PREFACE

Intellectual property rights are effective instruments for economic development of the country. This is brought about by providing protection for the products of intellectual creativity. Intellectual property is all about the human creativity. Intellectual property rights are considered as reward for creative and skillful work in execution of ideas. Infact, it is more than a reward for creating and executing innovative thoughts and ideas. Intellectual property covers within its ambit a wide array of laws relating to Trade Marks, Copyright, Patents, Designs, Geographical Indications, Plant Varieties and Semiconductor Integrated Circuits Layout-Designs, trade Secret. There is a wide spread perception that protection of one’s Intellectual Property is not as much important as that of tangible property. Such assumption does not hold good in today’s fast pace globalizing world. Intellectual property protection is provided to encourage innovation, creativity and technical development. The primary rationale for intellectual property protection is to promote societal development by encouraging technological innovation.

The importance for intellectual property rights for international trade and commerce has been recognized by the world over. Many International agreements to regulate grant and exploitation of intellectual property right have been signed between countries of the world either bilaterally or in the form of multilateral agreements. The most notable amongst them have been the Paris Convention for the protection of Industrial Property, the Berne Convention for the Protection of Literary and Artistic Work, the Madrid Agreement Concerning the International Registration of Marks and the Protocol Relating to that Agreement (1989), the Hague Agreement, the General Agreement on Tariffs and Trade, the WIPO Convention, the Patent Cooperation Treaty, the Trademark Registration Treaty, the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure, the Protocol on Madrid
Agreement, the Agreement on Trade-Related Aspects of Intellectual Property Rights, the World Trade Organisation.

The use of the intellectual property by the society brings about social, economical, industrial and cultural prosperity in the country where such rights are granted. Industrialization has brought significant changes in the concept of property. The present era of globalization added enough fuel to many changes in society initiated by industrialization. Globalization has its impact in revolutionizing the concept of property and has also played a significant role in promoting private property rights. Basically, property means a thing which has got some commercial value and the intellectual property is all about ideas skillful expressed resulting in innovative and creative works. It is the property resulting out of intellectual efforts in the practical application of innovative ideas resulting from human intellect or ingenuity.

The principal function of Judiciary is to provide legal remedies against infringement of personal and property rights of persons. The intellectual property rights for their effectiveness depend upon the speed with which they can be enforced by the courts. The statutory provisions provide only a modicum of direction as regards the nature of remedies and the procedure for safeguarding them, leaving a large extent of freepay within the province of judges. Indian judiciary, has to keep abreast of the laws and help the industry leap into the 21st century with the confidence that their intellectual property is secured.

Grant of intellectual property rights and there proper enforcement encourages fair trade as well as international trade, facilitating access to quality products by consumers of the country irrespective of their origin. This leads to mutual development of the countries. We are living in a society where knowledge has been recognized as a potent force. Emergence of strong intellectual property regime and its global impact has endless opportunities for creating wealth i.e., physical property. In borderless economy, multilateralism and globalization coproduces each other. In India intellectual property scenario has changed
drastically in the past few years. The intellectual property law in India has grown in theory as well in practice.

**PLAN OF STUDY**

Chapter I introduces intellectual property rights, its general background, origin, development, importance and its main implications.

Chapter II highlights steps taken at the international level for the protection of the intellectual property rights. In this chapter various international Conventions, Agreements are discussed in detail.

Chapter III deals with the procedure for the acquiring intellectual property rights in India under various statutes and its compatibility with the international standards.

Chapter IV elucidates the general legislative framework for licensing and assignment of the intellectual property rights. In this chapter the rights of the general public has been recognized. If the intellectual work is not been available than the same will be taken by any other person or Government by obtaining the compulsory licensing.

Chapter V further delineates the enforcement of the intellectual property rights in India. This chapter discusses in detail the infringement of the intellectual property rights, the dispute settlement mechanism under the TRIPS. The chapter also deals with the response of the judiciary for the tackling of infringement of intellectual property rights.

Chapter VI further elucidates and discusses the compatibility of the Indian law with European Union and USA.
Chapter VII describes the role of judiciary in the protection and enforcement of intellectual property rights. It gives the judgments of the Apex Court and other High Courts vividly in the matter of intellectual property rights.

Chapter VIII is based upon the research, draws conclusions, suggestions on the acquisition and enforcement of the intellectual property rights.