issues for copyright law.

Key Words:

Technological Process, Intellectual Property, software

INTRODUCTION

Intellectual property rights (IPR) refers to the legal rights given to the inventor or creator to protect his invention or creation for a certain period of time. These legal rights consider an exclusive right to the inventor/creator or his assignee to fully utilize his invention/creation for a given period of time. Intellectual property rights are like any other property right. The importance of intellectual property was first recognized in the Paris Convention for the Protection of Industrial Property (1883) and the Berne Convention for the Protection of Literary and Artistic Works (1886). Both treaties are administered by the World Intellectual Property

Organization (WIPO). Intellectual property refers to creations of the mind: inventions; literary and artistic works; and symbols, names and images used in commerce. Intellectual property is divided into two categories: Industrial Property includes patents for inventions, trademarks, industrial designs and geographical indications. Copyright covers literary works (such as novels, poems and plays), films, music, artistic works (e.g., drawings, paintings, photographs and sculptures) and architectural design. Rights related to copyright include those of performing artists in their performances, producers of phonograms in their recordings, and broadcasters in their radio and television program.

Intellectual property rights are divided into four categories: copyright, patent rights, trademark rights and design rights.

Copyright, which protects music, films, literature and other creative works, as well as source code for computer programs. Copyright applies for 70 years after the death of the copyright holder.

Patents, which provide protection for novel technical solutions to problems. Patent applications are published after 18 months. A patent applies for a maximum of 20 years.

Trademark protection, which is protection for a symbol for a company, a product or a service. It could for example consist of words, figures, letters/digits, personal names or slogans. It could also be a specific formulation of the product itself, known as packaging. The trademark must be considered unique and be distinguishable from other similar products or services. Trademark protection applies for a period of ten years and can then be extended indefinitely by ten years at a time.

Design right, a registered design protects the visual appearance of a product or item and gives you exclusive rights for that appearance to the extent that, if

necessary, there is a legal right to stop an unauthorized party from producing or using your design.

Copyright is a legal right, existing in many countries, that grants the creator of an original work exclusive rights to determine whether, and under what conditions, this original work may be used by others.^{[1][2]} This is usually only for a limited time. Copyright is one of two types of intellectual property rights; the other is industrial property rights. The exclusive rights are not absolute but limited by limitations and exceptions to copyright law, including fair use. A major limitation on copyright on ideas is that copyright protects only the original expression of ideas, and not the underlying ideas themselves.

Copyright issues are to be debated with possibilities of finding solutions for some questions posed under the new technological regime. Thus, the “digital media” has made possible the transformation of expressive works into digital electronic format. This has greatly facilitated the reproduction, transmission André-transmission of expressive works.. The same is also perceived as a threat to traditional interests of copyright holders who fear loss of control over the right to reproduce and therefore to derive income from their expressive works. The flow of digital information across national borders is less constrained than the flow of physical goods using traditional trade routes. Hence, computer program and invention of internet have made copyright issues, which arise from the digitalization of information requiring extensive research faced with challenges at the international level affecting large number of people across the world.

COPYRIGHT ISSUES IN DIGITAL MEDIA

Digital environment has created a platform for people for widespread cost effective distribution of the original works, posing serious threats to the interest of the creator. Threats posed by the digital environment to the copyrighted work are

way too different from that in the normal course of physical world. There are number of issues and concerns are associated with the usage of digital information. It is easy to create digital or digitized copies of material including text, image, audio and video; and this digital information can be distributed across the world through e-mail, electronic bulletin boards, websites and networks. The increasing use of primary and secondary mass storage media made it possible to download, store, display and print. Further, the downloaded documents can be modified or forwarded to others without the knowledge of its rightful owner. In comparison to printed information, electronic information is not so permanent; it is open to modifications, additions, deletions, revisions and manipulations without leaving any resemblance and difficult for detection. Unlike the case of printed materials, close monitoring and restriction of usage of electronic documents is difficult. Digital environment makes the issues related to copyright law a difficult task, as only element in knowledge society has not changed with advent of new technologies.

1. Software

Fastest growing industry, the computer software industry has created its own set of copyright issues. Because most of the software programs can be easily copied and recreate perfectly. Also extends possibility loading program onto more than one computer, which is not only infringing but also breaches license agreement that limits use to only one computer. However, as tempting as this practice may be, it constitutes a major act of copyright infringement and software piracy. According to Business Software Alliance (BSA) 35% of the world's software is pirated, where in India its 69%.

2. Scanners

A scanner technology reproduces a photograph or other pictures in near perfect, without decreasing quality of the

image. More importantly where copyright is concerned, reproduced image can be stored for future, can be used over and over, and even modified. International Conference on Knowledge for All : Role of Libraries and Information Centers 515 By reproducing, distributing, or modifying the copyrighted images without permission user infringing the fundamental exclusive rights of Copyright Owner.

3. Multimedia and CD-ROMs

The possibility of CD-ROMs seems endless as you can include images, music clips, sounds, Audiovisuals, animations, computer programs and text. But as endless new possibilities with multimedia publishing and CD-ROM technology Copyright concerns. Now, if you want to expose your users to inspiring words of famous Quit India speech by Mahatma Gandhi, you are no longer limited to presenting the speech only in written form. By producing the work electronically, with CD-ROM version, your reader can hear the words spoken, may he or she can even see Mahatma delivering the speech, and you can also add accompanying music, narration and other images to make the effect of the message more dramatic. There is no limit to your creativity! Unfortunately there is a limit- that is Copyright law. Each technological breakthrough adds a new copyright factor for multimedia developers to consider. To present Mahatma's speech in multimedia format, you need to request the rights to use more than just the words and speech and the photo accompany the text, need rights for the audio, video, music and any additional image you added.

4. The Internet and other Networks

Digital technology enables data to be copied without defect, manipulated, sliced and re-edited with great freedom and is a perfect technology for pirates. All these technical possibilities pose problems for copyright law in developing suitable techniques for catching up with the infringements. The

information available on the Internet has the same copyright protection as if it were a magazine, publication, printed book, broadcast, etc. The great myth is that the Internet is free for all in using vast available resources. In the public domain, material found on the Internet may be copied freely only if the information is created by the federal government or the copyright has expired or been abandoned by the holder. Any work published on the Internet is not automatically placed in the public domain. Information and other materials provided by others and used with permission, e.g. graphic images including Web graphics, photos, logos, digital art, writings, text, HTML, Java scripts or other material that people are given permission to use or display on Web sites, does not entitle anyone to claim copyright to the material in question. Graphic images provided by free or link ware graphics sites are not in the public domain. These images are not given in ownership but could be used, if they comply with the owner's terms and conditions. Fonts and dingbats, created point by point, drawn from scratch or through similar means, are copyrighted by the author. Scanned designs converted into fonts and dingbats or reduplication/ re-fabrication/alteration of existing ones are not original designs and do not entitle the individual to claim ownership. Hot-linking or linking directly to another Web site's images and/or spider-harvesting (robots programmed to index pages and pull images on to another server) is an unauthorized derivative work and constitutes a violation of the real owner's copyright. Apart from Internet, there are many national, regional networks and intranets and extranets. Millions of people are linked thru these networks. Most of the content distributed over the networks is copyrighted or is under some sort of contractual licensing. Usually network users tend to think that on-commercial distribution is fair use and that it does not amount to rights violation. This leaves the network administrators in a spot over the liability of such infringements.⁵¹⁶ International

Conference on Knowledge for All : Role of Libraries and Information Centers.

5. E-mail

Electronic mail or e-mail is the greatest threat to the Copyright Act. According to Software & Information Industry Association (SIIA) 75% of Internet users expect more people to know their e-mail address and more than 50% users prefer to communicate using e-mail rather than a telephone. E-mail is fast and private way to transfer information between parties. Users must login to the online service to retrieve the mail. If recipients of e-mail messages want to take print or forward these private mails, they are in danger of committing copyright infringement. Forward feature allows users to send somebody's mail to one or many or to post on mailing lists or "Usenet" groups. According to existing copyright act, e-mail messages fall into the category of literary works, copyright remains with author of message. The sender owns copyright on content and recipient owns the physical space the message takes up on his or her hard disk. The recipient does not have the right to copy, publish, or otherwise distribute the contents without permission.

6. Site Licensing

Nowadays most of the educational institutes and business organizations often employ "Site Licensing". A site license allows the institute to purchase the rights to unlimited use of the product within the organization/ institute. A single master copy or single access to a product purchased, downloaded or used on two or more computers leads to the copyright breach and which is very easily traceable through network server. Information retrieved or downloaded from single access cannot be shared, and sharing the login details also copyright infringement.

CONCLUSION

Law cannot keep pace with technology. All the efforts need to be made to amend copyright laws to cover technological impact on the associated legal issues and to include latest provision for the protection of copyright and also make safeguard for the interest of the users.

Most of the time, users are not familiar with copyright laws and the kinds of activities which leads to copyright breaching. So users can be made aware through various literacy programs of the rights of the users and rights of the owner to avoid any legal conflict between these two and it is responsibility of modern days Library & Information Professional. Users also need to educate how to handle electronic information and what not come under the fair use doctrine. So the modern day librarianship is “tension between providing good service to their patron and respecting the rights of the copyright owner.

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GEOGRAPHICAL INDICATION OF MARAYOOR JAGGERY

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ABSTRACT

Marayoor Jaggery locally called as Marayoor sharkara is cane sugar prepared from the sugarcane grown in the Marayoor areas of Idukki district. The study aims to provide an insight into why this Jiggery is getting importance. Whether geography has done anything towards this popularity.

Key Words: Marayoor Jaggery, Intellectual property

The origins of Intellectual Property

The history of intellectual property is complex and fascinating. It begins in 500 BCE when Sybaris, a Greek state, made it possible for citizens to obtain a one year patent for "any new refinement in luxury." Patent, trademark and copyright laws have become more complicated in the ensuing centuries but the intent remains the same. Countries establish intellectual property laws to foster creativity and to make it possible for the inventor to reap the benefits of their ingenuity.

Mentions of copyrights, patents and other matters of intellectual property law are sparse in early history. It is not until medieval Europe that some major and well-known legislation was passed. The first of these was the Statute of Monopolies. This British law was established in 1623. At the time, all major industries were controlled by guilds. Each guild held considerable power, with the government endowing them with the ability to dictate what products and raw

materials could be imported as well as how those items would be produced and sold. Moreover, the guilds were responsible for bringing all new innovations to the marketplace, essentially giving them ownership and control over inventions even if they had nothing to do with their creation.

Ownership Rights

The Statute of Monopolies changed that by allowing the author or inventor to retain their ownership rights. Monopolies, in the form of government- sanctioned guilds, were no longer granted. The law also guaranteed the inventor a 14 year period during which he had the exclusive right to govern how his invention was used.

Other significant legislation came in 1710 with the Statute of Anne. This law similarly provided a 14 year term of protection. It also gave inventor the option of seeking a 14 year renewal term. Aimed largely at copyrights, this law granted authors rights in the recreation and distribution of their work.

GI Registration status in India

In India, registration of GI products was started in the year 2003. In the first year from April 2004 to March 2005, three products were register. The Darjeeling Tea both word and logo under agriculture is the first GI register product follow by handicrafts product Aranmula Kannadi of Kerela and Pochampalli Ikat from Andhra Pradesh. During the period April 2005 to March 2006, twenty four products from seven states register their products under GI. The highest registration is during April 2008 to March 2009 where 45 products from 16 states register their products mostly in handicraft follow by agriculture. Phulkari a handicraft product has been register from three states of Punjab, Haryana and Rajasthan. Foreign countries also register their products in India. Eight products from six countries were register for GI.

Out of the eight products, seven belong to alcoholic beverage and one is meat item. Peru is the first country to register their product Peruvian Pisco, a brandy under manufactured good. This is followed by France Champagne (wine) and Cognac (brandy), USA Napa Valley (wine), United Kingdom Scotch Whisky, Italy Prosciutto di Parma (aged meat) and Portugal Porto (wine) and Douro (wine). Till 26th July 2012, a total of 387 applications have submitted for GI and out of that 178 products were registered under GI in India.

Marayoor Jaggery

Marayoor Jaggery locally called as Marayoor sharkara is cane sugar (a traditional sweetener) prepared from the sugarcane grown in the Marayoor and Kanthalloor Grama panchayaths of Idukki District of Kerala State. This area lies in the rain shadow regions of Idukki district. This Jaggery is produced in farm sheds from sugarcane juice extracted by crushing the cane in electric crushers, then evaporating the juice by boiling in big pans made of copper/ GI sheets, on country kilns using the sugarcane trash as the fuel. The pan will be removed from the fire at a particular temperature (decided through manual testing using traditional knowledge) and then will be allowed to cool, to make Jaggery balls (unda), while hot, with hands. The Jaggery produced from the geographical area is having a higher market demand than that produced from other regions, and from the nearby localities of other states since it is very sweet in taste, is of good quality and generally produced without the addition of harmful chemicals.

Method of Production

Area and method of production

Area currently the total area of sugarcane cultivation in Marayoor and Kanthalloor panchayaths is approximately 1650 acres.

Planting

Stem cuttings or sections of the stalks, called as "setts" are the planting material. Each sett contains 2-3 buds. Fresh, genetically pure, pest and disease free setts are used for planting. Setts are selected from the top one third of the mature sugarcane plant. A spacing of 2 feet between rows and depth of 0.5-1 feet is provided for planting the setts. Setts will be planted end to end, in a continuous manner in furrows.

Crop management

The crop will be irrigated as per requirement, at least once in 15 days or once in a month. Unwanted dry and green leaves from bottom part will be removed at regular intervals. This detrashing helps in maintaining the field clean and enhances air movement, and reduces the problem of pests and diseases. Detrashed trash can be used as mulch for moisture conservation and also as manure. is done in 7 month after planting to prevent lodging of cane, breakage and thus loss of stalk number at harvest and thus loss of cane yield.

Harvesting

High yield of sugarcane and better sugar content can be obtained if harvested at the proper time i.e., 11-12 months after planting. Manual harvesting is done by using sickles and felling knives. The top portion is cut at a point where it breaks naturally when slight force is exerted. The bottom portion of the cane contains more sucrose while the top cane contains more reducing sugars like glucose and fructose. The average cane yield will be 30t/acre and Jaggery will be 3.6t/ acre. Generally rationing is practiced for 2-3 times after the main crop.

Production of Jaggery

Marayoor Jaggery is produced by traditional methods. Nearly 150 country sheds are operating in the sugarcane fields of the area for the preparation of unique Marayoor sharkara. The

major operations involve juice extraction, clarification, boiling and concentration, cooling, moulding and packaging.

Extraction of juice

Clean canes without extraneous matter like soil, roots, dirt, trash and green leaves are taken for crushing. The harvested canes are crushed within 24 hours. The juicy sugar canes are churned well to extract the juice by using crusher. Crushing on the same day gives better yield. The crushed juice is filtered to remove bagasse and other suspended solids. It is then pumped to a big jar. The juice is then transferred to a large plate shaped round bottom copper/ GI boiling vessel. The capacity of the boiling vessel is 1000 L. The juice is not mixed with any harmful chemicals, colours, sweeteners etc. and hence it is naturally good for health.

Clarification

Fresh juice of sugarcane contains suspended impurities in the form of coarse particles and colloids, soil particles, wax, fat, protein, gum etc. These impurities affect Jaggery colour, texture, hardness etc. The process of removing these impurities and other unwanted materials from juice is called clarification. 200g lime is generally added to the solution. The juice will be cleaned during heating and boiling using clarificants, to decrease the mud volume. The mud will be frequently removed from the surface. The syrup will be concentrated by boiling. Long wooden spoon is used to mix the solution throughout the boiling process.

Boiling and concentration

Sugarcane juice will be boiled in huge furnace. Bagasse is used as fuel for the furnace. Efficiency of furnace is improved by installing proper chimney, maximizing the heat absorption by providing a baffle in the furnace and using well dried bagasse. Pans made up of galvanized iron sheets reduce the contamination. The ash at the bottom of the furnace is

removed periodically to provide proper air flow and better combustion of the bagasse.

Packaging and storage

The prepared Jaggery is packed in sacks with a layering of palm leaf. One sack will contain 60 kg of Jaggery. Packed Jaggery balls can be stored for 3 months under ambient conditions.

Marketing

Marayoor Jaggery is mainly marketed in the Southern districts of Kerala, and some quantity is exported to other countries like USA, Dubai and UK. Local farmers sell their products to local traders and marketing agencies like Anjunadu Karimpu Ulpadhana Vipanana Sangam, Marayoor, established in 2012, MAHADS (Marayoor Hills Agricultural Development Society) established in 2015 and MAPCO (Marayoor Agriculture Product Company) established in 2016. Now efforts are taken to give training for production of good quality Jaggery without addition of harmful chemicals.

Conclusion

One of the major challenges these farmers have been facing is the sale of fake jaggery from Tamil Nadu, which are being sold with the tag of Marayoor jaggery. This has led to the constant fall in the price of the original jaggery, thus forcing several farmers not to take up sugarcane cultivation anymore.

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DYNAMIC PRICING OF INDIAN RAILWAYS

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ABSTRACT

Dynamic pricing has turned as the pricing mechanism of airline industry. Indian Railway has introduced this system in selected trains, and this has given considerable increase in the revenue of railway. But the observation reveals that dynamic pricing has no way helped to attract passengers to the rajadhani trains or duronto trains, but it is only a hidden price hike.

Key Words: Dynamic price, railway, demand

INTRODUCTION

As a business firm railway also tries to find out a method of acquiring more revenue it leaded to change conventional fare method to a new fare mechanism “Dynamic Pricing .Dynamic pricing is a method of pricing based on the demand and supply for the products and service. Most products can be sold for the best price based on the demand and supply .Here the price is flexible and not fixed. This flexibility depends on the current market demands and a pre-defined formula. This dynamic fare charged for confirmed and RAC passengers with the expectation of tickets sold on higher rate than the existing rate to en cash the peak demand during festival seasons.

SIGNIFICANCE OF STUDY

This study is very interesting and much important because of the fact that Indian customers who make a huge number of customers in these trains are price sensitive .Indian Railways by implementing this strategy is opening up competition with airlines in long distance travel. In a market like India where

people are not accustomed to dynamic pricing in a very old industry with fixed prices switching will also force customers to experience something new.

In the monopolistic market of railway travel in India, Indian Railways have unlimited bargaining power considering the population of India. But being a government run company they have restrictions on changing the price structure to change the company into a profit company. Considering this introduction of dynamic pricing is very interesting .Dynamic pricing is a way for extracting more money from the more richer passengers using their services .This can improve their financials for premium trains without actually increasing the prices as they charge a premium for the next 10% of tickets compared to the previous tickets with same distance, class and train. At the same time they are offering discounts for tickets of trains having very low booking and unreserved tickets up to four days before the preparation of reservation chart. Most of these passengers may be accustomed to the practice of dynamic pricing .so expecting a lower resistance of change can be expected from these customers. But Railways was faced with huge resistance from these customers leading to the scrapping of dynamic pricing. This makes it impossible for Indian Railways to introduce them in other long distance trains and improving their bottom lines.

For Indian customers who are not accustomed to dynamic pricing this will look like a hidden price hike to get more money out of them .Indian customers do not pay for the value a service is providing they compare price with the earlier price of the product or service and then decide. India historically has been a price regulated market which opened up roughly three decades ago .And railways has always been under government operation .So expecting the customers to pay more is dangerous move for a government controlled organization.

OBJECTIVES OF STUDY

1. To study the benefits of dynamic pricing to railways.

RESEARCH METHODOLOGY

SAMPLING

Multi stage sampling is used for the study. 11 types of trains are selected. And out of these only Rajdhani, duronto, shathabdi having dynamic pricing .one sample from each of this types are selected. Lottery method is used for selecting a particular route. The fares of 5 dates of departure are collected for analysis on the basis of convenience.

DATA COLLECTION

1. Primary data:

Two types of primary Data are collected for evaluation.

*Dynamic prices: It is collected from the IRCTC website on real time basis.

2. Secondary Data:

All Secondary Data collected for analysis are taken from Indian Railways website with gov extension.

FINDINGS

1. Railway gets additional revenue of 12 lakh from the sale of Ac 3 tier berths of Rajadhani Express.
2. Railway gets additional revenue of 13 lakh from the sale of Ac 2 tier berths of Rajadhani Express.
3. Railway gets additional revenue of 16 lakh from the sale of Ac chair car berths of shatabdi express.
4. Railway gets additional revenue of 38 lakh from the sale of sleeper berths of Duronto express.
5. Railway gets additional revenue of 65 lakh from the sale of Ac 2 tier berths of Duronto express.
6. Railway gets additional revenue of 30 lakh from the sale of Ac 3 tier berths of Duronto express.

CONCLUSION

Dynamic pricing in Indian Railways plays an important role in the revenue generation and the adjustment of prices attract more customers. The implementation of new systems should accepted by its passengers. Every system having a two side effect should be evaluated before its implementation. Otherwise it will bring negative results to the organization.

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INTELLECTUAL PROPERTY POLICY AND STRATEGY FOR COLLABORATION BETWEEN INSTITUTES AND INDUSTRY

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ABSTRACT:-

In India there is a huge research potential, and no dearth of talented persons in Industries, Institutes but there is very less IP (Intellectual Property) awareness and interactions compare to developed countries. Many faculties, scientists, highly educated persons do not know much about IPR such as patents, hence there is need for awareness of IP in academic & industries and collaboration activities to avoid duplication of research. There is an unprotected ocean of scientific Knowledge and technological information like published patents & granted patents which is open to public for further research & development. However, due to lack of awareness it is not known to them and thus is unutilised hence, there is a need to provide uniform basic IP education particularly with respect to Patents.

Keywords:-Intellectual Property, strategy, policy, institutes, university, collaboration, research, basic IP education, duplication of research, royalty, tax.

INTRODUCTION

In Indian institutes and industries, IP (Intellectual Property) awareness is very less compared to developed countries. Various professors, scientists, highly educated persons are not aware about IPR such as patents. Hence there is an urgent

need to increase the IP awareness in academic & industries and their collaborative activities. 2IP has never been given much importance in institutes or industries, but after recent development of 1995, India signed international agreement like TRIPS, PCT, etc. after which the international patent filing has increased during the last 10 years. However, the growth of the filings by Indian applicants has not shown the same pace. Thus, to make the Indian applicants more competitive, there is need for Indian Industries-Institutes to find out the ways to create an internal IP policy or an IP cell to protect their IP's and improves the IP awareness culture in organization by interacting with each other. Further the communication gaps in academic & industries for technology sharing/mutual research etc. should be minimized which will avoid the duplication of research work. In India there is a huge research potential, talented person but comparatively the Indian patent filing is very less as compared to China, Japan, USA etc. Hence there is need to find out and reduce the gaps and to identify the problems in Institutes and industries for filing Patents and improve the relationships with Institute-Industry cooperation by way of agreements, joint research, meetings which can reduce the expenses in research and development.

In the Indian educational scenario, management and science colleges at present do not have IP management education and even if it is present very few of them are having as optional elective or chapter. IP education is required for science and management stream since, the students are having different creativity, and hence Basic IP education may be provided at school, undergraduate level in a student friendly manner. In some management and engineering college there is IP education, but there is no uniformity in the contents or the teaching methods. Thus, there is an imperative need to formulate a uniform course structure. Further it is highlighted that there is an acute shortage of resources like text books,

case studies, resource persons i.e. lecturers and professors on the IPR topic. There is still much work to be done to integrate IP as part of management and science discipline and to increase the IP resources. The officials involved in enforcement also do not have awareness about IP because of which, the potential of infringement is high. Hence there is need to develop IP management capabilities, the formulation of IP policies, strategies for strengthening the institutes-industries, IP offices, awareness amongst enforcement mechanisms like police, banks for obtaining IP loan etc.

Universities as well as institutions are faced with several problems like lack of funding for education and research activities. Generally they do not generate income, because of which there is always a fund crunch, making it difficult to achieve their objectives. The fund crunch also leads to a cut down in quality training, inability to purchase equipment for their research laboratories, infrastructure, computers etc. They also are unable to pay competitive salaries and thereby not able to attract and retain talent and highly qualified people leading to reverse brain-drain problem and low levels of knowledge transfer institutes to Industry. Some universities and institutions have started generating income through consultancy services, research, royalties from licensed Patents for inventions, research contracts, sponsored research and joint ventures etc. by the successful negotiation of contracts which requires skills and technology transfer. There is now a need to create appropriate policies, strategies and programs to facilitate joint research initiatives between public, private and academic sector to help find sustainable solutions which will also help in mitigating the fund crunch and also safeguard their interests when managing collaborative research.

IP POLICY & STRATEGY:

Universities, Institutions and Industry need to define IP policies which should be comprehensive in their coverage and

approach. However, depending on the direction of research activities, each institution should decide on the type of intellectual property to be included in its intellectual property policy. The following are the types of intellectual property that may be considered by a university or institution in its development of an intellectual property policy like Patents, Designs, Trademarks, Geographical Indications, and Copyrights etc. Universities and institutions should educate their staff in IP, provide technical/financial support, obtain legal protection for their IP, facilitate the transfer of IP for public use, and develop the required machinery within themselves for the licensing and management of technology, including patent clearance.

IP strategy would vary as per university, Institutes, Industry, government, management etc. The focus of strategy shall be on IP creation. Strategies on IP education, creating laboratory for innovations, early Innovation laboratory, open Innovation laboratory technology licensing, Joint ventures, outsourcing of design etc. can be considered and it depends on finding of IP audit. Strategic decision making is required which includes setting goals, licensing, commercialization's of IP asset, acquisitions and agreements, litigations, due diligence, IP Management office, International IP Trends etc. could be included. IP management strategy for Industry, Institutes which include the following:

a) Form the IP Management Cell

- Form cross-functional core team,
- Define IP Policy,
- Establish IP management committees,
- Protect for the IP assets,
- Commercialize or audit or evaluate the IP assets,
- Legal formalities, litigations etc.

b) Formulation of IP Policy

- Identify a centralized office like Office of the Dean of Research & Head,
- Create IP awareness in all departments,
- Define the rights and responsibilities of all involved in innovations,
- Solicit feedback regarding the fulfilment of the objectives of the IP policy,
- Institute a review mechanism of the policy for fine-tuning and improvement.

c) Focus on IP assets which are IP creation, protection, evaluation, enforcement etc.

d) Identify, Quantify, Measure & Monitor the IP Assets

COLLABORATION BETWEEN INDUSTRY AND INSTITUTES

The Society for Innovation and Development (SID) was founded in the year 1991, in close collaboration with the Indian Institute of Science (IISc) Bangalore⁶. The mission of SID is to enable India's innovations in science and technology by creating effective channel to help and assist industries & business establishments to compete & prosper global competition, turbulent market conditions & fast moving technologies.

IIT Kanpur⁷ has collaborations with different sectors of the industry. Several initiatives are being undertaken to scale up the level of interaction. One such initiative by the Industrial Collaboration Advisory Group (ICAG) is the Industry Connect Series where speakers from the industry are invited to present the areas of interest to explore possibilities of collaboration with researchers in IIT Kanpur. They had formed the cell and connected with industries through projects.

The IIT Madras Research Park⁸ assists companies with a research focus to set up a base in the park and leverage the expertise available at IIT Madras. The Research Park breaks down the traditional, artificial barriers of innovation through

its connectivity and collaborative interaction. This helps the industry to create, integrate, and apply advancements in knowledge. The resulting synergy leads to matchless technological innovation and transfer.

The Centre for University - Industry Collaboration, Anna University Chennai⁹ was established in the year 1991 with a primary focus on Interaction between University and Industry, Faculty Empowerment Programmes, Arranging Industrial Training, Industrial Visit and Industrial Project for Students. CUIC has a unique scheme of Industrial Associateship Scheme (IAS) wherein, small, medium, large scale industries, R&D and Educational institutions are enrolled with the main aim to carry out collaborative activities. Presently, there are 150 Members from Industries, Engineering Colleges, Polytechnics and R & D Institutions. Programmes for promoting Industry-Institute interactions, Regional Get-togethers of industries, Government-funding agencies, R&D and Educational institutions, etc., are also organised at regular intervals for cross pollination of industrial / academic ideas.

IIT Delhi, Dept. of Chemical Engineering¹⁰ has collaborations with many local and foreign institutions and the industry. The policy provides a system for the ownership, control and transfer of the intellectual property created and owned by the Institute. The policy promotes fair use of traditional knowledge while recognizing local traditional knowledge stakeholders and benefit sharing. It shares a global perception of practices related to intellectual property retaining national identity and local constraints, avoiding as far as possible 'conflict' of opposing interests.

FINDINGS

- Any Industry or Institute who will manufacture in India can be eligible for expedited examination & grant of IPR like Patents, Trademarks etc. to make commercialize the product early and reap benefits from the IPR¹⁶.

- There is lacking of awareness of IP in academic & industries hence; there is need to create IP awareness culture in academic & industries. Further it is recommended that to form IP interaction cell amongst all the educational institutes and there shall be dedicated technology transfer offices, industry institute interaction cell (III) all over India which can help in marketing the inventions available. Also there is need to educate enforcement bodies like customs, police, banks, judicial officials etc.
- There shall be incentive/motive for Industry-Institutes tie up for joint research work and to form agreement between Institutes, Industry & Government. There are various problems to institutes or industry like proper infrastructure, research facilities, technology sharing or mutual research which can avoid the duplication of research work hence there is need provide adequate funding and fill the communication gap in academic & industries.

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കോപ്പിയടിയിലെ നേരും നെന്നിയും

കെ.എ. സൈമൂട്ടീൻ

സീനിയർ സബ് എഡിറ്റർ, മാധ്യമം ദിനപത്രം, കോഴിക്കോട്

സംഗ്രഹം

ഭൗതികമായ വിനിമയങ്ങളുടെ ഉപാധികൾ മാത്രമല്ല സ്വന്തം എന്ന പരികൽപ്പനയിൽ വരിക, ആശയപരമായ വിനിമയങ്ങളും സ്വന്തം തന്നെയാണ്. ഏകാന്തമായ നിമിഷത്തിൽ ഒരാളിൽ നിന്ന് പിറന്നു വീഴുന്ന ഒരു കവിത, കഥ, ആശയം എല്ലാം അയാളുടെ ബൗദ്ധികമായ സ്വത്താണ്. ഭൗതിക സ്വന്തം അപഹരിക്കുന്നതോളം കുറ്റകരമോ അതിനും മുകളിലോ നിൽക്കും ബൗദ്ധിക സ്വന്തം. അതു കൊണ്ടു തന്നെ ബൗദ്ധിക സ്വന്തം സംരക്ഷിക്കാൻ കടുക്കടുത്ത നിയമങ്ങളുമുണ്ട്.

ഒരാൾ മറ്റൊരാളിൽ നിന്ന് സ്വർണാഭരണം അപഹരിച്ചുവെന്നു കരുതുക. ചെറിയൊരു ജയിൽ ശിക്ഷയിലോ പിഴയിലോ അത് ഒതുങ്ങിയേക്കാം. ബൗദ്ധിക സ്വന്തം പഹരണം കണ്ടെത്തി കോടതി കയറിയാൽ നഷ്ടപരിഹാരം ചെറുതിൽ ഒതുങ്ങില്ല.

എന്നിട്ടും ബൗദ്ധിക സ്വന്തപഹരണം നിർബാധം തുടരൂന്നു. കഥയായും കവിതയായും ലേഖനമായും പഠന പ്രബന്ധങ്ങളായും സിനിമയും നാടകങ്ങളുമായും അത് നിർബാധം തുടരുന്നൂ. അതുപൂർവ്വമായി പിടിക്കപ്പെടുമ്പോൾ മാത്രം അത് ചർച്ചയാവുന്നുള്ളൂ. നിയമത്തെ കുറിച്ചുള്ള അജ്ഞതയും മറ്റൊരാളുടെ ബൗദ്ധിക നിലയെ ആദരിക്കാനുള്ള വിമുഖതയുമാണ് ഈ തുടർ ചൂയ്ക്ക് കാരണം. നിയമബോധവും മനുഷ്യാന്തസ്സിനെ കുറിച്ചുള്ള ബോധ്യവും മാത്രമേ ഈ കുറ്റകൃത്യത്തിന് പ്രതിവിധിയുള്ളൂ.

കോപ്പിയടിയിലെ നേരും നേരും നെന്നിയും

“കുമൻകാവിൽ ബസ് ചെന്നു നിന്നപ്പോൾ ആ സ്ഥലം രവിക്ക് അപരിചിതമായി തോന്നിയില്ല. അങ്ങിനെ പടർന്നു പന്തലിച്ച മാവുകൾക്കിടയിൽ നാലഞ്ച് ഏറുമാടങ്ങൾക്ക് നടുവിൽതാൻ വന്നെത്തുമെന്ന് പണ്ടേ കരുതിക്കാണണം...”

അര നൂറ്റാണ്ട് മുമ്പ് ഒ.വി. വിജയൻ എഴുതിയ ‘ഖസാക്കിന്റെ ഇതിഹാസം’ തുടങ്ങുന്നത് ഇപ്രകാരമാണ്. അതിനു ശേഷം മലയാള ഭാഷ ഖസാക്കിനു മുമ്പും പിമ്പും എന്ന് രണ്ടായി തിരിക്കപ്പെടുകയുണ്ടായി. അന്ന് വിജയൻ

പ്രയോഗിച്ച അതേ ഭാഷ, പുതിയ കുപ്പികളിലാക്കി ഇന്നും പത്ര ഫീച്ചറുകളിൽ നിർബാധം ഉപയോഗിച്ചു പോരുന്നുണ്ട്. കേവലമായ ഭാഷാനുക്കരണം മാത്രമല്ല, നോവലുകളും സിനിമകളും കവിതകളും പോലുള്ള സർഗസൃഷ്ടികളുടെ പേരുകൾ പോലും അതേപടിയോ അനുകരിച്ചോ നേരിയ മാറ്റം വരുത്തിയോ ഒക്കെ പത്രങ്ങൾ ഉപയോഗിക്കുന്നു. പത്രങ്ങൾ പണ്ടു മുതൽക്കേ ചെയ്തുപോരുന്ന ഒരു അനുഷ്ഠാനം എന്ന നിലയിൽ കാര്യമായ പരാതികൾ ഉയരാറില്ല എന്നു മാത്രം. കാരണം, പത്രങ്ങളിലെ എഴുത്തിനെ സർഗ സൃഷ്ടിയുടെ ഗണത്തിൽ പരിഗണിച്ചു പേരാതിരിക്കുകയും അത് കേവലം പത്രവാർത്തയല്ലേ എന്നൊരു നിസ്സംഗത അതെഴുതിയവർ പോലും പുലർത്തുകയും ചെയ്യുന്നു എന്നതിനാലാണത്. എന്നാൽ, ഇതേ വരികൾ ഒരു കഥയിലേക്കോ കവിതയിലേക്കോ അതേപടിയോ മാറ്റം വരുത്തിയോ പകർത്തപ്പെടുമ്പോൾ മോഷണം കൈയോടെ പിടിക്കപ്പെട്ട അവസ്ഥയിലാകുന്നു.

അടുത്തിടെയുണ്ടായ ചില സാഹിത്യചോരണ (Plagiarism) സംഭവങ്ങൾ ഓർക്കുക. ഒരു കവിയുടെ കവിത ഒട്ടും മാറ്റങ്ങളില്ലാതെ തന്നെ മറ്റൊരാൾ തന്റെ പേരിൽ പ്രസിദ്ധീകരിച്ചപ്പോഴുണ്ടായ വിവാദങ്ങൾ സാഹിത്യ ചോരണത്തെക്കുറിച്ച് ചർച്ചയെ വീണ്ടും ചൂടുപിടിപ്പിക്കുകയുണ്ടായി. ഈ വിവാദങ്ങൾ എല്ലാ കാലത്തും ഉണ്ടായിട്ടുണ്ട്. ചിലപ്പോഴൊക്കെ വലിയ ഭുകമ്പങ്ങൾ അത് സൃഷ്ടിച്ചു. ചിലപ്പോൾ ചില ചെറു കാറ്റുകളായി അത് കടന്നുപോവുകയും ചെയ്തു. പുനത്തിൽ കുഞ്ഞബ്ദുള്ളയുടെ നോവൽ 'കന്യാവനങ്ങളിൽ' ടാഗോറിന്റെ കൃതിയിലെ ചില ഭാഗങ്ങൾ അതേപടി കോപ്പിയടിച്ചിട്ടുണ്ടെന്നത് ഒരുകാലത്ത് മലയാള സാഹിത്യത്തിലെ വലിയ വിവാദമായിരുന്നു.

സിനിമാ ലോകത്താണ് കോപ്പിയടി ഏറ്റവും അധികം വിവാദങ്ങൾ സൃഷ്ടിക്കപ്പെടുകയും അതേ വേഗത്തിൽ കെട്ടടങ്ങുകയും ചെയ്യുന്നത്. ഹിറ്റായ ഒരു സിനിമയെ തലങ്ങും വിലങ്ങും അനുകരിച്ച് പുതിയ സിനിമകൾ ഉണ്ടാക്കുക മാത്രമല്ല, മറ്റൊരാളുടെ കഥ അതേപടി പകർത്തി അയാളുടെ പേരുപോലും പരാമർശിക്കാതെ

സിനിമയെടുത്ത് കോടതി കയറിയ സംഭവങ്ങൾ നിരവധിയുണ്ട്. മറ്റു ഭാഷകളിൽ വിജയിച്ച സിനിമകൾ കോപ്പിയടിച്ച് സിനിമകൾ ഉണ്ടാക്കി സൂപ്പർ സംവിധായകരായാവാൻ മലയാളത്തിൽപോലും നിരവധിയുണ്ട്.

പ്രശസ്തരും പ്രഗൽഭരുമായവർ മാത്രമല്ല, അപ്രശസ്തർ പോലും ഈ കോപ്പിയടി വിവാദത്തിൽ കുടുങ്ങിയിട്ടുണ്ട്. സ്വന്തം കൃതിയുടെ പിതൃത്വം തെളിയിക്കാൻ കഴിയാതെ അതിന്റെ പേരിൽ ജീവിതം തന്നെ പാഴായിപ്പോയവരുണ്ട് എന്നറിയുമ്പോൾ കോപ്പിയടി അത്ര നിസ്സാരമായ ഒന്നല്ല എന്ന് ബോധ്യമാകും.

എന്താണ് കോപ്പിയടി..?

സർഗസൃഷ്ടിയെ അഥവാ ബൗദ്ധിക സൃഷ്ടിയെ ഭൗതിക സ്വത്തുപോലെ കണക്കാക്കുമോ..?

ഇപ്പോഴും ചിലർക്കെങ്കിലും ഈ വിഷയത്തിൽ അഭിപ്രായ വ്യത്യാസമുണ്ട്. എഴുതിയ കവിതയും താങ്ങിയെടുത്ത് അഷ്ടിക്ക് വക കണ്ടെത്താൻ പോലുമാവാതെ ടെക്സ്റ്റ്പോയ സർഗധനന്മാരുടെ ചരിത്രമുണ്ട് നമുക്ക് മുന്നിൽ. തമിഴ്കവി ഭാരതിയാർ ദരിദ്രനായി മരിക്കുകയായിരുന്നു. പക്ഷേ, അദ്ദേഹത്തിന്റെ കവിതകൾ അച്ചടിച്ച് വിറ്റ് ധനികരായവർ പിൻക്കാലത്തുണ്ടായി എന്നത് ചരിത്രത്തിലെ വലിയൊരു കോമഡിയായി തോന്നും.

ആധുനികമായി നവീകരിക്കപ്പെട്ട ഒരു സമൂഹത്തിൽ ഇത്തരം കാര്യങ്ങളിലും പരിരക്ഷ ഏർപ്പെടുത്തേണ്ടി വരും. അപ്പോഴാണ് പകർപ്പവകാശ നിയമം പോലുള്ളവ നിലവിൽ വരുന്നത്. അച്ചടിയും അനുബന്ധ മാധ്യമങ്ങളും ഉണ്ടാവുകയും അത് വികസിച്ചു മുന്നേറുകയും ചെയ്തപ്പോഴാണ് പകർപ്പവകാശ നിയമം നിലവിൽ വരുന്നത്. ഒരു വ്യക്തിയുടെ ഭൗതിക സ്വത്ത് അയാളുടെ അനുവദമില്ലാതെ മറ്റൊരാൾക്ക് സ്വന്തമാക്കാനോ കൈമാറ്റം ചെയ്യാനോ കഴിയില്ല എന്നതുപോലെ ഒരാളുടെ ബൗദ്ധിക സ്വത്തും പരിരക്ഷിക്കപ്പെടുന്നതാണ് പകർപ്പവകാശ നിയമം.

ഒരു വ്യക്തി സ്വന്തം കഴിവും സമയവും ഉപയോഗിച്ച് നിർമ്മിച്ച ഒരു സൃഷ്ടിയിൽ ആ വ്യക്തിക്ക് ലഭിക്കുന്ന

പകർത്തുവാനും മാറ്റം വരുത്തുവാനും പുനർ നിർമ്മിക്കുവാനുമുള്ള അവകാശമാണ് പകർപ്പവകാശം എന്ന് ഒറ്റ വാക്കിൽ പറയാം.

പകർപ്പവകാശത്തിന്റെ ചരിത്രം

അച്ചടി വ്യാപകമാകുന്നതുവരെ അത്രയൊന്നും കാര്യമായി പകർപ്പവകാശം പരിഗണിക്കപ്പെട്ടിരുന്നില്ല. അച്ചടി വ്യാപിച്ചു തുടങ്ങിയപ്പോൾ പല കൃതികളും എഴുത്താളർമാരുടെ അനുമതി പോലുമില്ലാതെ പകർത്തപ്പെട്ടു തുടങ്ങി. 1710ൽ Statute of Anne എന്ന പേരിൽ ഇംഗ്ലണ്ടിൽ ആദ്യമായി ഒരു നിയമം നിലവിൽ വന്നു. ഇതിന്റെ ചുവടുപിടിച്ചാണ് ലോകത്തിലെ പല രാജ്യങ്ങളിലും കോപ്പി റൈറ്റ് നിയമം നിലവിൽ വന്നത്. 1790ലാണ് അമേരിക്കയിൽ ഈ നിയമം നടപ്പായി തുടങ്ങിയത്. 1886 ലെ ബേൺ കൺവെൻഷൻ ലോക മെങ്ങും ഇങ്ങനെയൊരു നിയമം കൊണ്ടുവരേണ്ടതിന്റെ ആവശ്യകത വ്യക്തമാക്കി.

1911ൽ ബ്രിട്ടീഷ് ഇന്ത്യയിലാണ് ആദ്യമായി പകർപ്പവകാശ നിയമം കൊണ്ടുവന്നത്. സ്വതന്ത്രാനന്തരം 1957ൽ ബ്രിട്ടീഷ് നിയമം പരിഷ്കരിച്ച് ഇന്ത്യൻ പകർപ്പവകാശ നിയമം നിലവിൽ വന്നു. 1983, 84, 92,94, 99 വർഷങ്ങളിൽ ഈ നിയമത്തിൽ ഭേദഗതി വരുത്തി. ഡിജിറ്റൽ സൃഷ്ടികൾ വ്യാപകമാകുന്ന ഈ കാലത്ത് ഇനിയും കാലോചിതമായ മാറ്റങ്ങൾ അനിവാര്യമാണ്.

ഇന്ത്യൻ പകർപ്പവകാശ നിയമമനുസരിച്ച് സാഹിത്യ സൃഷ്ടികൾക്ക് ഉടമസ്ഥന്റെ കാലശേഷം 60 വർഷം വരെയും റേഡിയോ ടെലിവിഷൻ പ്രക്ഷേപണങ്ങൾക്ക് പ്രക്ഷേപണ മാസം മുതൽ 25 വർഷം വരെയും നിയമ പരിരക്ഷയുണ്ട്. സർക്കാർ പ്രസിദ്ധീകരണങ്ങൾ, സിനിമ ഫിലിമുകൾ, റിക്കോർഡുകൾ, ഫോട്ടോകൾ, മരണാനന്തര പ്രസിദ്ധീകരണങ്ങൾ, അജ്ഞാത നാമാക്കളുടെ കൃതികൾ എന്നിവയ്ക്ക് പ്രസിദ്ധീകരണ മാസം മുതൽ 60 വർഷം വരെയാണ് നിയമ പരിരക്ഷ.

പകർപ്പവകാശ നിയമം ലംഘിച്ചാൽ സിവിൽ നിയമപ്രകാരമുള്ള ശിക്ഷകളാണ് നിയമത്തിൽ അനുശാസിക്കുന്നത്. വൻതുക പിഴയും നൽകണം.

നിയമം കർക്കശമാണെങ്കിലും അതേക്കുറിച്ചുള്ള അവബോധത്തിലും അത് നടപ്പാക്കുന്നതിലും തികഞ്ഞ അലംഭാവം പുലർത്തുന്ന ഒരു ജനത കൂടിയാണ് നമ്മൾ. ലംഘിക്കപ്പെടുമ്പോൾ മാത്രം ഓർമ്മിക്കേണ്ട ഒന്നല്ല എഴുത്തുകാരന്റെ അവകാശം. അതൊരു വളർച്ച പ്രാപിച്ച ജനാധിപത്യ സമൂഹത്തിന്റെ ലക്ഷണം കൂടിയാണ്. ഏകാന്തമായ നിമിഷത്തിന്റെ മറുകരയിൽ നിന്ന് ഒരു കലാകാരൻ തന്റെ സർഗവ്യാപാരത്തിലൂടെ ആവിഷ്കരിക്കുന്ന സൃഷ്ടിയുടെ മഹത്വം അംഗീകരിക്കപ്പെടാതിരിക്കുന്നത് സാംസ്കാരികമായി വളർച്ച പ്രാപിച്ച ഒരു സമൂഹത്തിന്റെ ലക്ഷണമല്ല. ആ സൃഷ്ടിപ്പിൽ അയാളുടെ ഉള്ളുരുക്കമുണ്ട്. അയാൾ കടന്നുവന്ന ജീവിതാനുഭവത്തിന്റെ അപാരമായ തീക്ഷ്ണതയുണ്ട്. ചിലപ്പോൾ അതിനായി ഉഴിഞ്ഞിട്ട അയാളുടെ ജീവിതം തന്നെയുണ്ടാവും. അതൊന്നും തീണ്ടാതെ ആ സൃഷ്ടി അപ്പാടെ അടിച്ചുമാറ്റപ്പെടുമ്പോൾ ഒരു വ്യക്തിയെ ഇല്ലായ്മ ചെയ്യുന്നതിനു തുല്യമായ ക്രൈം അവിടെ നടക്കുന്നു.

സർഗസൃഷ്ടി ഒരു പ്രൊഫഷനായി അംഗീകരിക്കപ്പെട്ട സമൂഹത്തിൽ പോലും അതിന്റെ മൗലിക രചയിതാവിനുള്ള പ്രതിഫലം തുച്ഛമാണെന്ന് ദയനീയമായ അവസ്ഥയാണ്.

നിർലജ്ജമായ മോഷണങ്ങൾ

അത്യന്തം തീക്ഷ്ണമായ ജീവിതപരിസരത്തുനിന്നും ഒരാൾ എഴുതിയ കവിത അതേപടി പകർത്തി വെച്ചവരുടെ സോഷ്യൽ പ്രിവിലേജുകൾ അവരെ മോഷ്ടാവ് എന്ന് വിശേഷിപ്പിക്കാതിരിക്കുന്ന കവചമായി പ്രവർത്തിക്കുന്നുണ്ട്. പിന്നീടും അവർ മാനുരായി തുടരുന്നുണ്ട് എന്നത് സർഗാവിഷ്കാരങ്ങളെ ഇനിയും നമ്മൾ മുല്ലുമുള്ള ഒരു സ്വത്തായി പരിഗണിച്ചിട്ടില്ല എന്നതിന്റെ തെളിവാണ്.

ഗവേഷണമെന്നാൽ മോഷണമാണോ..?

മോഷണം ഏറ്റവും മാനുഷമായ കലയായി ആചരിക്കപ്പെടുന്നിടമാണ് സർവകലാശാലകൾ എന്ന് അടുത്തിടെ ആരോ പറയുകയുണ്ടായി. മുമ്പ് ചെയ്ത ഗവേഷണ പ്രബന്ധങ്ങളെ കടപ്പാട് പോലും രേഖപ്പെടുത്താതെ

അടിച്ചുമാറ്റി ഗവേഷക പ്രതിഭകളാകുന്നത് ഏതാണ്ട് അംഗീകരിക്കപ്പെട്ട ക്രൈം ആയി മാറിയിട്ടുണ്ട്..

നാടൻ പാട്ടുകളെക്കുറിച്ച് ഗവേഷണം നടത്താനായി ജീവിതം ഉഴിഞ്ഞുവെച്ച ഒരു ദലിത് ഗവേഷകന് ജീവിതത്തിൽ നേരിടേണ്ടിവന്ന സങ്കടകരമായ അവസ്ഥ അടുത്തിടെ വെളിപ്പെടുത്തിയത് അയാളുടെ മകളാണ്. സാഹിത്യ അക്കാദമി പോലും പ്രതികൂട്ടിലായ മോഷണത്തിന്റെ കഥകളാണ് പുറത്തുവന്നത്. കാലങ്ങളായി നാം പിതൃത്വം പതിച്ചു നൽകിയ കവി ശ്രേഷ്ഠന്മാരല്ല യഥാർത്ഥത്തിൽ അതിന്റെ പിതാവ് എന്നറിയുമ്പോൾ നമുക്ക് യാതൊരു നടക്കുവും തോന്നുന്നില്ല എന്നതാണ് ഈ മോഷണത്തിലെ ഏറ്റവും മാനുഷമായ എപ്പിസോഡ്.

ഇന്നത്തെപ്പോലെ ഇൻറർനെറ്റും ഇ-ലോകവുമൊന്നും അല്ലാതിരുന്ന, വിഡിയോ കസറ്റുകളിലൂടെ മാത്രം ലോക സിനിമ അടുത്തറിയാൻ അവസരമുണ്ടായിരുന്ന കാലത്ത് അങ്ങനെ പരിചയപ്പെട്ട സിനിമകളെ കോപ്പിയടിച്ച് സൂപ്പർ സംവിധായക പദവിയിലെത്തിയവരുടെ നാടാണിത്. ഇപ്പോൾ കോപ്പിയടി കൈയോടെ പിടിക്കാൻ കഴിയുന്നത്ര വിവരമുള്ളവരായി നാട്ടുകാർ മാറിയിട്ടുണ്ട് എന്നതുകൊണ്ടു അതീവജാഗ്രതയോടെയാണ് ഈ കലാപരിപാടി പുരോഗമിക്കുന്നത്.

ചലച്ചിത്ര ഗാനരംഗത്തെ കോപ്പിയടിയുടെ നിർലജ്ജമായ ആവർത്തനങ്ങൾ ഇപ്പോൾ പുതുമയല്ലാതായിട്ടുണ്ട്. ഇപ്പോൾ ഇറങ്ങിക്കൊണ്ടിരിക്കുന്ന ഒട്ടുമിക്ക സിനിമകളിലെ പാട്ടുകളിലും നമ്മൾ പണ്ടെന്നോ കേട്ടുവന്ന പാട്ടുകളുടെ ഈണങ്ങൾ ഒളിച്ചിരിക്കുന്നു. മഹാപ്രതിഭാശാലികളായ സംഗീതജ്ഞരുടെ ബൗദ്ധിക സ്വത്താണ് ഒട്ടും ഉളുപ്പില്ലാതെയും കടപ്പാട് പോലുമറിയിക്കാതെയും അപഹരിക്കപ്പെടുന്നത്. വൻ തുക പ്രതിഫലം വാങ്ങി സിനിമക്ക് സംഗീതം ചെയ്യുന്നവരാണ് മുൻഗാമികളുടെ അവകാശം പോലും അംഗീകരിക്കാതെ ഇങ്ങനെ മോഷണം നടത്തുന്നത്.

ഗാനമേളകളിൽ താൻ സംഗീതം നൽകിയ പാട്ടുകൾ പാടണമെങ്കിൽ തനിക്ക് റോയൽറ്റി നൽകിയിരിക്കണമെന്ന് പ്രശസ്ത സംഗീത സംവിധായകൻ ഇളയരാജ

ആവശ്യപ്പെട്ടത് വിവാദമായിരുന്നു. ഒരു കലാകാരന്റെ ന്യായമായ ആവശ്യമാണത്. തന്റെ സർഗസൃഷ്ടിയുടെ മേൽ തനിക്കുള്ള അവകാശത്തെ പ്രഖ്യാപിക്കലാണത്. അതുപോലെ പ്രഖ്യാപിക്കാൻ കഴിയാതെ പോയ അനേകായിരങ്ങളുടെ ലോകം കൂടിയുണ്ട് ഇത്.

നിയമത്തെക്കുറിച്ച് ഉടമകൾക്കും മോഷ്ടാക്കൾക്കുമുള്ള അജ്ഞത മാത്രമല്ല, അത് നടപ്പാക്കുന്നതിൽ നമ്മുടെ സംവിധാനങ്ങൾ കാണിക്കുന്ന അലംഭാവവും സർഗമോഷണം അത്ര മോശം കാര്യമല്ല എന്ന വിചാരവുമാണ് ഈ ബാധ അഭംഗ്യരും തുടരുന്നതിന്റെ കാരണം.

കോപ്പി ലെഫ്റ്റ്

കോപ്പിയടി ഏറ്റവും കൂടുതൽ പ്രചാരത്തിലായത് ഡിജിറ്റൽ യുഗത്തിലേക്ക് പ്രവേശിക്കുമ്പോഴാണ്. നാം ഓരോരുത്തരും അറിഞ്ഞോ അറിയാതെയോ ഇങ്ങനെ പകർപ്പവകാശം ലംഘിക്കുന്നവരാണ്. ഇന്റർനെറ്റിൽ നിന്ന് പുതിയ സിനിമയുടെ വ്യാജപതിപ്പ് ഡൗൺലോഡ് ചെയ്യുമ്പോഴും പുസ്തകങ്ങളുടെ PDF വാട്ട്സാപ്പിലൂടെ ഫോർവേഡ് ചെയ്യുമ്പോഴും നമ്മുടെ കമ്പ്യൂട്ടറുകളുടെ ഓപ്പറേറ്റിങ് സിസ്റ്റത്തിൽ വ്യാജനെ പ്രതിഷ്ഠിക്കുമ്പോഴുമെല്ലാം പകർപ്പവകാശം നമ്മൾ ലംഘിക്കുകയാണ്.

ഡിജിറ്റൽ രംഗം കോപ്പി റൈറ്റിന്റെ കാലമല്ലെന്നും കോപ്പി ലെഫ്റ്റിന്റേതാണെന്നും വാദിക്കുന്നവരുണ്ട്. അറിവിന്റെ കുത്തകവൽക്കരണവുമായി ബന്ധപ്പെട്ട ചർച്ചകളിൽ ഫ്രീ സോഫ്റ്റ്‌വെയർ പ്രസ്ഥാനത്തിന്റെ മുഖ്യവക്താവായ റിച്ചാർഡ് സ്റ്റാൾമാനെപ്പോലുള്ളവർ അതിനായി ശക്തമായി വാദിക്കുന്നുണ്ട്. ഓപ്പറേറ്റിങ് സോഫ്റ്റ്‌വെയർ രംഗത്തെ കുത്തക ഭീമന്മാർക്കെതിരായി ആവിഷ്കരിക്കപ്പെട്ട ലിനക്സ് പോലുള്ള പ്രസ്ഥാനങ്ങൾ ഇതിന്റെ ഉദാഹരണമാണ്.

കലാ സാഹിത്യ കൃതികൾ പക്ഷേ, കുത്തകവൽക്കരണത്തിന്റെ രീതിശാസ്ത്രങ്ങളിലേക്ക് ഇനിയും ആയിട്ടില്ല എന്നതിനാൽ കോപ്പി ലെഫ്റ്റ് ആശയങ്ങൾക്ക് കൂടുതൽ പേരെ ഇവിടെ ലഭിച്ചിട്ടില്ല. പ്രശസ്ത തമിഴ് മലയാളം എഴുത്തുകാരൻ ജയമോഹനെപ്പോലുള്ള

അപൂർവ്വം ചിലരൊഴികെ കോപ്പി ലെഫ്റ്റിന് മുതിർന്നിട്ടുമില്ല. ജയമോഹന്റെ 'നൂറു സിംഹാസനങ്ങൾ' പോലുള്ള നോവലുകൾ പകർപ്പവകാശ നിയമത്തിൽനിന്ന് എഴുത്തുകാരൻ തന്നെ മോചിപ്പിച്ചവയാണ്.

ആഗോള കുത്തകകളും ബൗദ്ധിക സ്വത്തവകാശവും

കലാ സാഹിത്യ രംഗങ്ങളിലെ പകർപ്പവകാശത്തെക്കാൾ ശക്തമായ നിയമവും അത് നടപ്പാക്കുന്നതിൽ കാര്യശൂന്യമുള്ളത് വാസ്തവത്തിൽ ബൗദ്ധിക സ്വത്തവകാശ നിയമത്തിന്റെ അന്താരാഷ്ട്ര പതിപ്പിലാണ്. അത് കുത്തകവൽക്കരണത്തെ പരമാവധി സംരക്ഷിക്കുകയും ലാഭത്തിന്റെ കണ്ണുകളിലൂടെ മാത്രം ലോകത്തെ നോക്കുകയും ചെയ്യുന്ന ഒരു വ്യവസ്ഥയായി മാറിയിരിക്കുന്നു.

1995ൽ ഒപ്പിട്ട കരാറിലൂടെ ഇന്ത്യയും അതിന് വിധേയമായി കഴിഞ്ഞു. ഉൽപ്പന്നത്തിന്റെ പേറ്റൻറ് എന്നതിനെക്കാൾ അതിന്റെ പ്രക്രിയ(Process)ക്കായിരുന്നു പേറ്റൻറ് എന്നത് ഇന്ത്യപോലുള്ള രാജ്യങ്ങൾക്കും മൂന്നാം ലോക രാജ്യങ്ങൾക്കും ഏറെ ഗുണകരമായിരുന്നു. അതിലൂടെ മറ്റ് പ്രക്രിയകളിലൂടെ ചെലവു കുറഞ്ഞ രീതിയിൽ ഔഷധങ്ങൾ നിർമ്മിക്കുന്നതിന് ഇന്ത്യക്കും വില കുറഞ്ഞ മരുന്നുകൾ ഇന്ത്യയിൽ നിന്ന് വാങ്ങുന്നതിന് ദരിദ്രരാജ്യങ്ങൾക്കും കഴിഞ്ഞിരുന്നു. എന്നാൽ, 1995ലെ കരാറിലൂടെ ഏത് പ്രക്രിയയിലൂടെ ഉദ്പാദിപ്പിക്കുന്ന ഉൽപ്പന്നത്തെയും പേറ്റൻറിന്റെ പരിധിയിൽ ഉൾപ്പെടുത്തിയതോടെ ഔഷധങ്ങളുടെ വിലയിലുണ്ടായത് പതിമടങ്ങ് വർദ്ധനയാണ്. ശാസ്ത്ര കണ്ടുപിടുത്തങ്ങൾ മാനവരാശിക്ക് എന്നതിൽ നിന്നും മാറി കുത്തക കമ്പനികളുടെ ലാഭമോഹങ്ങൾക്ക് എന്നതിലേക്ക് പരിമിതപ്പെടുകയാണിവിടെ.

അനേകായിരം പരാജയങ്ങളുടെ ഒടുവിലാണ് തോമസ് ആൽവ എഡിസൺ കണ്ടുപിടിത്തങ്ങളിൽ എത്തിയത്. ആ പരാജയങ്ങളെല്ലാം എഡിസന്റെ മാത്രം പരാജയങ്ങളായിരുന്നു. പക്ഷേ, അയാളുടെ വിജയങ്ങളെല്ലാം ലോകത്തിന്റെ വിജയങ്ങളായിരുന്നു. ഈ ലോക വീക്ഷണം ഇന്ന് ചില്ലലമാരയിലാണ് എന്നുകൂടി പരിതപിക്കാതിരിക്കാനാവില്ല.