

A CRITICAL STUDY ON THE AWARENESS OF INTELLECTUAL PROPERTY RIGHTS AMONG GENERAL PUBLIC IN TAMIL NADU

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ABSTRACT

Intellectual property rights (IPR) are legal rights granted to an inventor or creator to safeguard his or her creation for a specified length of time. These legal rights allow the inventor/creator or his assignee the exclusive right to fully employ his invention/creation for a set length of time. The major objective of this paper is to know the awareness of intellectual property rights among the general public. The research method followed here by the researcher is an empirical method. A total of 206 samples have been taken by the researcher in and around Poonamallee and in online platforms by convenient sampling method. The independent variables taken here are age, gender, educational qualification, and residence zone. The dependent variables include awareness of intellectual property protection available for the original and new work, whether the IPR would protect consumer rights etc.,. The statistical tools used are graphical representation, ANOVA and Chi-Square. The results observed from the analysis of the study is that, though the majority of the respondents are aware about IPR and its benefits, still a significant number of people lack awareness. Hence the awareness of IPR must be brought to all people at least from high school.

KEYWORDS:

Intellectual Property, Innovations, Consumer Rights, Awareness and IP Rights.

INTRODUCTION:

The concept of intellectual property is not new, as the intellectual property system is thought to have originated in Renaissance northern Italy. By the end of the nineteenth century, new creative manufacturing methods had enabled large-scale industrialization, which was accompanied by rapid city growth, capital investment, railway network expansion, and nationalism, prompting many countries to establish contemporary Intellectual Property laws.

The government has taken a number of initiatives to promote intellectual property, including SIPP (Scheme for Facilitating Start-Ups Intellectual Property Protection), which protects and promotes start-ups' IP rights, and the Patent Facilitating Program, which raises awareness and provides training on IPR.

In India, IPR has a limited influence and currently confronts issues. This is a difficult matter, especially for large international corporations in fields like medicines and agriculture, where violations occur as a result of insufficient enforcement of rights and protracted litigation battles. India, along with China, Russia, Indonesia, Saudi Arabia, and Venezuela, is on the United States Trade Representative's (USTR) 'Priority Watch List' for insufficient protection of American companies' rights. In several cases²⁴⁶, the Indian government has been hesitant to enforce IPR to safeguard the interests of Indian nationals. In an emergency, for example, the government can force the patent owner or get someone else to mass-produce a critical drug under the provision of compulsory licensing.

²⁴⁶ www.iptse.org

Another problematic issue is Section 3(d) of the Indian Patent Act, which prohibits large pharmaceutical corporations from 'evergreening,' or extending a patent indefinitely by making minor changes to previous patents.

The current trends related to the topic are the Indian IP regime has made significant progress in terms of IP rights protection and enforcement. Intellectual property protection is a fundamental component of the offshore company strategy. Over the last 35 years, India has forged its own IP path. The future of IPR in India will be determined by three factors: public understanding of the benefits of IPR, stronger enforcement, and persuading Indians that national interests will not be jeopardised.

With an overall score of 95.31 points in 2021, the United States was the leading country for the finest intellectual property environment. On the global intellectual property index, India ranks 40th out of 53 countries. When it comes to the protection of intellectual property and copyright issues, India has improved its scores.

OBJECTIVES:

- To analyse the awareness of Intellectual Property Rights among the public.
- To study the impact of IPR on bringing innovation and works.
- To know how far the IP laws are protecting Consumer Rights.

REVIEW OF LITERATURE:

R.Tiwari et al. (2011) in Journal of Natural Science, Biology and Medicine says that Industry and public health both benefit from intellectual property. The rise of new global public-private collaborations, such as the malaria vaccine effort, has demonstrated that managing an intellectual property system is critical for the development of medicines and subsequent access to them. **Calestous Juma (2000)** The study proposes that attempts to improve TRIPS compliance should be supplemented with public-interest initiatives in developing nations, including as health,

nutrition, and environmental conservation. While some of the measures can be handled through global forums, many of them should be addressed through domestic legislation and policies aimed at encouraging innovation and expanding international trade. **N. Lalitha (2004)** Plant protection may increase governmental and private sector research in the field of plant biotechnology, but it may also result in increased seed prices, preventing small and marginal farmers from accessing this new technology. **Antara Dutta et al. (2008)** They classified industries according on their technological reliance on innovation, and found substantial evidence that after TRIPs, Indian enterprises in more innovation-intensive industries raised their R&D spending. They also discovered that after TRIPs, India's patenting in the United States increased, with a bigger growth in more innovative industries. **Sonja Babovic (2011)** They present a detailed analysis of the difficulties raised by the TRIPS agreement that impact India. They observed that compulsory licensing could be another way for India to deliver low-cost versions of patented pharmaceuticals to Least Developed Countries (LDCs). **Jajpura et al. (2017)**, IPR is a point of focus in global trade practices and lifestyle across the globe in the current globalisation scenario. These rights encourage innovation by providing acknowledgment and financial advantages to the creator or inventor, but a lack of IPR understanding and inadequate execution may stymie the nation's economic, technological, and societal progress. As a result, any nation must prioritise the transmission of IPR information and its proper execution. **Alin Speriusi-Vlad (2014)** Given that international commerce transactions frequently include intellectual property that must be safeguarded, it is vital to define landmarks, or standards that establish de facto limitations, in order to preserve intellectual property without jeopardising the fundamental rights and civil liberties of others, particularly users or future users of goods and services that incorporate intellectual property. **Peter M. Bican et al. (2017)**

by their mixed method approach and their findings aid companies in controlling knowledge in open innovation processes through intellectual property rights. To avoid inadvertent information drain, management should account for the idiosyncrasies of open innovation preparation and open innovation termination. **Mattias Ganslandt (2007)** found that in terms of basic concepts, the economic research on the interaction of competition law and intellectual property rights reveals that these regulatory systems are harmonious. However, there are significant difficulties, and balancing IPR and competition legislation in practice is difficult. The major variations in approach between the US and the EU simply reflect the underlying truth that efforts to strike a reasonable balance do not result in policy harmonisation. **Moe Alramahi (2009)** domain names are contract entities, and contract law will safeguard them in some way. Domain names are intangible property with limits, according to the bundle of rights theory. Even though certain names are extremely valuable, they are not protected beyond contractual rights. Property rights protection should be provided for these names. The appropriate form of property rights is still a point of contention. **Kenneth Himma (2013)** he claims that neither definition of the commons is directly applicable to information objects, and so is pertinent to the question of whether legal protection of intellectual property rights is morally justified. **Richard A. Spinello (2007)** overview of his paper was to show an overview of Intellectual Property Justification and the basics of Intellectual Property laws. He found that because of the harm to the intellectual commons, overprotection can be just as harmful as underprotection. The ideal property rights regime strikes a careful balance. **Liam Séamus O'Melinn (2015)** his study contends that the intellectual property rights revolution is backward-looking rather than forward-looking, and that it is incompatible with the patent and copyright clause's goals. It is powered by the common law copyright notion, which has been

with us for centuries and purposefully recasts social connections in order to recast them as property. **Louise Hallenborg et al. (2008)** the authors after describing the major types of IP they discuss areas of IP law where worldwide harmonisation has occurred, or has not yet occurred, as well as the relative merits of various national and regional IP protection systems.

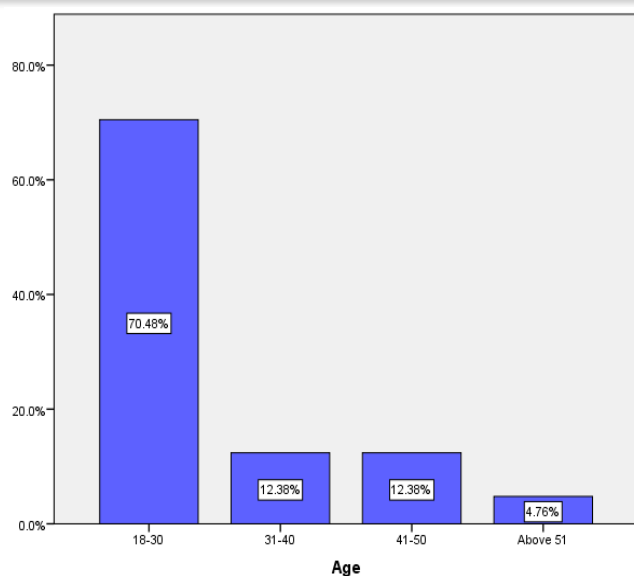
Nicolas Joint (2006) he observed that the existing culture around intellectual property rights, particularly in higher education, is both ambiguous and perplexing, especially for the "information illiterate" beginning degree programmes. Attitudes and regulations must be explained in order to provide a consistent approach to a variety of relevant intellectual property (IP) issues such as plagiarism, self archiving on research repositories, and respect for commercially owned copyright material. Debate must be distinguished from policy, which must then be implemented through an information literacy (IL) curriculum.

METHODOLOGY:

The research method followed here by the researcher is an empirical method. A total of 206 samples have been taken by the researcher in and around D Mart and 7 in online platforms by convenient sampling method. The independent variables taken here are age, gender, educational qualification, and residence zone. The dependent variables include awareness of intellectual property protection available for the original and new work, whether the IPR would protect consumer rights etc.,. The statistical tools used are graphical representation, ANOVA and Chi-Square.

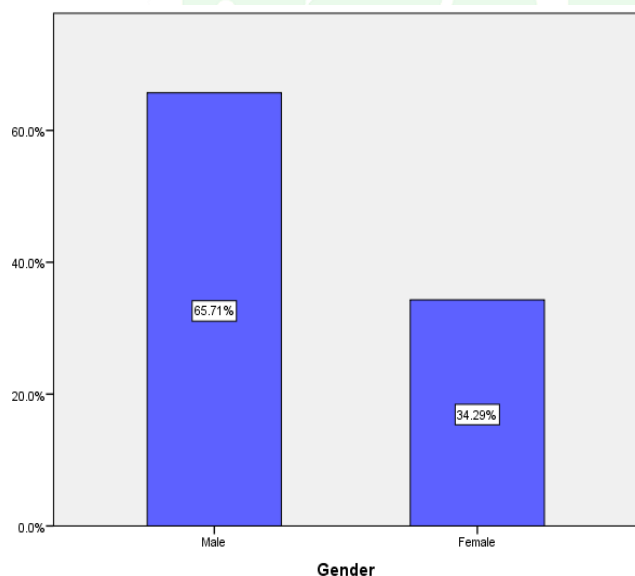
ANALYSIS:

Figure 1:



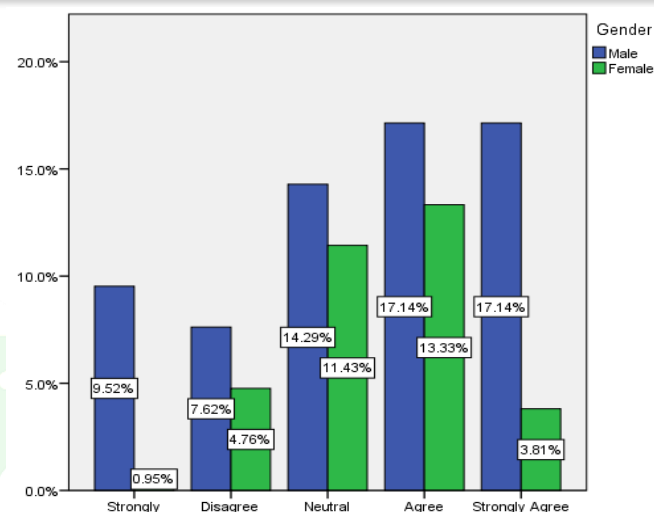
Legend: Figure 1 bar graph shows the percentage analysis of age of the sample population.

Figure 2:



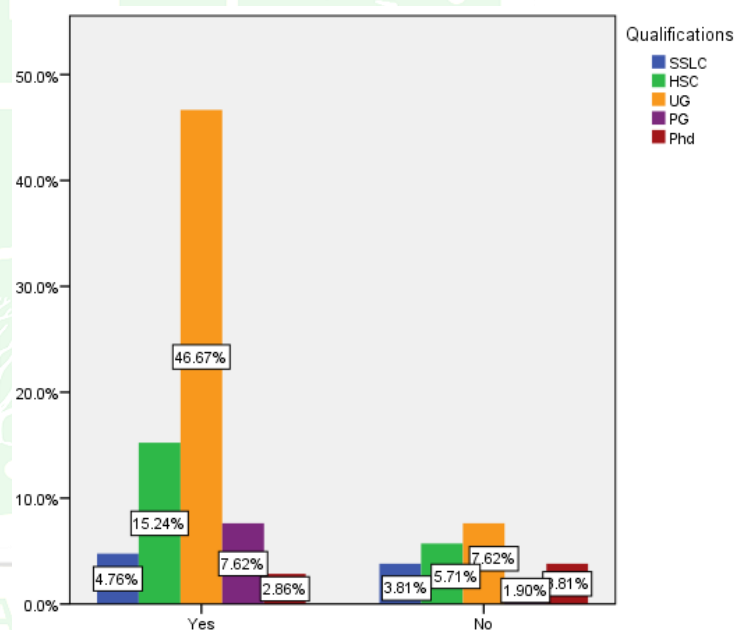
Legend: Figure 2 bar graph shows the percentage analysis of gender of the sample population.

Figure 3:



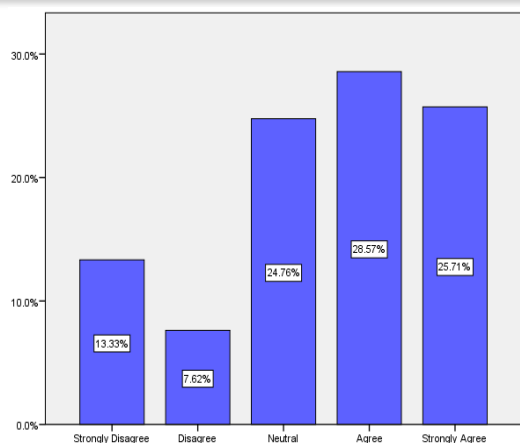
Legend: Figure 3 clustered bar chart shows the percentage analysis on views of the sample population on the statement 'I am aware of the intellectual property rights available to the people for their work which is new and original', based on gender.

Figure 4:



Legend: Figure 4 clustered bar chart shows the percentage analysis on views of the sample population on the statement 'Do you think that a strong enforcement of IP rights safeguards rights of consumers?', based on qualifications.

Figure 5:



on whether awareness of IPR would motivate people to come up with new ideas and innovation.

STATISTICAL ANALYSIS:

HYPOTHESIS 1: Opinion of sample population on whether the sample population is aware of the intellectual property rights available for new and original works, based on age.

Table 1: ANOVA

Legend: Figure 5 bar graph shows the percentage analysis of the sample population

I am aware of the intellectual property rights available to the people for their works.

	Sum of Squares	df	Mean Square	F	Sig.
Between Groups	4.812	3	1.604	1.037	.379
Within Groups	156.179	101	1.546		
Total	160.990	104			

Legend: The above table (Table No.1) shows the ANOVA result of the opinion of the sample population whether the sample population is aware of the intellectual property rights available for new and original works, based on age.

HYPOTHESIS 2: Opinion of sample population on whether strongly enforced IP rights would safeguard consumer rights based on residence zone.

Table 2: CORRELATIONS.

		Correlations	
Do you think that a strong and enforced IPR safeguards consumers and families right?	Pearson Correlation Sig. (2-tailed) N	Do you think that a strong and enforced IPR safeguards consumers and families right?	Residence Zone
		1 .299** 105	.299** .002 105
Residence Zone	Pearson Correlation Sig. (2-tailed) N	.299** .002 105	1 105

** Correlation is significant at the 0.01 level (2-tailed).

Legend: The above table (Table No.2) shows the correlations on the views of the sample population on whether strongly enforced IP rights would safeguard consumer rights based on residence zone.

HYPOTHESIS 3: Opinion of sample population on whether the awareness of IPR would motivate the people to come up with new ideas and

innovations based on their educational qualification.

Table 3: CHI-SQUARES.

Chi-Square Tests

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	16.023^a	12	.190
Likelihood Ratio	17.933	12	.118
Linear-by-Linear Association	2.197	1	.138
N of Valid Cases	105		

a. 15 cells (75.0%) have expected count less than 5. The minimum expected count is .38.

Legend: The above table (Table No.3) shows the chi-square test of the sample population on whether awareness of IPR would motivate the people to come up with new ideas and innovations based on their educational qualification.

RESULTS:

Figure 1 represents the age group of the sample population in which most of the respondents fall between the age group of 18–30. **Figure 2** shows that the majority of the respondents are males from the sample population. **Figure 3** clustered bar graph represents the opinion of the sample population on whether they are aware of the intellectual property rights available to the people for their new and original works based on gender and it shows that both the gender agree with it majorly. **Figure 4** shows the opinion of the sample population on whether strong enforcement of IP rights safeguard rights of the consumers based on the qualification that the

majority of the sample population agree with.

Figure 5 bar graph represents the response on whether awareness of IPR would motivate people to come up with new ideas and innovation in which the majority of the sample population agree and strongly agree with it.

Table 1 ANOVA shows that there is no significant difference (0.379) among the sample population on the existence of IP rights available for new and original works etc by age.

Table 2 shows that there is positive correlation ($R=.299$) on whether strongly enforced IP rights protect consumers. **Table 3** Chi-Squares (0.196) shows that there is no significant difference among the sample population on their views on whether awareness of IPR would motivate people to come up with new ideas and innovation.

DISCUSSIONS:

After analysing the results it's seen that though the majority of the respondents are aware of the existence of IP rights still many are not

aware of it, this might be because of the lack of awareness at large scale and also it is an emerging field gaining recognition. The result also shows that most of the respondents are aware that IPR protects the rights of consumers this might be because when a person has a faith and belief on the quality of a particular brand he/she shall prefer it, if there is no IPR (such as trademark) then there would be many fake products coming under the name of that particular brand which might deceive the consumers as well the infringe the rights of manufacturer. It is also seen that a significant number of people agree that awareness of IPR would motivate people to come up with new works and innovation etc. This might be because IP provides a safeguard to the owners of work that it will not be used by others. Based on the statistical analysis (such as ANOVA, CHI-SQUARE & Correlations) of the responses collected from the sample population most of their opinions or views are the same irrespective of age, gender and occupation.

LIMITATIONS:

One of the major limitations of the study is the size of the sample frame. Since the sample frame is restricted to a small area, it is difficult to extrapolate it to a larger population. Another limitation is the sample size of 202 which cannot be used to assume the opinion of the entire population in a particular country, state or city. The physical factors have a larger impact, thus, limiting the study.

RECOMMENDATIONS:

Based on the analysis it is found that there are a significant number of people who have no idea of intellectual property rights and those people who are aware of it know the importance of IPR. So, it is recommended that at least the basics of IPR are taught at the school level itself so this might encourage entrepreneurial nature in the young minds.

CONCLUSION:

Intellectual Property Rights are the protection given to the works of the creator for their new

and original works which safeguards their rights by preventing a third party from using those products. The major objective of this paper was to study the awareness of intellectual property rights among the general public. Based on various analyses it was found that though the majority of the respondents are aware about intellectual property rights, still a significant number of people lack awareness about it, hence large scale awareness is needed to let the people know about the importance of IPR in protecting intangible assets. Thus it is concluded that awareness of IPR is necessary as it helps in protecting intangible assets, one of the ways by which it can be done is by providing the basics of IPR to the students in their high school etc as recommended by this paper.

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