INTELLECTUAL PROPERTY RIGHTS (IPR) AWARENESS AMONG MILLENNIALS IN CHENNAI

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ABSTRACT

Intellectual property laws encompass protection of copyright, trademark and other IP rights. The importance of protecting one's IP rights starts from being aware of the mechanisms which are used in the IPR legal framework. Academicians of every discipline to a creator possess rights over their intellectual labour, and each minute one creates something out of their mind. IPR experts in India along with the government of India conducted recent surveys in metropolitan cities, only to find out that only 25% of the employees of various sectors knew the basics of IPR and its applications. Focusing on the attempts made in the international level, international bodies such as WIPO and WTO are pro-actively conducting workshops and outreach programmes to spread awareness to all cadres of people in all the member states. The United States Trade Representatives (USTR), the official wing for trade matters, has kept 'India' and 25 other countries on 'priority watch list' for IPR violations. This is a setback for a country like India which contributes maximum human capital, raw-material resources and investments for the global economy. The lack of awareness leads to IPR violations such as piracy, passing off and copyright infringement. Outdated enforcement policies and inefficient compliance framework for maintenance of trade-secrets especially in the pharmaceutical sector and other corporate sectors, also presents a problem. Innovative and fresh techniques are the current need which will stem out of educating and acquiring novel ideas from the millennial, the students and graduates, exclusively associated in the sphere of IPR. This paper focuses on awareness of IPR and is studied through empirical method with a view to highlight the percentage of millennial who have crucial knowledge of the basics of IPR and its types.

Keywords : IPR Awareness, Graduate, Copyright, Patent, Trademark, India

INTRODUCTION

Intellectual property rights or IPR is the brain child of technological innovation and intellectual work of an individual or a group. Their property which evolved from their innovative thinking is their property and such property has to be protected. The evidence that researchers and inventors cared about protecting their original works and inventions is evident in the 'Statute of monopolies' in 1612 and 'British statute of Anne' in 1710. The evolution of early IP protection awareness has resulted in conducting the then Paris Convention (1883) to the establishment of World Intellectual Property Organization in the present. India as a developing nation has managed to bring in ideas for boosting the economy through foreign investment, allowing outsourcing of MNCs and controlling the number of e-commerce transactions happening in a cyber platform etc, from the start of 1990s. One of the key areas of Indian industries as well as the foreign players in Indian market, are their trade-secret and trademark protection. The IP protection of an industry or a company constitutes from the production of their product or nature of service to the findings of their R&D department. It brings in such inflow of profits in merely protecting these rights, but to strengthen the framework of IPR, more awareness has to be imparted in a country. Intellectual property awareness programmes and workshops are being conducted time and again by Indian government through the monitoring of 'Office of the Controller General of Patents, Designs & Trade Marks (CGPDTM). They review the standards and upload monthly/annual reports on the awareness of IPR in each state, which in turn helps the research scholars get an idea on how the attempt can be further developed among students, scholars, teachers and disciplines involved in the IP field. The first ever IPR policy was confirmed in May 2016 by the Indian government, though the knowledge has been existing since the 1990s.

DATA AND ANALYSIS

The Independent variables

Table 1

		Age	
		Frequency	Percent
Valid	18-25	138	90.8
	26-35	11	7.2
	35-45	1	.7
	above 45	2	1.3
	Total	152	100.0

It is inferred from Table 1 that majority of the respondents 90.8% are in the age group 18-25. 7.2% of respondents belong to 26-35, 1.3% belong to above 45 and only 0.7% belong to 35-45 age group.

Table 2

Qualification

		Frequency	Percent
Valid	Upto higher secondary schooling	18	11.8
	UG level	118	77.6
	PG level	16	10.5
	Total	152	100.0

Table 2 shows that majority of the respondents 77.6% are UG level graduates, 10.5% are PG level graduates and 11.8% have completed higher secondary schooling.

Table 3

Occupation

F	Frequency	Percent
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Valid	self-employed	10	6.6
	un-employed	100	65.8
	government employee	1	.7
	private employee	41	27.0
	Total	152	100.0

From Table 3, it is observed that 65.8% of the respondents are unemployed or pursuing a course, 27% are working in private organizations, 6.6% are self employed and 0.7% of the respondents are working in government organizations.

1. People started realising about IP Rights only in early 2000s

Based on Age

		People started realising about IP rights only in early 2000s.						
		yes no maybe Total						
Age	18-25	62	17	59	138			
	26-35	6	1	4	11			
	35-45	1	0	0	1			
	above 45	1	0	1	2			
Total		70	18	64	152			

Crosstab

Chi-Square Tests

	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	1.852 ^a	6	.933
Likelihood Ratio	2.466	6	.872
Linear-by-Linear Association	.389	1	.533
N of Valid Cases	152		

a. 8 cells (66.7%) have expected count less than 5. The minimum expected count is .12.

Interpretation

Using Independent sample t test, it was found that p value is greater than 0.05, hence null hypothesis is accepted. Therefore, there is no significant difference between the age of the respondents and opinion that People started realising about IP rights only in early 2000s.

Based on Qualification

	People started realising about IP rights only in early 2000s.				
	yes	Total			
Qualification upto higher secondary schooling	6	1	11	18	
UG level	56	13	49	118	
PG level	8	4	4	16	
Total	70	18	64	152	

Chi-Square Tests

	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	6.410 ^a	4	.171
Likelihood Ratio	6.055	4	.195
Linear-by-Linear Association	2.739	1	.098
N of Valid Cases	152		

a. 2 cells (22.2%) have expected count less than 5. The minimum expected count is 1.89.

Interpretation

Using Independent sample t test, it was found that p value is greater than 0.05, hence null hypothesis is accepted. Therefore, there is no significant difference between the qualification of the respondents and opinion that People started realising about IP rights only in early 2000s

Based on Occupation

		People started realising about IP rights only in early 2000s.						
		yes	yes no maybe Total					
Occupation	self-employed	7	1	2	10			
	un-employed	40	12	48	100			
	government employee	0	0	1	1			
	private employee	23	5	13	41			
Total		70	18	64	152			

Crosstab

Chi-Square Tests

	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	7.388 ^a	6	.286
Likelihood Ratio	7.896	6	.246
Linear-by-Linear Association	.997	1	.318
N of Valid Cases	152		

a. 7 cells (58.3%) have expected count less than 5. The minimum expected count is .12.

Interpretation

Using Independent sample t test, it was found that p value is greater than 0.05, hence null hypothesis is accepted. Therefore, there is no significant difference between the occupation of the respondents and opinion that People started realising about IP rights only in early 2000s.

2. Trade Related Agreement on IPR (TRIPS) has contributed to development of IPR in India.

Based on Age

Crosstab

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		Trade Re	Trade Related Agreement on IPR (TRIPS) has contributed to development of IPR in India.					
		yes no maybe Total						
Age	18-25	76	11	51	138			
	26-35	5	1	5	11			
	35-45	0	0	1	1			
	above 45	1	0	1	2			
Total		82	12	58	152			

Chi-Square Tests

	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	2.264 ^a	6	.894
Likelihood Ratio	2.720	6	.843
Linear-by-Linear Association	.905	1	.341
N of Valid Cases	152		

a. 8 cells (66.7%) have expected count less than 5. The minimum expected count is .08.

Interpretation

Using Independent sample t test, it was found that p value is greater than 0.05, hence null hypothesis is accepted. Therefore, there is no significant difference between the age of the respondents and opinion that Trade Related Agreement on IPR (TRIPS) has contributed to development of IPR in India

Based on Qualification

Crosstab

Trade Re	elated Ag	greement on IPR	(TRIPS) has
contributed to development of IPR in India.			
yes no maybe Total			

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Qualification upto higher secondary schooling	8	2	8	18
UG level	66	9	43	118
PG level	8	1	7	16
Total	82	12	58	152

Chi-Square Tests

	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	1.144 ^a	4	.887
Likelihood Ratio	1.127	4	.890
Linear-by-Linear Association	.056	1	.812
N of Valid Cases	152		

a. 2 cells (22.2%) have expected count less than 5. The minimum expected count is 1.26.

Interpretation:

Using Independent sample t test, it was found that p value is greater than 0.05, hence null hypothesis is accepted. Therefore, there is no significant difference between the qualification of the respondents and opinion that Trade Related Agreement on IPR (TRIPS) has contributed to development of IPR in India

Based on Occupation

		CIUSE						
			Trade Related Agreement on IPR (TRIPS) has contributed to development of IPR in India.					
		yes no maybe Total						
Occupation	self-employed	7	1	2	10			
	un-employed	52	10	38	100			
	government employee	0	0	1	1			

Crosstab

private employee	23	1	17	41
Total	82	12	58	152

Chi-Square Tests

	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	5.349 ^a	6	.500
Likelihood Ratio	6.325	6	.388
Linear-by-Linear Association	.242	1	.623
N of Valid Cases	152		

a. 6 cells (50.0%) have expected count less than 5. The minimum expected count is .08.

Interpretation

Using Independent sample t test, it was found that p value is greater than 0.05, hence null hypothesis is accepted. Therefore, there is no significant difference between the occupation of the respondents and opinion that Trade Related Agreement on IPR (TRIPS) has contributed to development of IPR in India.

3. Fashion design comes under a separate set of IP Rights for Designs and Copyright Based on Age

		Fashion design comes under a separate set of IP rights for Designs and Copyright.							
		yes	no maybe Total						
Age	18-25	64	17	57	138				
	26-35	4	3	4	11				
	35-45	1	0	0	1				
	above 45	2	0	0	2				
Total	-	71	20	61	152				

Crosstab

	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	5.504 ^a	6	.481
Likelihood Ratio	6.274	6	.393
Linear-by-Linear Association	1.710	1	.191
N of Valid Cases	152		

Chi-Square Tests

a. 8 cells (66.7%) have expected count less than 5. The minimum expected count is .13.

Interpretation

Using Independent sample t test, it was found that p value is greater than 0.05, hence null hypothesis is accepted. Therefore, there is no significant difference between the age of the respondents and opinion that Fashion design comes under a separate set of IP rights for Designs and Copyright.

Based on Qualification

	C	1055140			
			U	omes under a sepa Designs and Cop	
		yes	no	maybe	Total
Qualification	upto higher secondary schooling	9	3	6	18
	UG level	52	15	51	118
	PG level	10	2	4	16
Total		71	20	61	152

Crosstab

Chi-Square Tests

	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	2.664 ^a	4	.615

Likelihood Ratio	2.720	4	.606
Linear-by-Linear Association	.332	1	.565
N of Valid Cases	152		

a. 2 cells (22.2%) have expected count less than 5. The minimum expected count is 2.11.

Interpretation

Using Independent sample t test, it was found that p value is greater than 0.05, hence null hypothesis is accepted. Therefore, there is no significant difference between the qualification of the respondents and opinion that Fashion design comes under a separate set of IP rights for Designs and Copyright.

Based on Occupation

Fashion design comes under a separate set of IP rights for Designs and Copyright. Total maybe yes no 3 Occupation self-employed 4 3 10 48 11 41 100 un-employed government 0 0 1 1 employee 19 16 private employee 6 41 Total 71 20 61 152

Crosstab

Chi-Square Tests

	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	4.490 ^a	6	.611
Likelihood Ratio	4.293	6	.637
Linear-by-Linear Association	.005	1	.942
N of Valid Cases	152		

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a. 6 cells (50.0%) have expected count less than 5. The minimum expected count is .13.

Interpretation

Using Independent sample t test, it was found that p value is greater than 0.05, hence null hypothesis is accepted. Therefore, there is no significant difference between the occupation of the respondents and opinion that Fashion design comes under a separate set of IP rights for Designs and Copyright.

4. Utility Model or Structure used in branches of social sciences, will come under the ambit of IP

Based on Age

		Utility Model or Structure used in branches of social Sciences, will come under the ambit of IP					
		yes	no	maybe	Total		
Age	18-25	75	28	35	138		
	26-35	6	3	2	11		
	35-45	1	0	0	1		
	above 45	1	1	0	2		
Total	-	83	32	37	152		

Crosstab

Chi-Square Tests

	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	2.594 ^a	6	.858
Likelihood Ratio	3.235	6	.779
Linear-by-Linear Association	.491	1	.484
N of Valid Cases	152		

a. 8 cells (66.7%) have expected count less than 5. The minimum expected count is .21.

Interpretation

Using Independent sample t test, it was found that p value is greater than 0.05, hence null hypothesis is accepted. Therefore, there is no significant difference between the age of the respondents and opinion that Utility Model or Structure used in branches of social Sciences, will come under the ambit of IP.

Based on Qualification

	Utility Model or Structure used in branches of social Sciences, will come under the ambit of IP				
	yes	no	maybe	Total	
Qualification upto higher secondary schooling	6	2	10	18	
UG level	68	24	26	118	
PG level	9	6	1	16	
Total	83	32	37	152	

Chi-Square Tests

	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	14.241 ^a	4	.007
Likelihood Ratio	13.257	4	.010
Linear-by-Linear Association	6.657	1	.010
N of Valid Cases	152		

a. 4 cells (44.4%) have expected count less than 5. The minimum expected count is 3.37.

Interpretation

Using Independent sample t test, it was found that p value is greater than 0.05, hence null hypothesis is accepted. Therefore, there is no significant difference between the qualification of the respondents and opinion that Utility Model or Structure used in branches of social Sciences, will come under the ambit of IP.

Based on Occupation

		Utility Model or Structure used in branches of social Sciences, will come under the ambit of IP					
		yes no maybe Total					
Occupation	self-employed	6	0	4	10		
	un-employed	54	20	26	100		
	government employee	0	0	1	1		
	private employee	23	12	6	41		
Total		83	32	37	152		

Crosstab

Chi-Square Tests

	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	9.365 ^a	6	.154
Likelihood Ratio	11.142	6	.084
Linear-by-Linear Association	.807	1	.369
N of Valid Cases	152		

a. 5 cells (41.7%) have expected count less than 5. The minimum expected count is .21.

Interpretation

Using Independent sample t test, it was found that p value is greater than 0.05, hence null hypothesis is accepted. Therefore, there is no significant difference between the occupation of the respondents and opinion that Utility Model or Structure used in branches of social Sciences will come under the ambit of IP.

DISCUSSION

DEFINITION OF INTELLECTUAL PROPERTY RIGHTS

Intellectual Property Rights are legal rights which grant the originator exclusive rights to control the use of his intellectual pursuits for a finite period. This entitles creators and entrepreneurs to gain befitting profit for their arduous intellectual workⁱ.

IMPORTANCE OF IPR AWARENESS

IP Rights protects the consequence of an inventors work by deterring infringement by others. It ensures recognition and incentive to creators. The individual is bestowed with the right to use, make money by selling or through alliances, trade, license the product, improve business thereby increasing revenue. Obtaining IP Rights is of prime importance especially in web based environment where work can easily be replicatedⁱⁱ.

TYPES OF INTELLECTUAL PROPERTY RIGHTS

Patent

Patent ensures that the owner's invention cannot be manufactured, utilized, circulated or traded for money for a finite period of 20 years. The owner has authority to license; permit other parties to use the invention on agreed terms. The patented invention can also be sold resulting in a new Patent owner. Once the 20 year period expires, the invention is susceptible to commercial use by others. Products which are against the law of nature, mere variation in form of existing substance do not qualify for patent protection. There are two types of patents: <u>Process patent</u>: Only the patentee is entitled to produce the product using that process <u>Product patent</u>: Only the patentee is entitled to manufacture the productⁱⁱⁱ

Trademark

Trademark is a distinguishing sign consisting of symbols, 3-D signs, sound or voices, Numerals, Devices, Fragrances, colors as special features. The owner receives exclusive rights to use it and the authority to permit others to make use of it in return for money. Initially the validity period of trade mark is 10 years and can be renewed.

Copyrights and Related Rights

It covers novels, plays, newspapers, films, musicals, paintings, drawings, photographs, architecture, maps, engineering drawings etc. Copyrights are usually sold to companies in

return for payment depending on use of the work. Copyrights are valid till 60 years from the author's death.

Geographical Indications

This right is given to a specific community hence shared by all members of that community. Geographical Indications are proof of quality and reputation possessed by the goods due to the place of origin. Agricultural goods are affected by specific factors pertaining to their place of origin such as climate, soil etc.

Industrial Design

It is an activity which results in ornamental appearance of the manufactured product. Ornamental features include surface roughness factors such as lay, waviness, colour or 3D shapes. It promotes and protects the production process design of various products of different industries. It differentiates products and is an Intellectual Property to be protected.

Trade Secret

It is classified information which gives a competitive advantage to an enterprise. Trade secrets are associated with Geographical Indications. These include policies or strategies such as sales plans, procurement plans, specific target areas for circulation, varied production layouts that result in increased revenue.

Layout Design For Integrated Circuits

Integrated circuits are electronic circuits established on or using semiconductor materials. Layout of the Circuit is protected by the IP Rights. This plays a wide role in computer hardware consoles as each enterprise has a specific layout for their products in order to distinguish and impart special characteristics to the circuit. The initial term is 10 years and can be extended later on.

Utility Model Rights

These are suitable for organizations which make minor upgrades or increments to existing products. These rights similar to patents provide exclusive protection to inventions also called minor patent or small patent or petty patent^{iv}.

INTERNATIONAL SCENARIO OF IP RIGHTS

- Understanding of Intellectual property rights started with Paris Convention on protecting industrial property in 1883 and later subjected to formal international trade negotiations through constitution of General Agreement on Tariffs and Trade(GATT) under the World Trade Organization.
- The TRIPS (TRADE RELATED INTELLLECTUAL PROPERTY RIGHTS) established minimum standards required in Intellectual Property which WTO member countries should respect. From 1986-1994, TRIPS was negotiated with international trade organizations in the Uruguay round of GATT.
- Before TRIPS, the 'patent' validity varied among countries. TRIPS stated all patents will be valid for 20 years. The countries which have ratified the TRIPS agreement have adopted the legal provisions under the agreement into their domestic laws. World Trade Organization was established in 1995 to monitor the execution of TRIPS and TRIM (TRADE RELATED INVESTMENT MEASURES).^v
- The TRIMS is also supplementary to the IPR field since the creators who profit out of their IP rights contribute to the global economy. The financial benefits of IPR grants exclusive monopoly over their creations and that brings in inflows by commercialization of such creations. The taxation behind the IPR profits also plays a vital role in compliance with the domestic financial laws of the countries.
- WIPO (WORLD INTELLECTUAL PROPERTY ORGANISTAION) aims to stimulate Intellectual Property Rights. It was created formally in 1967 in the WIPO convention and came into effect in 1970. According to the Convention's Article 3, WIPO seeks to promote Intellectual Property Protection all worldwide^{vi}.
- WIPO became a dedicated United Nations agency in 1974. The Agreement assigned WIPO with a more complex duty to promote economic development through technology transfer^{vii}.

- In Canada, various initiatives such as outreach campaigns focused on improving public knowledge on IP issues among SMEs, entrepreneurs, end user, law enforcers and general community have commenced. Outreach research has begun to learn attitudes and behavior and increase awareness o of different populations towards IP.
- Countries like China, USA, Japan and Germany have also organised effective outreach campaigns to improve their global IP footprint. Hong Kong, through its IPR programme has spoken to 175,571 students between 1997 and February, 2004. In April, 2003, a comic series for youngsters and students was published by IPD.

IP RIGHTS - INDIAN SCENARIO

There are separate enactments for various types of these IP rights in India, like Indian Patents 1970, Trademarks Act 1999, Designs Act and Copyright Act. All these enactments have procedures for registering the rights with the respective authority, which forum to approach in case of arising disputes between two parties etc. Intellectual Property Rights violates that are often being committed by perpetrators, are passing of trademarks, piracy of copyrighted material, industrial espionage by rival companies etc^{viii}.

Existing IPR Awareness Programmes

- The Ministry of Micro, Small & Medium Enterprises offers scheme for Improving Awareness on Intellectual Property Rights, which enhances knowledge through IPR seminar and workshops.
- The Ministry of Electronics and Information Technology's scheme for IPR knowledge, facilitates IPR workshops across educational institutes and industry in the ICT field.
- A Cluster level Intellectual Property Awareness program was initiated by the Controller General of Patents, Designs and Trademarks (CGPDTM) in connection with Industry Associations (CII, FICCI, ASSOCHAM)"

However, the mentioned schemes are not effective outside major cities. CIPAM is the prime agency to enforce the National IPR Policy. It focuses to carry out awareness programmes and industry customized workshops across various cities and rural regions of the country for school children, university students^{ix}.

Governing Departments

- Department of Industrial Policy and Promotion formulates Governing principles of Indian Patent System.
- Copyright is under the control of Ministry of Human Resource Development.
- Ministry of Agriculture looks after the Rights of Plant species and Farmers.
- The Ministry of Information Technology implemented the Information Technology Act and Design Layout Act. Ministry of Tribal Affairs, micro, small industries, Broadcasting, Culture are also involved in enforcement of Intellectual Property^x.

Make In India (2014-present)

It is a movement launched by the Indian Government to encourage companies to produce their goods in India and to encourage investments in manufacturing sector. It also contributes significantly to IP in India. It aims to raise awareness about economic, cultural and social Intellectual Property in Indian societies, to form and maintain strong IP rights, Commercialize IPR and extract value, increase human capital capable of imparting skills related to IPR and build strong enforcement techniques to combat infringement.^{xi}

Cell For IPR Promotion And Management (CIPAM)

In order to aid in India's economic progress, it is essential to employ Intellectual Property. Lack of knowledge in IP rights has slowed down India's progress in Intellectual Property. CIPAM was founded under the Department of Industrial Policy and Promotion to create IP Right awareness Pan India including cities and rural areas. It aims to conduct IP awareness workshops in academic institutions, Training programmes to cater Industry specific needs, programmes for judiciaries and workshops stressing on the importance of IP in an international setting. The project cost estimate is 29 crores and is scheduled for 3 years April 2017- March 2020^{xii}.

National IPR Policy 2016: Salient Features

The National Intellectual Property Rights Policy was approved on 12th May, 2016 which created the future path of India's Intellectual Property. It acknowledges the innovative talent

and brings all forms of IPR under one policy. The policy adapts international methods and sets the procedure for implementing, monitoring and reviewing^{xiii}.

CONCLUSION

This research study aimed at analyzing the level of awareness the millennials had of the Intellectual property rights. For understanding the conclusion, the millennials can be grouped of ages 28-30 as older group and ones aged 20-25 as younger group. The field-work of the research carried for the purpose showed that there is basic awareness regarding the IP rights among the millennials. The older group however failed to differentiate or identify what IPR actually meant compared to the younger group. The younger group employed in corporate sector and legal departments, law students and medical students, business administrators, possessed better knowledge of IPR and its application in law. The younger group, who are not associated with science and law, could not differentiate between various types of IP. New arena of IP rights like trade-secret and utility model is yet to gain momentum among the government sector.

SUGGESTIONS

- Workshops and conferences attract academicians and students belonging to science and legal departments, more papers on IPR must be presented.
- International standards of IPR must be stressed upon more.
- R&D department of private and government sectors must throw light on even financial aspects of IPR. At present, the demand is more only for pharmaceutical patents and trade secrets in India, and not for geographical indications.
- It was found that younger group of millennials not associated with science and law, also must be educated about IPR application. Since basic utility model and socio-economic structural model can be also be claimed as IP right.
- Private and corporate sector has employee millennials with degrees in Human resource and social sciences, who still have no knowledge on financial aspects of IPR. Financial aspect corresponds with investment, net profits and business; one can exercise through their products' IP right.

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