

Intellectual Property Rights in Digital Media

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ABSTRACT

The purpose of this Research paper is to define how intellectual property and Intellectual Property rights works in digital media. Intellectual Property Rights are someone's exclusive rights that separate a person from the whole world. In digital media it is easy to infringe owner's Intellectual Property Rights because Digital media is filled with Anonymity and Transparency. We cannot deal with Perpetrators who are infringing our exclusive Rights in digital media, but having some proper formalities will make us not falling into that part. Trademarks in digital Media, copy rights in digital media and Intellectual Property Rights in digital media are the main areas we have to look and the same is Explained in this Research paper.

INTRODUCTION

To Know about how to Protect Intellectual Property Rights in Dital Media, let's move our initial Focus on wrapping around Intellectual Property and Intellectual Property Rights inPhysical World.

Intellectual Property behaves like Tangible Assets that we own in real life, but its far more divergent than that. These Properties are Intangible assets which are excluded from our Massive Mind.

Human Brain has the power to create a new world where we even can hang out virtual manner. There are numerous creative ideas that are clogged in Right hemisphere of every Human Being Brain. If that so called IDEA makes honorarium to a particular person through Creations, Artistic Works, Literature, Designs, and Inventions then it is Known as Intellectual Property.

In Real world the protection for Physical property of an individual is obviously doubtful when we haven't locked it, in that scenario how can we expect that our intangible asset known as Intellectual Property is safely safeguarded. There are many Statutory provisions that are delivered to protect Physical assets of an individual. As like there is possibly a need of Protecting these Intellectual Property.

The behavior of Intellectual Property is not materialistic but focuses on Intangible creations and Innovations of the Owner that benefits him through Financial, Royalties or Recognitions.

Our Judiciary system has given a chance to Individual/Corporeal in the form of a RIGHT to secure these Intellectual Property he created. RIGHT in general, means any movement of an Individual which the law allows. These Rights that protect our own Intellectual Property from others are known as Intellectual Property Rights. These Rights can be Transferred, Enforceable and Exclusive. These Rights cannot be taken from Creator or Inventor Unbeknown.

These Rights are considered in many forms known as Patents, Copy Rights, Geographical Indications, Industrial Designs and Trademarks. In Recent decade, Digital media is well popularized that even intellectual property rights can be violated through an anonymous perpetrator.

Intellectual Property Rights in Digital Media

Digital Media is a medium that helps people to grasp vast amounts of information in a snap of time. Digital media can be accessed through Television, Smart Phones, Tablets etc. We can consume Videos, Audios, Websites, Designs, Information in Digital media.

When we publish any kind of Creations and Inventions such as Music Albums, Video Documentaries, Graphic Designs, Digital Books, Digital Blogs, Coding, Magazines, Newsletters, and many more are Intellectual property of the Creator or Inventor in digital form. To safeguard these Property from others in digital media we have a weapon known as Intellectual Property Rights.

But due to the huge number of digital users and the mask of Anonymity violating those rights is certainly not that much tougher. In fact, we ourselves sometimes without conscious has violated the Intellectual Property rights of Creator by downloading or Using Creations that are published in Digital Media.

In Digital Media there are many violations that occur to grab the creations of others. Among them Trademark, Copy Rights, Industrial Designs are the most effected breaches of an Individual Intellectual Property Right by an Anonymous User.

Copy Rights in Digital Media

In this digital Era, we can easily see what another person is doing. In that situation why can't we download another person's creativity and infringe their Copyright.

A Copyright is an exclusive right, where the original author showed his authorship work in the form of Tangible. He has an Exclusive right from others where no one can use his works without his knowledge.

In digital media, this work is easily violated because the transparency and anonymity correlate here.

Actions like Downloading and Uploading, Hot-linking, Derivative work, Audio and video, Software copying, Social media are some of the resources copyrights that are infringed by an anonymous.

There are many cases that have been held in front of Court regarding Copyright infringements and most of the remedies given is on INJUNCTION.

Protecting Copyright in digital Media is a nightmare and one cannot take any precautions rather than having a legal registration License, keep an intellectual Property Policy for your business and Have a Lawyer in hand, Who knows what will happen in future.

Trademark in Digital Media

A Trademark means any symbol, word, phrase word like tagline, combination of the above said things which can easily identified by a consumer or people in large to recognize the particular brand or company. A trademark is a recognizable Brand identification for a company.

If a Trademark is infringed, then the brand that the whole company is collapsed by a perpetrator. And infringing the trademark of a reputable company is certainly not that difficult. Trademark infringement mainly happens in Cybersquatting, Typo squatting, Identity theft and Cyber Hijacking.

The most effected trademark infringement is through Cybersquatting and there are many famous judgements that took place regarding this as like

In 1999, Yahoo! Inc v. Akash Arora case is the powerful case that dealt with Cybersquatting. In this case plaintiff is a reputed company which provides search engine services world wide and it has its services throughout world, defendant has bought a domain under name of yahooindia.com with the intention to divert the users to this website instead of yahoo's real Indian Regional domain, yahoo.in.

The Supreme Court has passed an Injunction order to Akash Arora.

But this is not the end for these types of Infringements, there are many reputed brands that are affecting trademark infringements like Reddit.com and Reddy Laboratories.

To safeguard your Trademark, you need to get registration through your regional/national trademark office. When someone infringed your Intellectual Property Right, you always get a relief, because it's a legal right and when anyone violated your legal rights its an offence.

Intellectual Property Rights in social media

When it comes to social media, its easy to drag someone's Creatives, Artistic Works and Literature work. One of the best examples of this is Instagram and You Tube. When a creator uploads his work on social media, these websites URLs make people download and use it through some third-party tools. The Creator has no chance of this infringement as it is happening anonymously and it's from the Corner of this world. Sometimes people who are using these works will get Royalties.

To avoid these kinds of conflicts and to give creators a valuable benefit, many social media applications have taken a step to protect them in the form of Copy Right Disclaimers.



One can easily degrade, copy, download and upload our Intellectual Property Rights in social media as it is the easy way to approach and replicate.

CONCLUSION

It is clearly visible we are not able to protect our Intellectual Property Rights without having valuable reliability and Precautionary measures. Copy rights and Trademarks are the most affected Intellectual Properties. As technology is increasing there are many cyber crimes are improving vice versa. Intellectual Property Rights infringement is also a Part of Cyber Crimes. We need to be more protective in digital media when it comes to Intellectual Property Rights. If we lose them, we lose our Brand identity. So, whenever we invented a new work and published in digital media get into some flexible formalities that are needed.