

The Evolution of Intellectual Property Rights in Ancient India and the Present Scenario Thereon - An Analysis

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DOI: <https://dx.doi.org/10.51584/IJRIAS.2025.1010000010>

Received: 06 October 2025; Accepted: 12 October 2025; Published: 27 October 2025

ABSTRACT

From Ancient times to present generation the evolution of Intellectual Property Rights reflects a complex interplay of historical, legal and economic factors balancing the need for innovation with public interest. This article provides a comprehensive analysis of the evolution, role, and contemporary relevance of the World Intellectual Property Organization (WIPO) in protecting Intellectual Property Rights (IPR) Globally. Tracing the origins of Intellectual Property from ancient India's communal knowledge-sharing traditions to modern state-granted exclusive rights, it highlights the dynamic transition from cultural norms to formal legal frameworks. The article reviews the historical development of IPR, including Patents, Copyrights, Trademarks, and Geographical Indications and India's journey in aligning its IPR laws with International Standards. The aim and objective of this article is to explore the role and functions of World Intellectual Property Organization and its relevance in development of contemporary legal frameworks and offering valuable perspectives on policy formulations and innovation management globally and in particular with respect to Indian Legal System. It also explores WIPO's objectives, functions, and its collaborative role with member countries to promote innovation, resolve disputes, and facilitate Global Cooperation. The discussion emphasizes the importance of protecting traditional knowledge, addressing emerging challenges such as digital piracy, and upholding equitable rights among developed and developing nations. The article concludes with a call for enhanced efforts to safeguard indigenous knowledge and traditional inventions within the global IPR system, underscoring WIPO's significance as a key institution for fostering creativity and innovation worldwide. It traces the historical context from ancient communal approaches, especially in India, to modern legal frameworks protecting innovation and creativity. The relevance of WIPO in fostering equitable intellectual property rights for all member nations is underscored. This includes an evaluation of India's compliance with Global agreements such as TRIPS agreement and its role in shaping the country's knowledge economy.

Keywords: World Intellectual Property Organization (WIPO), Intellectual Property Rights (IPR), Copyrights, Patents, Trademarks, Geographical Indications, Industrial Designs, Trade Secrets, TRIPS Agreement, Paris Convention, Berne Convention, Patent Cooperation Treaty (PCT), Arbitration and Mediation Centre (AMC), Global Innovation Index, India's National IPR Policy.

Aim And Objective:

The aim and objective of this article is to explore the evolution of Intellectual Property Rights in Ancient India and the present scenario thereon.

INTRODUCTION:

Intellectual Property Rights is not a new phenomenon in India as it was there in Ancient India right from Vedic Period. Based on the ancient texts and scriptures that are available Intellectual Property Rights in Ancient India right from Vedic period was not governed by any legal formal system prevailing in those days like the present system of State granted exclusive rights that are presently applicable with reference to modern Intellectual Property Laws. Though not there is no Ancient Legal System in India, the rights of Innovators (IPR) protected through a combination of cultural norms, religious values like the Guru Shisya Tradition and unique

preservation methods. It clearly shows the innovation/intellectual properties though abundant the emphasis is in those days was on communal knowledge sharing rather than individual ownership as is the case in the present system. The foundational principles laid down in those days (in Ancient India) are,

a). Vidyadaan (Knowledge of Gift): In Ancient Indian culture knowledge is considered a supreme charity and the ownership is not claimed by the Acharya/Guru but at the same time the knowledge was transmitted freely without any obligation or monetary benefit to their disciples and is called Vidhyadaan, an utmost Daan compared to other Daans that are materialistic in the world. This kind of Guru-Shishya Parampara makes the Guru to transmit everything that the Guru owes to the Shishya and it is translated in the form of a chain and thus the knowledge is preserved for the common man without getting any incentive or value.

b). Some of the Hindu sacred texts like Bhagawad Gita, a treatise of knowledge that advocates and is supposed to be transferred from Lord Krishna to Arjuna in the forms of verses mentioned that claiming the property rights in any form. Bhagawad Gita advocates that humans arrive and leave this eternal world empty handed and all the property included the intellectual property as they believed in those days ultimately to a divine power or universal source.

c). Creators fulfillment in Public Reception: While going through the Ancient texts like Natya Sastra suggests that *“the culmination of a creative act does not end with the creation itself but depends on the public’s reception and appreciation of the work. A creator success was not measured by private gain but by the benefit that the public gained.”*

In Ancient India, Intellectual Property Rights are protected by many methods of which the important methods are,

i). Oral recitation: In Mantra Shastras and Vedas each is unique and specialized in one field was protected from alterations or misappropriation with complex and precise methods of Oral recitation; this kind of protection is not only for commercial exploitation but also to preserve the purity of the texts in their original form as it was invented by our four fathers.

ii). Secrecy and Exclusivity: It is an unique combination of maintaining secrecy and in some fields opening to the public our ancient forefathers guarded the secret knowledge and shared the specialized the knowledge only among a select few intellectual disciples. As an example, the Vastu Sastra as it is predominantly applied in those days in constructions of houses, temples and Raja Prasad’s that are unique in their own way are taught only to a select disciples by the Acharyas because that knowledge is specific and has to be implemented not only in principle but with precision which is nothing but the present form of Civil Engineering. As an example one can say that in Vastu it is mentioned that, North East Corner (Esanya) should be greater than other three corners of the land but it is inscribed in Ancient Scriptures that it should be a maximum of single rise length but the present system of people not knowing it have extended it to many lengths causing unnecessary problems to the neighbors.

In another example, Indian Healthcare System in Ancient India was so developed by Acharya Sushruta and Acharya Charaka who authorized one in medicine and the other in Surgery passed their knowledge through hereditary system of paternity. This kind of transmission of knowledge restricted and preserved access based on merit (Yogyatha) and depends on the Acharyas discretion than the present system of State enrolled Rights (Son acquiring father’s property).

Koutilya’s Arthasastra with respect to inventions: If one can go through the treatise on Arthasastra, a gem of knowledge suggests many ways in protecting and encouraging innovations. During Chanakya time, the rulers used to support the inventors and scholars who excelled in their work that benefited the public. This kind of protecting the inventors who have sacrificed their lives for the benefit of the society are being rewarded by the rulers in an appropriate manner in recognition of their contribution to the society.

However, the present global situation is entirely different and one country wants to show their supremacy to others, those ancient values in protecting Intellectual Property Rights are changed by the introduction of Intellectual Property Laws by each country as per the environment available in that country and slowly a

World Intellectual Property Organization was formed in the beginning known as Paris Convention and from then member countries follow the principles so that the invention of one country cannot be a gain to the other country without proper recognition and value added recognition.

LITERATURE REVIEW

As already mentioned above Intellectual Property Rights are deep rooted in Ancient India though not in the present form that is locked in a legal system when the vest has not opened their eyes.

In an article titled “*History and Development of Intellectual Property*” written by Ms. Sony Kashyap published in International Journal of Education, Modern Management, Applied Sciences & Social Science (IJEMASSS) on January-March 2021, the author brought out some important points such as,

1. What are Intellectual Property Rights (IPR)?

As per World Trade Organization (WTO) Intellectual Property Rights are the rights given to people over the manifestations of their psyches, “*they as a rule give the maker a restriction directly given over the utilization of his/her creation for a specific time frame*”. In any case, an IPR is not only an option to prohibit others from utilizing, selling or delivering the secured resources. It is likewise assigned to give the holder the option to appoint or permit the rights for business or other likewise assigned to give holder the option to appoint or permit the rights for business or other bonafide employments. This incorporates the option to duplicate, appropriate and sell the resource.

There are different types of Intellectual Property Rights but of which three most important are,

“Patent: A Patent is a restrictive right allowed for development which is an item or a cycle that gives all in all, another method of accomplishing something or offers another specialized answer for the issue.

Copy Right: Copy Right or the creators correct is a lawful term used to depict the rights that makers have over their scholarly and masterful works. Works covered by copyright range from books, music, art works, models and movies to PC programs, datasets, ads, guides, and specialized drawings.

Trademark: Brand name implies an imprint fit for being addressed graphically and which is equipped for recognizing the merchandize or administrations of the individual from those of others and many incorporate the state of products, their bundling and blend of shadings.”

The author also mentioned that, the ancient records that are identified with the Intellectual Property Rights goes back to sixth century BC. The first enactment in India that is being identified with licensing system was the Act VI of 1856. The main aim of the Act is according to the author,

“to urge innovations to incite creators to uncover the mystery of their developments. Then came the Patents and Designs Protection Act till a correction is made in the year 1883, this Act remained in force as it is. The Indian Patent and Designs Act supplanted all the past laws in India in this demonstration arrangements identifying with the award of mystery licenses, patent of expansion and increment of the term of patent from 14 years to 16 years were included.”

To bring all this fact into one Act during colonial period, the State of Anne was passed in 1710, an achievement throughout the entire existence of copy right law. It perceived that the creators ought to be essential recipients of the Copy Right Law and perceived that such copy rights thoughts ought to have a restricted span (28 Years) after which the work would passed into the span.

Copy Right Law came into existence in India in the year 1847, through an authorization during the prevailing system of East India Company. It is also mentioned in the Act that the “***Public authority could concede an obligatory permit for distributing a book if the proprietor of the copy right, upon passing of the writer, denied its distribution, enrollment of copy right was required to authorize rights under this demonstration.***”

In 1914, under the colonial rule, the then Indian Council authorized another Copy Right Law which was like the United Kingdom Copy Right Act 1911. This Act was in force and was a correction is made after Independence 1957, the Copy Right Act was instituted by the autonomous India to suit the arrangements of the Berne Convention. This Act was amended from time to time in the interests of inventors and the public at large till 2012.

In another landmark reform, with respective trademarks to identify one object with the other, brand names have been utilized in the Thirteenth Century in England. In the year 1266, under the rule of King Henry III, a Trade mark enactment was passed in England. However, the route of the trademark/brand name since thirteenth century in England, the final enactment was made in 1857 in France, trailed by the Merchandize Act in England in 1862.

The origin of Trademark/Branding in India, with the passing off Trademark Act, 1940 which was a replica of British Trademark Act, 1936 subsequently the Trade and Merchandize Act 1958 was established and number of revisions were made in the Act till 30th Dec, 1999.

According to history in India, identification of Brand names as Trademark Act, 1940 which resembles British Trademark Act 1938 until 30th December 1999 different revisions were made in the Act to meet the situations thereon and in accordance with International Laws.

In another article titled *“Intellectual Property Rights and the Ancient Indian Perspective”* written by Janani Ganapathi and Dr. Venkat Pulla published in Open Access Journal, Space and Culture India 2015 , mentioned a quote of Eeshwaran 2010, who mentioned a verse from Bhagawad Gita, where Lord Krishna states,

I quote,

“One should not claim proprietary rights over anything or attach the pronoun, ‘mine’ to anything, since the true owner of all things is no one but God, from whom everything originated, in simple yet profound ways”.

In the same context the author mentions, referring to Bhagawad Gita, ***“as humans we bring nothing, to produce nothing, everything is from here (meaning from the supreme) given to us. Thus nothing can be destroyed. Whatever you have given, you have given only here. These are conversations between Lord Krishna and Arjuna during Mahabharata conflict.”***

The author from the same Bhagawad Gita quotes a valuable quote which I am quoting here is,

“What is yours today, belonged to someone else yesterday, and we belong to someone else the day after tomorrow. You are mistakenly enjoying the thought that this is yours. It is this false happiness that is the cause of your sorrow”. (Bsnaorg, 2015)

In the same article, the author mentions, ***“Knowledge – sharing in Ancient India”***,

“The predominant culture was the vedic culture. The vedic tradition of Hinduism is more than a religion, a way of life and a complete philosophy (Stephen-Knappcom, 2015)”.

Another article titled, ***“Evolution of Intellectual Property Rights (IPR) in India: A Historical overview”*** written by Dr. Mahesh Ramaswamy, Asha S, Dr. Sujit Kumar published in Sage Publications, I quote,

“The historical evolution of Intellectual Property Rights in India underscores the nation dedication to fostering innovation, protecting creator’s rights and promoting economic development. From Ancient acknowledgments of creative skills to modern legislative frameworks and international agreements, India’s IPR Journey has been marked by significant milestones”.

The author at a nutshell has brought out in simple terms, the journey of Intellectual Property Rights from Ancient India till today’s modern India.

The other article titled, “***Intellectual Property Right Law-History***” written by Yashjain_6601 published in Legal Service India Journal

I quote,

“Intellectual Property means, the creation of mind, Logos, Symbols, writings, machines etc., This creation of mind is worthy as it contributes enormously to the nations economy, these creations encourage innovations and reward entrepreneurs in many ways.”

How beautifully the author narrated the crisp of Intellectual Property Right? In the same article while discussing various acts of IPR mentions, I quote, this creation of mind is worthy as it contributes enormously to the nation’s economy. These creations encourage innovations and reward entrepreneurs in many ways.

The Ministry of Commerce and Industry, Department for promotion of Industry and Internal Trade, Office of the Controller General of Patents, Design and Trade Mark (O/o. CGPDTM) in a booklet entitled “**BOUDDHIK AAGMANN**”

“While compelled by Vishal Shukla, Assistant Commissioner, Patents and designs, Patent Officer, Delhi has brought out a neat presentation aiming to introduce the historical development of Intellectual Property (IP) globally and the key development in India’s Intellectual Property Rights (IPR) Laws from the Pre-Independence area to the contemporary legislative framework, illustrating the evolution of policies shaped by National Priorities and Global Agreements”, mentions,

I quote,

“The History of Intellectual Property reveals a gradual evolution from communal knowledge sharing to formalized rights. This journey reflects the growing recognition of creativity and innovation, emphasizing the importance of protecting intellectual contributions in society.”

The department under the above guidance of V. Shukla mentioned the contents of the brochure in the following sub-headings,

- a. Intellectual Property Rights in the early civilization
- b. Evolution of Intellectual Property Rights in India during the pre independence era. Developments during post independence era in India,
- c. Contemporary IP framework in India.

In the conclusion Para, the author has brought the entire framework in simple words, I quote,

“The evolution of Intellectual Property reflects society’s changing values towards creativity and innovation. As we move forward, continuous adaption of laws and practices is essential to protect and promote intellectual endeavors.”

“IP LAWS ARE DYNAMIC”

DISCUSSIONS AND CONCLUSIONS:

One has to look into the concept of Intellectual Property, for which it is always matter that one has to understand the property for any person (layman) the meaning of property is some material object belonging to a person, that can be visualized by him/her. Such person holding a right over the property normally is called owner of the property. In the same manner, Intellectual Property is nothing but a person who visualizes and make it useful to the other persons but derived and developed by him/her is called Intellectual Property. Due to the advancement of science and technology and the competition that is arising in the market, it has become necessary to protect these rights of an individual. In this process, there are number of other areas where in the

concept of Intellectual Property has peeped into and needed recognition not only in the country of origin but also universally.

In early stages, when civilization is not grown that much only literary works of luminaries was recognized and a copy right to those works are made and without the consent of the original writer for no one can either publish it or make use of it. As the time passes and the rapid growth of civilization with developmental activities universally in all the fields, this Intellectual Property has taken its roots into other areas namely,

- a). Copy Right and Related Rights
- b). Trademarks, Trade names and Service Marks:
- c). Geographical Indications
- d). Industrial designs,
- e). Patents
- f). Layout designs of Integrated Circuits
- g). Information Technology and finally
- h). Undisclosed information.

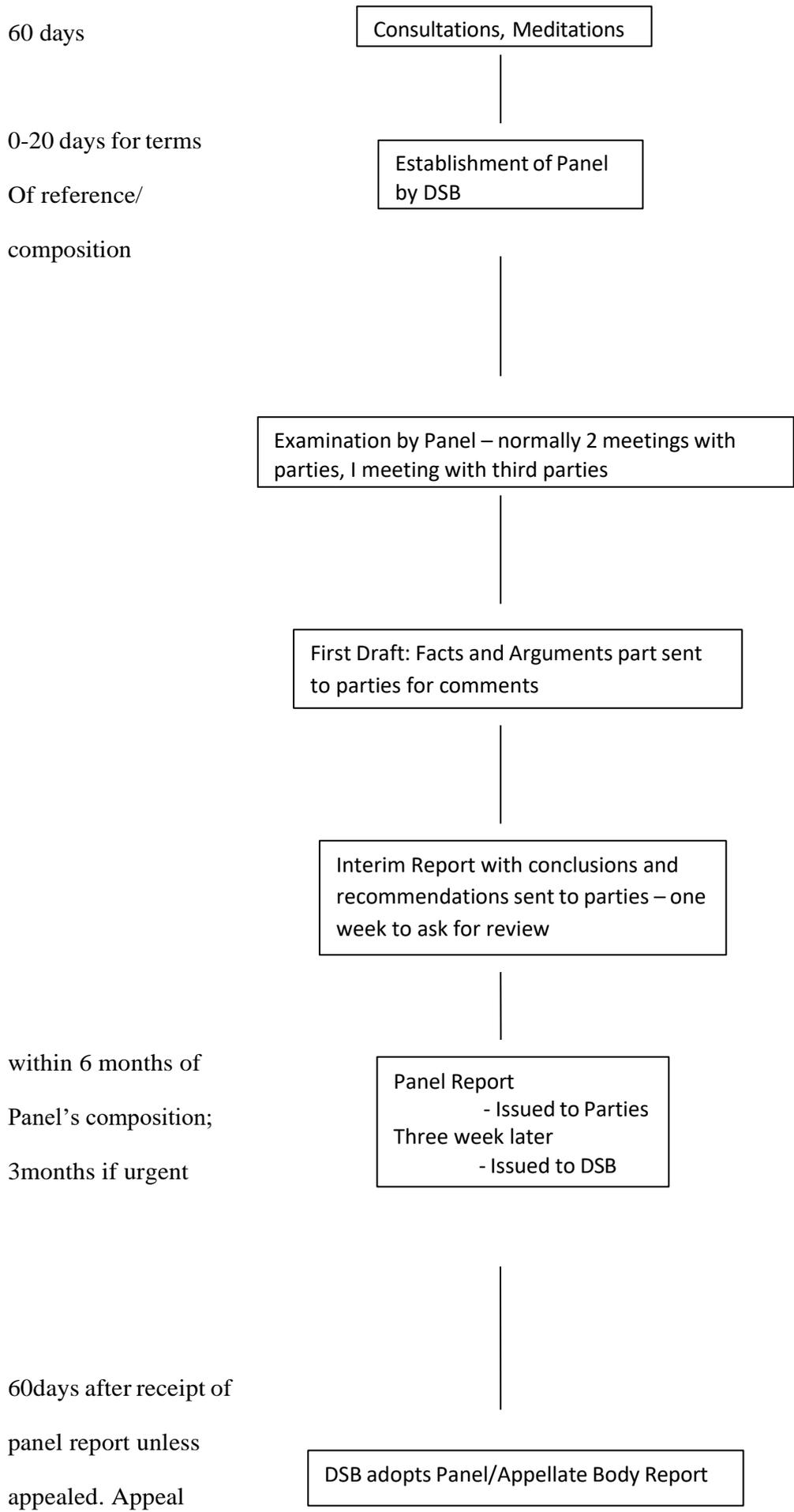
Intellectual Property is concerned with the human capacity to produce something new that is not available till that date and offer it for public purpose and use. The Intellectual Property is intangible and though in each case it is associated with Tangible object but it is independent of the object itself. In this context, what is Intellectual Property Right that protects the Intellectual Property is the use or value of ideas and not the abstract ideas themselves; on the other hand if there are no rights there will not be any Intellectual Property over the ideas perse. When we goes back to the concept of property and to appreciate the meaning of intellectual property one has to look to the justifications advanced for protection of tangible property to appreciate the justification of Intellectual Property.

In this aspect of grant of legal monopoly powers even for a limited period is the only way to give adequate economic benefits for the creator of this Intellectual Property. In this regard, it is not only the creators own Country but also the area of rights should spread over the entire Globe so that a creation cannot be used for profit making by other countries with least effort. Thus, came the evolution of Universal Intellectual Property by World Intellectual Property Organizations etc, the universal bodies representing majority on the countries so as to stop infringement by other persons/countries who are not in no way with the creations. This will make the countries where it was created and developed to enjoy the fruits of it and to curb the illicit activities of other countries who have no local standee on those creations. To arise any disputes/claims and settlements some Mechanism is evolved to resolve such disputes and organization called World Trade Organisation, a universal organization that has a say in the global trade market. This organization namely WTO has given the credibility and led to effect to enforcement, if the rules based global trade system by the member countries. The guiding principle to resolve any dispute and settle the matter is,

“equitable, fast, effective and mutually acceptable”

The main aim of WTO is to resolve the disputes in its entirety so that the verdict of WTO will become finality. Normally this will happen when a member country raises a question of clarification or interpretation. When a violation took place by other member country and the suffering member country can raise the question and WTO is responsible for bringing the dispute in an amicable manner so that the creator nation is not put into loss/hardship.

The following chart shows the panel process in dispute resolving act.



decided within 30days,

90days, absolute maximum

As already mentioned above intellectual property laws either in India or universally to develop and protect human Intellectual mind and the creators from the loss of infringement, exploitation and save the creator from financial loss. The Intellectual Property is defined under Article 2(8) of the world property organization in 1967 to include rights relating to

- a). Literary, Artistic and Scientific works
- b). Performance of performing artists, phonograms and broadcasts
- c). Invention in all fields of human endeavour
- d). Scientific discoveries
- e). Industrial designs
- f). Trademarks, Service Marks, Commercial Names and Discoveries
- g). Industrial Designs
- h). Protection against unfair competition and all other rights resulting from the Intellectual activity in the industrial, scientific, literary or artistic fields.

Following are brief descriptions regarding Intellectual property laws that are developed and applicable in India.

- a). Copy Right Act, 1999: The Rights that accrued under this Copy Right are
 - i). Reproduction Rights – Right to produce copies of the product,
 - ii). Performing Rights – Acts and Performances constitute these rights and can thus be preserved.
 - iii). Recording Rights- It includes sound recording for the works.
 - iv). Motion Picture rights – making a motion picture
 - v). Broadcasting Rights
 - vi). Translation and Adaptation Rights

To summarize the above all in Copy Right Act, 1999, every policy, concept, though it is on the paper or the artistic presentation which involves human skill and advancement can be protected.

The main aim of literary and artistic works are to be brought to the public and that will enables others to give more creations, it is necessary for the governments of that country to protect rights of those creators to help, to carry out further in their creative activities. This law will enable them to protect their rights and interests of the creators.

In this regard, there is an International Law and a provision is made in that to protect the creator's rights universally is from TRIPS Agreement. The provisions of TRIPS Agreement that governs copyrights have been adopted by Berne and Rome Convention and are related to

- a. Computer Programs and data Bases
- b. Rental Rights for computer programs, games, recordings, films, literary works and audio visuals.

- c. Right of Broadcasting Organizations
- d. Paintings and Drawing sculptures
- e. Photograph works and finally
- f. Architectural Works

In this context, the Copy Right Act or the TRIPS Agreement makes it possible to the creators,

“Copy Right is given very precisely and its infringement is a crime which could be sort under civil and criminal proceedings. The Civil Proceeding would grant the relief to the Right Holder or the Petitioner while under criminal law it is a cognizable offense and the person causing infringement could be arrested without warrant by an officer not lower the rank of Sub-Inspector and can be sent to jail along with a suitable fine; and the product will be seized along with”.

However, there are some limitations where this Copy Right does not permit to enforce, namely,

- a. Historical works are not subject to be copy right.
- b. Television Programs, News and Coverings that are based on the live affairs

While discussing about Intellectual Property Rights in the present scenario, one has to make a comprehensive study of how WIPO evolved and circumstances and conditions that promoted the WIPO. The WIPO convention the constituent instrument of World Intellectual Property organization (WIPO), was signed at Stockholm on July 14, 1967 and came into force 1970 and was amended in 1979. Broadly speaking WIPO is an inter governmental organization and in 1974 it has become a specialized agency of the United Nations System of Organizations.

“The origin of WIPO goes back to 1883 and in 1886 when the Paris Conventions for the protection of Industrial Property and the Berne convention for the protection of literary and artistic works respectively were concluded. Both conventions gave way for the establishment of an International Bureau”.

The two bureaus were united in 1893 and in 1970 were replaced by the World Intellectual Property Organization by virtue of the WIPO convention. The two main objectives of WIPO are

- a. To promote the protection of WIPO of Intellectual property world wise and
- b). To ensure administrative cooperation among the intellectual property unions established by the Treatise that WIPO administers, as follows,

“In order to attain these objectives, WIPO, in addition to performing the administrative tasks of the Unions, undertakes a number of activities, including: (i) normative activities, involving the setting of norms and standards for the protection and enforcement of intellectual property rights through the conclusion of international treaties; (ii) program activities, involving legal and technical assistance to States in the field of intellectual property; (iii) international classification and standardization activities, involving cooperation among industrial property offices concerning patent, trademark and industrial design documentation; and (iv) registration and filing activities, involving services related to international applications for patents for inventions and for the registration of marks and industrial designs.

Membership in WIPO is open to any State that is a member of any of the Unions and to any other State satisfying one of the following conditions: (i) it is a member of the United Nations, any of the specialized agencies brought into relationship with the United Nations, or the International Atomic Energy Agency; (ii) it is a party to the Statute of the International Court of Justice; or (iii) it has been invited by the General Assembly of WIPO to become a party to the Convention. There are no obligations arising from

membership of WIPO concerning other treaties administered by WIPO. Accession to WIPO is effected by means of the deposit with the Director General of WIPO of an instrument of accession to the WIPO Convention.”

Following table is the brief history of functions of WIPO and the decisions that are taken from time to time and their conventions,

1883 — Paris Convention for the Protection of Industrial property	First step taken to protect intellectual work in other countries. It covers: <ul style="list-style-type: none"> ▪ Inventions(patents), ▪ Trademarks, ▪ Industrial Designs.
1886 — Berne Convention	For the Protection of Literary and Artistic Works. It covers: <ul style="list-style-type: none"> ▪ Novels, short stories, poems, plays; ▪ Songs, opera, musicals; ▪ Drawings, paintings, sculptures, architectural works.
1891 — Madrid Agreement	The first international IP filing service is launched.
1893 — BIRPI established	Two secretariats set up to administer the Paris and Berne Conventions combine to form the United International Bureaux for the Protection of Intellectual Property (BIRPI).
1970 — BIRPI becomes WIPO	WIPO becomes a member state-led intergovernmental organization.
1974 — WIPO joins the United Nations	WIPO become one of the agencies of UN.
1978 — Patent Cooperation Treaty (PCT) system launched	By filing one international patent application under the PCT, applicants can simultaneously seek protection for an invention in a very large number of countries.
1994 — Arbitration and Mediation Centre (AMC) established	The Centre offers alternative dispute resolution services to help solve international commercial disputes between private parties.

Following are the functions of WIPO

- Policy forum to shape balanced international IP rules for a changing world.
- Global services to protect IP across borders and to resolve disputes.
- Technical infrastructure to connect IP systems and share knowledge.
- Cooperation and capacity-building programs to enable all countries to use IP for economic, social and cultural development.
- A world reference source for IP information.

However, there are certain limitations and exceptions, the organization like wipo cannot move beyond such limitations and exceptions and are

- In order to maintain an appropriate balance between the interests of rightholders and users of protected works, copyright laws allow certain limitations on economic rights.
- These are cases in which protected works may be used without the authorization of the rightholder and with or without payment of compensation.
- Limitations and exceptions is an issue considered in the agenda of the WIPO.
- The debate has been focused mainly on three groups of beneficiaries or activities in relation to exceptions and limitations – on educational activities, on libraries and archives and on disabled persons, particularly visually impaired persons.

Being a member of WIPO administered International Treatise and conventions India as a member, as such its obligations are,

- Paris Convention for the Protection of Industrial Property
- Convention Establishing the World Intellectual Property Organization
- Berne Convention for the Protection of Literary and Artistic Works
- Patent Cooperation Treaty
- Washington Treaty on Intellectual Property in respect of Integrated Circuits
- Nairobi Treaty on the Protection of the Olympic Symbol

World Intellectual Property Organization namely WIPO is world body looking after Intellectual Property Rights of their member countries. As of now there are 193 member countries in WIPO and all these member countries have to adhere to the dictate of WIPO, if any member countries violate are punishable and at times the punishment is been suspension for longer period from the membership which will cause enormous loss to the member country. There are around six types of Intellectual Properties covered under WIPO and are namely Copy Right, Patents, Trademarks, Industrial Designs, Geographical Indications and Trade Secrets. The WIPO convention, the constituent instrument of the World Intellectual Property Organization was first signed in Stockholm on 14th July 1967 and became enforceable in the Year 1970 and was amended from time to time due to the advancement in technology and more property rights are surfacing by the member countries that are brought to the organization to be included. From 1883 the First Paris Convention, there are number of conventions till date and each time, a new property right or an amendment to the existing property right are carried out to the full satisfactions of the member countries. At a nutshell, WIPO's mandate is to lead the development of a balanced and effective International IP System that enables innovation and creativity of the benefit of all. Article 3 of the WIPO convention mentions the objective of the Organization and that are

a). To promote the protection of Intellectual Property throughout the world through cooperation among states and where appropriate, in collaboration with any other International Organization.

b). To ensure administrative organization among the unions.

The functions of WIPO as per Article 3 of the convention are it will encourage the creation of policies aimed at facilitating effective Intellectual Protection on a global scale and coordinating national laws in this area.

The administrative duties of the Paris Union, the Special Unions established in connection with that union, and the Berne Union should be carried out by WIPO. Any further International Agreement intended to advance the protection of Intellectual Property may be assumed by or involved in WIPO.

It will push for the signing of International Agreements aimed at advancing the defense of Intellectual Property.

States desiring, legal-technical help in the area of Intellectual Property may request collaboration with WIPO. It will assemble and disseminate information about Intellectual Property Protection, conduct and support research in this area, and publish the findings of such research. WIPO must continue to offer services that aid in the protection of Intellectual Property abroad and where necessary, arrange for registration in this area and the publication of data in this area pertaining to registrations.

The WIPO Publications collection includes a variety of knowledge products, including general guides, introductory overviews, and practical manuals, as well as yearly reports, economic research and statistical analysis. By WIPO and with Cornell University and INSEAD, the Global Innovation Index is also published. This Global Innovation Index in 2021 ranked India as 46th Nation.

Some of the major initiatives taken up by India for IPR Protection are,

- a). Establishment of a center of excellence for National Intellectual Property Rights.
- b). Supporting Meity Societies and Grantee Institutions with IT facilities.
- c). Financial Support for Intellectual Patent filing for startups and SMEs.
- d). Patent Analysis and Management System
- e). Creation of IPR awareness through Digital Media
- f). Geographical Indications: The Geographical Indication of Goods Act, 1999 which the DIPP administers, Ministry of Commerce and Industries.

There are three courses that are open to the owner of IPRs to enforce his/her rights in case of their infringements. The Holder of IPR including an assignee or a licensee may file a suit for civil action against a person or firm who infringes his/her rights.

Criminal Procedures: In Criminal Procedures, normally the State moves a court for criminal action in case of infringement.

Administrative Procedure: Action such as seizure of infringing goods.

Civil Procedures: In Civil Procedure, the infrastructure and mechanism available for civil proceedings in case of infringement of IPR should conform to the provisions of TRIPS Agreement. A Civil Court can provide a wide range of reliefs in case of infringement of Intellectual Property are a). In the form of an Injunction, b). Damages or accounts of Profits, c). Any such other relief that is just and necessary in the interests of justice.

Injunction is a prohibitory order/relief to stop the infringement and that can also be an interlocutory injunction, means not to enforce an established right but to maintain the status quo till the proceedings are complete.

Damages are met to compensate the owner of the IP for the monetary loss suffered by him/her due to infringement by the defendant. In addition the Petitioner is liable to submit the accounts regarding the Intellectual Property that is in question and the profit/loss due to infringement are to be proved. On the other hand, there are no profits no award can be passed as a relief. In addition damages and accounts are alternative remedies the Plaintiff can choose but only one of them not both.

The Civil actions can also offer remedies for acts which are themselves not infringement but may be preparatory for completing infringement. A remedy is a general provision which authorizes the court to grant such other reliefs as it may deem necessary for complete redressal of the Complaint. In criminal proceedings, Penalty's for infringement are tougher than in civil proceedings. Criminal Penalties involve a real prospect of imprisonment for a substantial period. The legal framework provided under the trips agreement is making enforcement of IP in criminal proceedings more effectively. In addition to civil and criminal proceedings administrative action can be taken up by the respective agencies for effective steps in case of violation of

TRIPS Agreement; such as action taken by the customs authorities at national borders by seizing infringing goods if the owner of IPR notifies the commission of customs and exercise that incoming consignment is violative of his/her IPR.

With the advent of growth of internet and ecommerce to fight piracy in Cyber cases it is necessary to develop a counter infringement technology that make copying very difficult and easy to detect. This kind of development of technology makes it very difficult for the infringement of IP goods by infringers.

Presently there are several types of electronic devices such as Magnetic Strips as the one on a credit card which stores large amount of coded data readable with a scanner. The smart card incorporating a computer chip which can carry a large amount of data upon access, encryption where electronic signal is scrambled but it is readable through an authorized key.

Finally the concept of Intellectual Property will be understood, if one can understand what is meant by the term Property. For an ordinary person, Property means who is not accustomed to technical terms (some material object belonging to a particular person and the ownership is critical to the concept of property). Ownership means right to possess, use and dispose of the property and exclude the others. At a nutshell, it means the ones right to property should be acknowledged by the society at large. In legal terminology, property refers to the bundle of rights that the law confers on a person by virtue of the ownership and possession of an object.

Finally, to conclude, the TRIPS Agreement of the WTO recognized seven categories of IPRs and that are,

- a). Copy Right and related rights
- b). Trademarks, Trade names and Service marks
- c). Geographical Indications,
- d). Industrial designs
- e). Patents
- f). Layout designs of Integrated circuits
- g). Undisclosed information

In India, there are several acts that are passed from time to time to protect Intellectual Property Rights and especially in post independent are

i). The Patents Act, 1970: Reconfiguring the Patents Act, 1970, Reconfiguring the Patent Policy for National development and replacing the colonial era, Indian Patents Designs Act, 1911.

ii). The Copy Right Act, 1957: Adapting Copy Right Law to the digital era and replacing the Indian Copy Right Act, 1914 and the Copy Right Act, 1957.

iii). The Trademarks Act, 1999: Modernizing Trademark protection for a globalized economy and replacing the trademark Act 1940 and the Trademark Act, 1990

iv). The Geographical Indications of Goods (Registrations and Protection) Act, 1999: This Act protects and safeguarding traditional knowledge and cultural heritage.

Following are some of the International Agreements signed by India for the commitment to IPR internationally,

i). Paris Convention for the protection of Industrial Property (1883): India joined this convention in 1998 ensuring the protection of Industrial property including patents, trademarks and industrial designs.

ii). India has demonstrated a sustained commitment to refining its Intellectual Property Rights framework, strategically aligning it with Global standards while protecting domestic innovations and economic growth.

Finally, the National IPR Policy, 2016 is a strategic framework for innovation Eco System Development and it represents a comprehensive strategic Blueprint aimed at cultivating robust and dynamic innovative eco system.

There are certain legislative amendments to harmonize with International Norms and adapting to technological descriptions. Being a member country of the WIPO convention India has exhibited a consistent commitment in adopting its IPR legislations to address emerging challenges and achieve greater harmonization with respect to International Norms particularly relating to TRIPS Agreement. The Patents (Amendment) Act, 2005 expresses this adaptive approach by introducing provisions for Product Patents in Pharmaceuticals and Agro chemicals thereby fulfilling India's obligation under the TRIPS Agreement. This kind of adaptiveness will reflect India's commitment to Global Patent Rights and its commitment to fostering a level playing field internationally.

India's rich cultural heritage and knowledge of indigenous medicines and products like Geographical Indications like Basmati Rice, Narsapur Coconut in AP, the famous Tirupati Laddu of diety Balaji are some of the examples that are unique in their content, taste and observations and cannot be copied by anybody Globally.

CONCLUSION

Intellectual Property Rights assumed significant importance globally because of Technological Advancement, that increased piracy copying, which made the inventor/owner of the Intellectual Property to forego his/her rightful share for the invention he/she made. This kind of Infringement/Piracy/Copying has given a thought by the states globally and the first WIPO Convention popularly known as Paris Convention came into existence subsequently WIPO one of the most sought-after international body that protects the Copy Right in any form not only the individuals but also the Companies (Software Companies), Pharmaceutical Industries to name a few. Now the stage has come that a patent is registered in one country and obtained Intellectual Property Right, the same will hold good in all the countries where they are the members of WIPO, it means if a patent or a copyright obtained in a country of origin which is a member of WIPO need not apply for the same rights in other countries also, those countries who are the members of International Organization. In this regard, India is lagging behind with respect to traditional knowledge in medicines in which China is taking a lead because in India at every loops and corners of the country especially in Villages, these traditional medicines and geographical indications that are being used centuries together but are not patented till date. India is a vast country with different cultures, habits and religious perceptions but having rich knowledge in traditional medicines and geographical indications and majority of them are not protected under copy right. As an example, Basmati Rice which is produced by India and Pakistan because Punjab is being divided into two countries where this kind of Rice is produced in both the countries and with the assistance of this Basmati Rice an American found produced with native rice and Basmati (Cross breeding) and named it as Techmati and applied for Patent. Of course, both the countries fought together and got the rightful place for Basmati Rice. Likewise there are so many Traditional Medicines and products developed and produced and used in particular region of the country long since but are not included in the International Directory of Traditional Knowledge, Patents and Copyrights.

It is high time that the country should make efforts to unearth such knowledge that is in use centuries together to be protected under Intellectual Property Right internationally to safeguard not only the interests but also the financial losses of the regions where it is being developed and used long since. To my knowledge and belief the Government is making their efforts in getting more Intellectual Property Rights that are not covered by any Agreement/Act International/National that are being infringed by others for financial gains. Hence, it is obligatory on the part of the country and government to make sincere efforts to protect such knowledge and protect the interests of the persons who have inherited and preserved such knowledge till date.

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