

STRATEGIES AND POLICIES FOR INTEGRATING IPR IN HIGHER EDUCATION SECTOR IN INDIA

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ABSTRACT

The current era is the era of knowledge. Knowledge has become a powerful tool to win any war-like situation. Today, global economies run on the power of knowledge. To make a country more powerful, more knowledgeable human resources are required. Thus, the role of the education sector is prominent in creating knowledge resources. Knowledge concepts are systematized and disseminated through the education system. As per the World Bank report, India stands third in the world after the US and China as far as the higher education system is concerned. However, when we talk of quality in higher education, it falls short of institutional recognition at the world level. The reason may be the lack of impetus for innovation and research in India's education system. To improve the quality of higher education in India, a new National IPR policy was launched in 2016 to promote innovation and creativity in higher education institutes.

Also, a new National Education Policy was formulated in 2020 which acknowledged less focus on innovation and research in higher educational institutes as a major problem and aims at developing academic inquisitiveness, scientism, and creativity in these institutions. It is necessary not only to create new knowledge but also to protect it as an intangible human asset. Through Intellectual Property Rights (IPR), the owner gets proprietary rights over the newly created knowledge or innovative ideas, though for a limited duration of time, thereby reducing the chances of theft or misuse of these. The present study focused on understanding the importance of Intellectual Property Rights (IPR) and strategies in terms of policy measures and steps taken by the government to integrate IPR into the education sector in India. The study found that though, the government is taking many measures for popularizing the concept of IPR creation and promotion, still much awareness needs to be created among students and faculties. The study is based on content analysis of secondary data collected from sources like published government reports, research journals, research articles, websites newspapers, etc. The study is descriptive and exploratory.

Keywords: Knowledge, Intellectual Property Rights, Higher education, Innovation

INTRODUCTION

The current era is the era of knowledge. Knowledge has become a powerful tool to win any war-like situation. Today, global economies run on the power of knowledge. To make a country more powerful, more knowledgeable human resources are required. Thus,

the role of the education sector is prominent in creating knowledge resources. Knowledge concepts are systematized and disseminated through the education system. India's education system stands third in the world, after the US and China, according to a World Bank report (Reddy, 2019). However, when we talk of quality in higher education, it falls short of institutional recognition at the world level. The reason may be the lack of impetus for innovation and research in India's education system. To encourage innovative and creative approaches in higher education institutions to improve the quality of higher education, the government of India introduced a new National IPR policy in 2016. Also, a new National Education Policy was formulated in 2020 which acknowledged a less focused approach on innovation and research in higher educational institutes as the main cause of quality deterioration and aims at developing academic inquisitiveness, scientism, and creativity in these institutions. It is necessary not only to create new knowledge but also to protect it as an intangible human asset. Through Intellectual Property Rights (IPR), the creator gets proprietary rights over the newly created knowledge or innovative ideas, though for a limited duration of time, thereby reducing the chances of theft or misuse of these.

Intellectual Property Rights (IPR) are the rights secured by the owners or creators for their intellectual creations and are divided into two categories: (a) Copyright covering works related to arts and literature such as story books or novels, plays, poems, paintings, films, and musical compositions, etc.; (b) Industrial property including patents, trademarks and geographical indications, industrial designs and trade secrets (World Trade Organization, n.d.)

LITERATURE REVIEW

Sattiraju, et al.(2022) compared Indian HEI IP policies with global HEIs and found that implementation of a well-built IP policy framework at state/regional and HEI level played a prominent role in building an innovation ecosystem for supporting national economic growth.

Balahadia, et al. (2022) conducted a study to assess the university students' awareness level of IPRs in the Philippines and found that students knew about various IPs like patents, trademarks, copyrights, etc. but the respondents were indifferent about their practical utility. He suggested that universities should work more to maintain identical and consistent levels of understanding about IPRs among students.

Bhatnagar & Raathi (2018) did a comparative study of the intellectual property rights (IPR) systems in India and China and concluded that although both countries have remarkably improved in granting protection to intellectual creations still some challenges need to be addressed. The authors opined that to foster innovation and bring more overseas investment, India should overhaul its intellectual property rights (IPR) system.

Gupta & Aggarwal (2017) studied the impact of IPR on technological innovation in India and concluded that a robust and efficient IPR system can encourage innovation and facilitate the transfer of technology.

Mingaleva & Mirskikh (2013) examined Russian Laws in force relating to IPR to reveal the main problems and collusions of legal regulation of intellectual property protection in education and innovation. He highlighted that the Intellectual property rights of lecturers and tutors are left unprotected in Russia.

OBJECTIVES OF THE STUDY

The study aims at achieving the following objectives:

- i. To figure out the importance of IPR in the higher education sector.
- ii. To explore the strategies in terms of policy measures and steps taken by the government for integrating IPR in the higher education sector in India.

RESEARCH METHODOLOGY

The study is based on content analysis of secondary data collected from sources like published government reports, research journals, research articles, articles on websites and newspapers, etc. The study is descriptive and exploratory.

DISCUSSION AND RESULTS

Creating new knowledge and protecting existing resources is crucial for competing in a knowledge-based global economy. Therefore, intellectual property rights are an important tool for promoting the creation of new knowledge and protection of created knowledge. National Knowledge Commission Report (2006-09) remarked that India should act as a spearhead of knowledge creation in order to become a global knowledge leader.

Importance of IPR

- a. **Fosters Ingenuity and New Ideas:** Intellectual property rights assure the creators and owners of new ideas that their hard work in creating new knowledge will be acknowledged and protected and the new knowledge will not be used by others for business purposes in an unauthorized manner.
- b. **Spread of Knowledge:** The shield provided by intellectual property rights allows the knowledge creators, authors, or inventors to put their work in the public domain and share the new knowledge with others without worrying about its unauthorized usage and replication.
- c. **Promotes Economic Growth:** Intellectual property-based industries promote economic growth remarkably by encouraging job creation, investment, etc. Creators can earn income in the form of royalties if they duly record or patent their innovative ideas or content as IPs.
- d. **Consumer Protection:** Trademarks and patents help consumers to make informed choices by identifying reputable products and services. Consumers can rely on the quality of the product associated with its trademark.
- e. **Geographical Indications (GI tags)** add aesthetic value to the place of origin: GI-tagged products, for example, Gond art paintings of Madhya Pradesh, bring the place to the global map and help in promoting tourism activities. It also helps in preserving cultural heritage.
- f. **International Collaboration and Technology Transfer:** As IPRs allow the protection of inventions and innovations, companies

across the globe collaborate and collaborate and partnerships to share the knowledge and expertise created through their research and development activities. Hence, IPRs facilitate global cooperation and technology transfer.

- g. Raising Finance: Duly filed and granted IPs like patents and industrial designs, are intangible assets and can become instrumental in raising finance for business.

Government interventions for supporting and promoting IPRs

Realising the importance of IPR in higher education, the Government of India has taken several strategic and policy measures to integrate it into the education system.

- I. Creation of an IPR management framework in the form of the National IPR Policy in 2016 which provides for combining eight types of IPR in one place, (See Table#01), for better implementation, monitoring, and review of laws relating to them (Ministry of Commerce and Industry, 2023).

Table-01: Various IPRs and Regulatory Considerations

S.No	IPR	Related Act/Law	Terms of Protection
1	Patent	Patent Act, 1970 & Patent (amend.) Rules 2021.	20 years
2	Trademark	Trademark Act 1999 & Trademark Rules 2017	10 years and renewable for a further 10 years as per terms
3	Designs	Designs Act 2000 & Designs (Amendment) Rules 2021	10 + 5 years

4	Copyrights	Copyrights Act 1957 & Copyrights Rules (amend.) 2021.	Authors: lifetime Producers: 60 years Performers: 50 years
5	Geographical Indications	Geographical Indications Act 1999 & GI Rules (amend.) 2020.	10 years and renewable for a further 10 years as per terms
6	Semiconductor IC Layout Design	Semiconductor Integrated Circuits Layout Design Act 2000 & Rules 2001	10 years
7	Trade Secrets	Common Law approach covered through IPC, Contract Act, IP Act, and Copyright Act	Covering a full-time period for which confidentiality is maintained
8	Plant Varieties	Protection of Plant Varieties and Farmers Rights Act (PPVFR), 2001	6-10 years

Source: pib.gov.in

- ii. Interventions under IPR Policy: The prominent strategies formulated by the government for promoting IPR in the education system are NIPAM (National Intellectual Property Awareness Mission) for creating awareness through training programs and educational institutes; NIPA (National Intellectual Property Awards) for acknowledging creations by individuals, institutions, organizations and undertakings; Providing Technical, financial and legal assistance in filing and obtaining patents in the form of a dedicated Patent Facilitation Program; SPRIHA (Scheme for Pedagogy & Research in IPRs for Holistic Education and Academia) for promoting development of IPRs in higher education institutes through setting up of IPR Chairs. A total of 37 Chairs are working towards IPR knowledge expansion and capacity/ skill building in IPRs (Ministry of Commerce and Industry, 2023).

- iii. National Education Policy 2020: NEP 2020 provides for the incorporation of technology in teaching-learning accompanied by innovation and research for skill development and ability enhancement in students. New amended Ph.D. regulation advocates for and recommends students and faculty to patent their innovations or new knowledge.
- iv. Provision of KAPILA Committee under Kalam Program for IP Literacy and Awareness: A 5-membered committee consisting of 2 faculty members, 2 industry experts, and 1 legal consultant can submit 20 patent applications per year after evaluation at the institute level, 50% of which will be eligible for funding on reimbursement basis (Kumar, 2023).
- v. Setting up of National Research Foundation (NRF): Establishing NRF in the ambit of NEP 2020 with the objective of creating a culture of research in higher education institutions and collaborating among researchers and associated branches of the government and the industry.
- vi. Other measures: Reducing the amount of fee for the filing of patents by educational institutes, fast forwarding the examination process for grant of patents for certain classes of applicants like women, establishing technology innovation support centers for educational awareness and commercialization of IP (Aspirant IAS Academy, 2023).

SUGGESTIONS

The study proposes the following suggestions:

- i. Creating awareness about IPR among all stakeholders of higher education: A number of steps are being taken up by the

government for the creation and promotion of IPs still much more needs to be done to make IPRs everybody's cup of tea. For this purpose, a handbook containing all IPR-related information should be compiled and made available to all stakeholders especially faculties and students.

- ii. Striking a balance between preventing unauthorized use/ misuse of created knowledge and easy accessibility to learners: Though IPR plays a pivotal role in protecting and rewarding innovation and creativity in the education sector, it should not obstruct the broader goal of equitable access to knowledge for learners and education for all.
- iii. Developing IPR-based curricula and courses: A favorable ecosystem for IPR protection will require specialists and professionals who are trained in IPR laws. Besides, professionals for taking care of filing and registering IPRs are also required in large numbers. Therefore, integrating IPR-based courses into curricula is much needed. IPR-based short-term courses, diploma courses, training sessions, workshops FDPs, etc. should be organized in large numbers and regulatory authorities like UGC should provide resource persons who are trained in various aspects of IPR for conducting such programs.

CONCLUSION

In global economies, IPRs have shown up as a strategic tool for growth and development. Human capital is the most valuable resource for the growth and development of the country. People creating new knowledge or generating innovative ideas are intangible assets and IPRs provide them protection from misuse or

stealing of their intellectual creations. Despite having a large educational framework and infrastructure, the quality and quantity of research and innovation in the education sector have made it inferior to the world's best institutions, yet the Indian brains are outperforming and exhibiting their talents in other developed countries. To improve the quality of higher education in India, the government strategized to make an enabled ecosystem within the higher education system. NEP 2020, the establishment of the National Research Foundation, National IPR Policy 2016 –all is a concerted effort towards making a conducive environment for IPR promotion and protection. Though, the government is taking many measures for popularizing the concept of IPR creation and promotion still much awareness needs to be created among students and faculties.

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