

PROCEEDINGS



59

National Seminar

on

IPR Management in Biodiversity Conservation: Implications of Access Benefit Sharing, TRIP/CBD and Biodiversity Acts

January 17-18, 2020



In collaboration with
GOVERNMENT OF RAJASTHAN
Rajasthan State Biodiversity Board



Jointly organized by
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Proceedings of the
National Seminar

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**IPR Management in Biodiversity Conservation:
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and Biodiversity Acts**

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Published by: Organizing Secretary of the National Seminar, Kanoria PG Mahila Mahavidyalaya, Jaipur.

ISBN: 978-93-5396-760-4.

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Intellectual Property Rights in Science: Issues and Challenges

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Abstract

If someone invents something new, there should be a mechanism to spread and "teach" it, as well as to guard it so that the inventor--and his or her assigns--may benefit from it. If every invention can be copied by others immediately, the invention process wouldn't be very profitable, and a major driver of innovation would be lost.

On the other hand, a considerable number of technical professionals believe that IPR (patents) can slow the progress of science. Patents create a monopoly around specific areas of technology and, in extreme cases, prevent others from making progress in the area. Patenting the ideas may prevent the widest possible adoption. Wouldn't it be better to have the freedom to publish all inventions and let the whole world to gain the benefit? In some cases, the answer is yes. The Open Source movement is one example of a revolt from "intellectual property" and the development of an "intellectual commons" in which many people freely share and contribute improvements to software and, arguably, achieve a final product that is superior in reliability to that produced by an individual software company. This is one aspect however, in other scientific fields, an open-source IP may hamper the adoption of a technology. Companies, especially high-tech start-ups, require millions of dollars of investment before they produce a product that is ready for the commercial market. If a company has no protection from copycats, their invention is likely to be copied as soon as it hits the market. The price of the product would quickly fall to the level of the marginal cost of its manufacture. Knowing this, no company is likely to invest in the product's development unless it has legal fortification. So, there may be some circumstances in which patenting your invention is the *best* way to ensure that it will be used by someone.

Scientific communities in developing countries are particularly vulnerable to limitations of cooperation and access to information, resulting from stronger intellectual property rights protection, as their efforts to obtain normal science results must be considerable. Present review furnishes a brief overview of IPR with special emphasis in science on issues and challenges originates from it.

Keywords: IP, Patents, Copyrights, Invention.

Introduction

Intellectual property (IP) is the novel ideas, scientific inventions and creation of the human intellect such as artistic, literary, technical, or scientific creation on which there is a public willingness to bestow the status of property. Intellectual property rights (IPR) refers to the legal rights given to the inventor or creator to protect his invention or creation for a specific period of time (1).

These legal rights confer an exclusive right to the inventor/creator or his assignee to fully utilize his invention/creation for a given period of time. It is very well established that IP-play an important role in modern economy. IPR is a potent tool, for the investment protection, time, money, effort invested by the inventor/creator of an IP, since it grants the inventor/creator an exclusive right for a