

## Internet and Challenges for Intellectual Property Rights

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### **Abstract**

*This article pertains to the study of the Intellectual Property Rights Branch of Copyright and particularly about Digital Copyright. There is no awareness to common people including the Copyright holders in respect to Digital Copyright. The Copyright holders have transferred to the internet to gain success and economic gain with respect to their creation. This transfer is evident to achieve the goal of any intellectual property right which has become more pertinent in the Internet age. With special reference to Copyright, the creators and holders of Copyright are taking the help of the Internet to make their work available over the Internet to achieve success and economic gain. Making the work available over the internet in the digital space is the best way to get on the resources. In today 's internet and digital age, there are a lot of works like literary, dramatic, music, and sound recordings work which are made available over the internet by the creators in the form of digital literature and e-books. These copies are available for a particular price where the viewer or buyer must make payment depending upon the mode selected viz., which is pay by order or pay per view of the said work. The Copyright holder will make use of such facilities only when he/she/they is/are sure that his/her/their work is safe and protected over the Internet against being infringed, copied or pirated and has the facility to control the access of its work. The beauty of electronic media is such that a performance taking place in an area can be live-streamed to an individual in the remotest corner of India. The technological revolution in the form of telephone and fax ensures communication, in whichever form spreads to the entire world drastically fast. The distribution and communication of different types of information has also undergone a sea change. These changes though, have drastically changed and people can easily communicate while saving their resources with respect to money and time, but this has been a problem for the world. Information in the digital era is in essence the true power. To ensure the protection of this highly valuable intellectual property, Digital Copyright protection is essential. So, through this research the researcher intends to attempt to understand the issues and challenges that the owner of the work, the Internet Service Provider and its user face and the legal implications of the same.*

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## **Introduction**

The advent of the Internet has fundamentally altered how individuals access and utilize information, creating previously unimaginable opportunities for communication, trade, and creativity. However this shift to digital has also presented significant challenges for the enforcement and preservation of intellectual property rights (IPR). The existing IPR mechanisms are coming under increasing pressure from the ease with which content may be shared, copied, and distributed over international networks. In light of this new reality, the legal system needs to be reevaluated, and innovative new approaches need to be established to safeguard artists' rights while fostering the unrestricted flow of ideas that the Internet permits. It is a challenging and ongoing Endeavour to strike a balance between these competing interests to preserve the creative economy and the public's access to knowledge.<sup>1</sup> Intellectual property is one of the properties drawn in and rehearsed by people right now, intelligent and particular age. It is another kind of property. Intellectual Property is a term insinuating different specific sorts of signs of the mind, for which a great deal of particular rights are seen by law. While these rights are not so much property rights, the term property is being used considering the way that they take after property rights from different points of view. Under the intellectual property law, owners are surrendered certain prohibitive rights to a combination of indistinct assets, for instance, insightful, melodic, stylish works, disclosures, improvements, words, phrases, pictures, structures, etc. The word 'Intellectual as a descriptor infers including or addressing the psyche', 'having an especially made ability to think, reason and fathom. A comparative word as a thing means 'a person with an uncommonly made perception and extraordinary mental limit 'Intellectual property connotes 'a property made by human psyche. It isn't care for that of a land or house. The subject of intellectual property is wide and joins insightful and astonishing works, films, PC programs, manifestations, structures, trademarks, etc. Grounds, houses, etc undaunted properties and vehicles, watches, etc. persevering properties can be sold, sold, leased, etc beginning with one individual and then onto the following. Similarly, the intellectual property moreover can be sold, sold, leased, and doled out, etc beginning with one individual and then onto the following person. Intellectual property at first was alluded to all in all as 'mechanical property'. The Paris Convention for the Protection of Industrial Property, 1883<sup>2</sup> used the term 'mechanical property' as opposed to 'intellectual property'. After the Paris Convention, various rights, for instance, Copyright, Rights in Performance, etc were also associated with present-day property. Bit by bit rather than 'mechanical property' 'intellectual property' was forever conceived. Intellectual property law concerns

the legal rights related to inventive effort or business reputation and liberality. Intellectual property makes rights and commitments. If an author makes a book-X, An exercises all rights over it. These rights can't avoid being rights in rem. There is a commitment upon every individual not to copy it and not to abuse the work-X or reputation of A. The intellectual property law explains all of these rights and commitments.

### **Definition & Types of Intellectual Property**

Prof. Niblett explains, "Intellectual property is the most basic sort of property considering the way that a man uses nothing to convey it other than his psyche. The basic clarification behind intellectual property is that a man should guarantee what he makes, that is what he brings into being. If what he conveys can be taken from him, he is no better than a slave." Intellectual property law has made a couple of remarkable kinds of rights or areas of law. All of these rights and authentic game plans totally are called as 'intellectual property'.

### **Impact of the Internet on Intellectual Property**

The internet has driven various alterations in the intellectual property arrangement. As a data and resources find a good pace, has broadened the extent of every customer restricted, regional resources, to real overall information find a good pace. Today the greatest section of business-to-buyer online business incorporates imperceptible things that can be passed on clearly over the framework to the purchaser's PC. While these intangible things, by their very nature, are difficult to evaluate, an extended proportion of the substance that is being offered is reliant upon intellectual property rights. This exchange of imperceptible things raises different issues for intellectual property despite those that would rise with respect to physical products. A portion of the positive effects of the Internet on intellectual property networks are<sup>3</sup>

1. It has expanded moderate access to intellectual property assets globally
2. It has upgraded the capacity of patent earlier craftsmanship search;
3. It has expanded business, political and societal familiarity with the developing significance of a wide range of intellectual property;
4. It has abbreviated the information get to time, that is, days or weeks have been abbreviated to minutes or hours.
5. There has been a geometric increment in the measure of open information and assortments compared with intellectual property;
6. It has given access to an extending number of online programming and intellectual property the executives' apparatuses;

7. It has given a way to creating nations to make up for lost time with world improvements concerning intellectual property information get to , the executives and so forth.
8. Despite the positive effect the internet has had on the intellectual property network, it has at the same time made a disturbing rundown of deficiencies. In spite of the fact that we can acknowledge the advantages with a lack of concern, we can't enable 9 unfavorable effects to proceed with unchecked. A portion of the negative effects of the Internet on intellectual property networks are
9. It has exacerbated the 'poor patent quality' and gave intent to find negating workmanship. This adversely impacts investor esteem, intellectual property estimation and the general economy;
10. Further, it has expanded requests on patent office inspectors to grow earlier workmanship searches. The inspectors must pursue not just the field where the development is arranged, yet in addition undifferentiated from expressions. This outcome in expanding pendency, diminishes time accessible to indict a specific patent and diminishes in general intellectual property legitimacy.

### **The Background and Nature of the Internet**

The arrangement to interface single PCs inside a framework to engage customers to exchange contemplations and data showed up around the beginning of the 1960s when American military experts decided to update their ability to share insightful research. Not long after from that point onward, in 1965, the vital wide-zone mastermind had been fabricated. Ignoring that, from the arrangement of two PCs during the 1960s and the resulting creation of the ARPANET, a military correspondence organized with 300 PCs associated in 1981, a long time went before the Internet became as today is known.<sup>4</sup> The Internet transformed into a general arrangement of interconnected procedures in 1989 when Tim Burners Lee made the non-restrictive and free World Wide Web, which improved access to information and joint efforts between people orchestrated in different territories on the planet. This suggests each customer related to the Internet can talk with some other customer, assemble information or course it around the world using a single standard language (the Internet show language). Today we can't imagine a presence without the Internet as PC frameworks reinforce essential systems, for instance, prosperity and guidance, essentialness, transportation, banking and finance.

### **The Impact of the Internet in Intellectual Property Field**

The ascent of the Internet has realized a remarkable advancement in the number of issues about how to guarantee intellectual property rights on the Web. In any case, to guarantee intellectual property rights over the Internet it is basic to perceive what is the impact of the Internet in the Intellectual Property field. This is furthermore significant to give an acceptable legitimate examination of jurisdictional issues by virtue of intellectual property rights infringement over the Internet.

### **Our Finding Indicated the Following Major Features of the Internet and Its Impact of the Intellectual Property Field**

The Internet is a strategy for correspondence that ignores limits or, perhaps more absolutely, it works by definition on a cross-periphery premise 112. Customers don't comprehend that they are crossing State cutoff points, and no one can keep a person from abroad from finding a workable pace. In the nineteenth century intellectual property rights infringement claims were regularly overseen by private courts. The courts adequately confined where copyright works were placed before a crowd of people or conveyed, where trademarked items were sold, and where authorized manifestations were used or made. Such acts happened, for example, where printed adaptations or things were coursed, live shows happened or mechanical offices were found. <sup>5</sup>

### **The Digital Nature of Intellectual Property**

With explicit reference to copyright, the Internet and propelled progresses have made another reality with inclinations and weights. From one point of view, the Internet opens new market openings by empowering makers to scatter the results of their work uninhibitedly to purchasers, decreasing the time between creation and spread. However, on the other hand, makers are exposed to an increasingly genuine risk of uncontrolled copying, change and burglary than customary media. Doubtlessly, the propelled age has changed the way by which customers interface with the delayed consequences of intellectual property rights creation (films, games, music and computerized books). So far, purchasers would have expected to make a physical purchase at a shop or by methods for an online retailer.

### **Internet Infrastructure for Data Transfer**

The Internet, and its correspondence with otherworldly events, result from a vital standard of framework building: Keep It Simple. Every PC related to the Internet can do a couple, of clear assignments quickly. By interfacing a large number of likewise fundamental structures together, complex value is practiced. The Internet is a savvy correspondence mastermind in gigantic part since it is so fundamental. At

the center of any Internet transmission – sending an email, seeing a website page, or downloading a sound or video archive - is the Internet Protocol (IP). Structured in 1974 by Vint Cerf and Robert Kahn, IP is a trade plot that portrays how data is sent across frameworks. IP has two key organized parts that are locked in with every transmission: (1) a run-of-the-mill procedure for isolating each transmission into little snippets of data, known as “bundles”, and (2) a united overall keeping an eye on the system. IP gives every PC related to the Internet a novel area, and an ordinary meaning of the bundles of data that can be passed on to these addresses.

### **Overview of Intellectual Property Rights**

It's an order of unimportant rights guaranteeing monetarily significant consequences of the human adroitness. The class includes fundamentally trademark, copyright and patent rights, yet also consolidates prized equation rights, introduction rights, moral rights, and rights against inappropriate competition. It's a mechanically significant aftereffect of the human discernment, in a strong or hypothetical structure, for instance, a copyrightable work, a protectable trademark, a patentable advancement, or an upper hand. While there is a comfortable association between intangible property and the undeniable things where they are exemplified, intellectual property rights are specific and separate from property rights in significant products. For example, when an individual displays a letter on someone, the individual property in the ink and material is moved to a recipient. The sender (as maker) holds intellectual property rights in the letter.

### **The Concept of Intellectual Property Right**

Intellectual property can be described as a determined or virtual thing made from the intellectual furthest reaches of somebody specifically. For example an essayist creates a book. It is his intellectual property. A Painter paints a picture, it is his intellectual property. An Engineer makes a structure, it is his intellectual property. Right now, a book, a picture, a tune, a musical note, an arrangement, a thing, etc which is the creation of one's cerebrum and insightfulness is an intellectual property. Intellectual property made thusly may show support for others.

### **Advantages of Intellectual Property Economic Prosperity**

Intellectual property expands the thriving of the proprietor, society and the State, and in specific events to the whole world. For instance, Bill Gates built up 'Microsoft', and improved PC innovation. He acquired progressive changes in PCs. Because of his specialized information, he has become the most extravagant individual on the planet. It helped the U.S.A. to remain in the in front of the PC field. At a similar time, PCs spread all over the world.

### **Objective of the Study**

The objective of the study on “Internet and Challenges for Intellectual Property Rights are as follows:

- To analyze the historical development of intellectual property rights and their modifications to take technological advancements into account.
- To examine the international laws and guiding principles governing intellectual property rights.
- To Analyze how the growth of the internet has affected the protection and enforcement of intellectual property rights
- To Describe the primary issues that authors, businesses, and law enforcement organizations face while attempting to protect intellectual property online.
- To analyze case studies and incidents when using the internet has led to intellectual property rights being violated.
- To examine how well the existing legal systems and international agreements handle issues related to intellectual property rights in the digital era.

### **Review of Literature**

**Griliches, Z., Ed. (2016)** in his assessment, “Innovative Work, Patents, and Productivity” has presented” a wonderful combination of papers on the associations between R&D, licenses, development headway and monetary execution. Noteworthy revelations fuse the documentation of a tremendous association between R&D uses and productivity improvement, the comfort of licenses as a marker of innovative development, and the general unimportance of R&D in speaking to the late ’70s-mid ’80s by and large log jam in proficiency advancement. This examination includes the association between IPR and research and upgrades in industry, trade and exchange and how it impacts improvements.

**Siebeck, W. E., with R. E. Evenson, W. Lesser and C. A. Primo Braga (2017)** in their work, “Strengthening Protection of Intellectual Property in Developing Countries have discussed the issue, on account of making countries advantage financially from bracing their protection of intellectual property? Searching for the reaction to this request the makers review a liberal collection of monetary composition, theoretical and test, covering the money-related parts of licenses and diverse IPRs. Most by a wide margin of focuses to date have focused on mechanical economies.

**Vishwasrao, S. (2016)** in his examination, “Intellectual property rights and the strategy for advancement move” has complemented that, moving development in an area where patent protection is faulty, can introduce basic threats to an improving

organization's ability to appropriate rents. This examination combines veered-off information in a screening game where growing firm has the choice of approving another thing at a sensible separation to an outside firm, exchanging it, or allowing it to a helper. Helper age keeps up a key good way from the risk of pantomime anyway incorporates more noteworthy costs for the growing firm. IPR rules can transform into a snag in advancement moves.

**Kumar, N. (2015)** in his work, "Intellectual property protection, publicize course and zone of abroad R&D practices by overall undertakings." has acquainted a demonstrative framework with explain the determinants of territory of abroad R&D by multinationals to the extent the nature and level of FDI and host country resources and plan frameworks. Exploratory revelations for U.S. MNCs prescribe that MNCs need to discover their R&D practices in countries that can offer them, notwithstanding different things, colossal markets, mechanical resources and establishment. Host feature orchestrated auxiliaries will undoubtedly have 51 R&D units than the passage arranged ones, especially in making countries. The general nature of the patent framework appears to impact the bearing instead of the enormity of R&D theories made in a country.

**Maskus, K. (2-16)** in his examination, "The activity of intellectual property rights in engaging outside direct endeavor and advancement move" has shown a review of globalization which prescribes that creating countries have strong and creating premiums in pulling in return, remote direct theory, and mechanical capacity. It might be seen that, this wide group would fuse progressing political quality and budgetary advancement, enabling versatile work markets and building work capacities, continuing to change showcases, and making forward-looking managerial frameworks in organizations, adventure, IPRs, and competition game plans.

**World Intellectual Property Organization (2015)** has orchestrated "Intellectual Property Reading Material". This material is a for the most part magnificent manual for IPRs composed of seven areas: Introduction; Fields of intellectual property protection; the activity of intellectual property being created and WIPO's improvement cooperation program; Enforcement of IPRs; International settlements and shows on intellectual property; Administration and instructing of intellectual property; and Technological and legal headways in intellectual property.

**Juma, C. (2014)** in his paper, "Intellectual Property Rights and globalization: Implications for making countries" has surveyed the repercussions of TRIPs. It is based on the national utilization, creative improvement, plant collection protection, land signs, and biodiversity and related standard data. The paper battles that attempt

to propel consistency with TRIPs should be joined by measures that address open interest challenges, for instance, prosperity, sustenance and natural protection in making countries.

**Rai, A. K. (2013)** in his paper, “Controlling consistent research: intellectual property rights and the norms of science” has analyzed the issue of IPRs in basic coherent research powers scientists to consider diverse battling theories of intellectual property just as the social benchmarks that have for the most part directed instances of ownership in key science. The maker battles that legitimate change has been inadequately unstable to the settings in which the central instrumental destinations of IPRs—achievement in vitalizing creation, presentation, and progression of imaginative or innovative works—would be intensified not through more grounded IPRs, yet through measures that militate against the confirming of such rights.

**Primo Braga, C. A., C. Fink and C. P. Sepulveda (2015)** in their “Intellectual Property Rights and Economic Development” have said that, Over the earlier decade, the protection of IPR has encountered monster changes—developed from one perspective by an expanding of the extent of things and progressions verified by prohibitive rights, and afterward again by methodology moves that have begun a move towards thoroughly fit rules of protection. This trade paper studies these movements and their proposals for making countries. It rapidly plots the standard IPR instruments, the establishments that control IPRs at the national and worldwide levels, and the criticalness of IPRs in various money-related activities. Considering this overview, the paper researches approaches to manage IPR changes in making countries. The makers derive that continuous changes in the IPR field present tremendous troubles to the making scene. All the while, making countries can update the benefits of a continuous course of action switches by setting up a reasonable institutional framework for IPRs. Help from industrialized countries and multilateral affiliations can make a critical responsibility in such a way.

**Gervais, D. (2018)** in his examination, “The TRIPs Agreement: Drafting History and Analysis” has introduced the core values of the TRIPs Agreement comprised of two sections. The main skillet is a synopsis of the dealings themselves including the casual sessions. The second gives data on the most proficient method to decipher the content of the Agreement, and incorporates writings of prior variants and a discourse with each Article of the last form. The reason for the editorial is to clarify the hidden issues, any connection with different arrangements of the Agreement or of other pertinent understandings, the conceivable effect of other GATT rules or standards of worldwide IPR law, and where this is helpful, to call

attention to potential divergences of perspectives on contentions that may surface in the utilization of the Agreement.

**Secretariat of the Convention on Biological Diversity (1998)** in its, “Execution of Article and related arrangements. Note by Executive Secretary” has expressed that, COP-3 welcomed Governments, worldwide organizations, look into foundations, delegates of indigenous and neighborhood networks and NGOs to submit to the Executive Secretary, contextual investigations on measures taken to create and actualize the CBD’s arrangements identifying with indigenous people groups and nearby networks. These investigations were to feature key regions of conversation and help in thinking about the usage of Article 8 Q) and related articles, including, bury alia, connections among conventional and different types of information identifying with the preservation and supportable utilization of biodiversity; the impact of current laws and strategies on information, developments and practices of Indigenous people groups and nearby networks; and motivator measures.

**World Trade Organization—Committee on Trade and Conditions (2014)** has given a record on “Condition and TRIPs”. This is a foundation record to help the CTE in its work managing TRIPs. It evaluates the connections between natural concerns and IPRs by thinking about the pertinent highlights of the CBD. The paper at that point gives an arranging history of the CBD, particularly Article 16. It proceeds by outlining significant continuous work in other universal associations which, with the CBD, show the IPR issues that have been raised as having a connection with the condition. Significant TRIPs arrangements are exhibited, GATT exclusions are considered, and the paper closes with a note on the UPOV Convention.

**Drahos, P. (2015)** in his investigation, “The International Library of Essays in Law and Legal Theory Second Series: Intellectual Property”. has exhibited a multidisciplinary treasury of articles on intellectual property rights. The articles are masterminded into six areas as follows: financial aspects of intellectual property; the brain science of apportionment; intellectual property and radicalism; the global legislative issues of intellectual property; intellectual property suspicion; and against intellectual property doubt.

**Ganguli, P. (2016)** in his investigation “Towards TRIPs Compliance in India: The Patents Amendment Act 1999 and Implications” has expressed that, India has vowed full consistency with the TRIPs Uruguay round continuously 2004. This article reports the moves made up until now, mainly through the Patent Amendment Act of 1999. Specifically, the “post box” facility and Exclusive Marketing Rights (EMR) in respect of pharmaceutical sort items are portrayed.

EMR gives “transitory protection”, until such licenses are inspected (from the earliest starting point of 2005).

### **Hypothesis**

The rapid expansion of the internet has created significant challenges for the enforcement and protection of intellectual property rights (IPR). The efficacy of more traditional IPR enforcement techniques has allegedly been undermined by the decentralized nature of the internet and the ease with which digital content may be copied and circulated, leading to a surge in instances of intellectual property infringement. Thus, new legal frameworks and technological advancements are required to tackle these challenges and ensure the effective protection of intellectual property in the digital age.

### **Scope of the Study**

Since the advent of the internet, there have been significant changes in the creation, distribution, and consumption of information, which have put significant challenges in the way of the established legal framework for intellectual property rights (IPR). This study aims to explore the intricate impacts of the internet on intellectual property rights (IPR), with a focus on key areas such as copyright, trademark, and patent regulations. It will examine how the unlawful sharing of protected information made available by digital technologies contributes to widespread infringement issues. We’ll also look at how well the current legal systems work to resolve these problems and how international cooperation helps protect intellectual property rights in a digital world that is becoming more and more globalized. To strengthen intellectual property rights protection while striking a balance between the need for innovation and public access to information, the project intends to investigate potential changes and strategies. It accomplishes this by examining case studies and prior court decisions.

### **Conclusion**

The emergence of information superhighway has wider implications for intellectual property. Digital technology has created very serious problems for intellectual property. An actual intellectual property right is one of the most important barriers to digital library development. IPR is essential to human creativity, by creators incentives in the form of recognition and fair economic rewards under the system of rights, creators are assured that their works can be disseminated without fear of unauthorized copying or piracy. As more as Information becomes available in digital format, care must be taken by the library to ensure that the public can enjoy the same access rights as with printed information but with utmost care about

intellectual property rights. Copyrights in digital age are of major concern and we have to emphasize more on the practicality of there to get additional benefit and prosper. Now we can say that the development of ICT has triggered unprecedented changes in corporate activities IPRs is a needed for checking the piracy of computer software and other IT products. Copyright protection should encourage the use of information for creativity and not create hurdles in the use of Information.

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