

## **11 th lesson : Intellectual property rights**

### **introduction :**

Intellectual property is of great importance within the information society, as it expresses the volume of inventions, creativity and innovations of individuals or institutions, and is considered a very strong indicator of the extent of progress of the countries that register the largest number of them. Also, countries that buy patents, for example, and use them are also considered advanced countries from the perspective of the information society .

### **objectives :**

After studying this unit, you should be able to:

- explain what is Intellectual property rights;
- Benefits of Intellectual property rights ;
- Know how intellectual property protection rights contribute to the growth and development of the economy

#### **1. définition of Intellectual property rights:**

The World Trade Organization defines intellectual property rights as:

Intellectual property rights are the rights given to persons over the creations of their minds. They usually give the creator an exclusive right over the use of his/her creation for a certain period of time<sup>2</sup>.

The International Intellectual Property Organization defines it as:

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<sup>2</sup> world trade organization, What are intellectual property rights?  
[https://www.wto.org/english/tratop\\_e/trips\\_e/intel1\\_e.htm](https://www.wto.org/english/tratop_e/trips_e/intel1_e.htm)

Intellectual property (IP) refers to creations of the mind, such as inventions; literary and artistic works; designs; and symbols, names and images used in commerce.

IP is protected in law by, for example, patents, copyright and trademarks, which enable people to earn recognition or financial benefit from what they invent or create. By striking the right balance between the interests of innovators and the wider public interest, the IP system aims to foster an environment in which creativity and innovation can flourish<sup>3</sup>.

## **2. Intellectual property rights divisions :**

Intellectual property rights are customarily divided into two main areas:

### **2.1. Copyright and rights related to copyright.**

The rights of authors of literary and artistic works (such as books and other writings, musical compositions, paintings, sculpture, computer programs and films) are protected by copyright, for a minimum period of 50 years after the death of the author.

Also protected through copyright and related (sometimes referred to as “neighbouring”) rights are the rights of performers (e.g. actors, singers and musicians), producers of phonograms (sound recordings) and broadcasting organizations. The main social purpose of protection of copyright and related rights is to encourage and reward creative work.

### **2.2. Industrial property.**

Industrial property can usefully be divided into two main areas:

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<sup>3</sup> WIPO, What is Intellectual Property?, <https://www.wipo.int/about-ip/en/>

One area can be characterized as the protection of distinctive signs, in particular trademarks (which distinguish the goods or services of one undertaking from those of other undertakings) and geographical indications (which identify a good as originating in a place where a given characteristic of the good is essentially attributable to its geographical origin).

The protection of such distinctive signs aims to stimulate and ensure fair competition and to protect consumers, by enabling them to make informed choices between various goods and services. The protection may last indefinitely, provided the sign in question continues to be distinctive.

Other types of industrial property are protected primarily to stimulate innovation, design and the creation of technology. In this category fall inventions (protected by patents), industrial designs and trade secrets.

The social purpose is to provide protection for the results of investment in the development of new technology, thus giving the incentive and means to finance research and development activities.

A functioning intellectual property regime should also facilitate the transfer of technology in the form of foreign direct investment, joint ventures and licensing.

The protection is usually given for a finite term (typically 20 years in the case of patents).

While the basic social objectives of intellectual property protection are as outlined above, it should also be noted that the exclusive rights given are generally subject to a number of limitations and exceptions,

aimed at fine-tuning the balance that has to be found between the legitimate interests of right holders and of users<sup>4</sup>.

### **3. Benefits of Intellectual property rights (IPR) :**

Intellectual property rights not only protect the ideas or concepts of business but also protect the genuine business assets that are vital to the products and services.

Several advantages to secure intellectual property rights include:

**Enhances market value** - Intellectual property rights can help you generate business through the licensing, sale and even commercialization of the products and services protected under IPRs. This will ultimately improve the market share and helps in raising profits. Having registered and protected intellectual property rights can also raise the business' value in case of sale, merger or acquisition.

- **Turn ideas and thoughts into profit-making assets** - Ideas have little value on their own but registering ideas under intellectual property rights can help you turn it into commercially successful products and services. Copyrighting or licensing the patents can lead to a steady stream of royalties and additional income.
- **Market your products and services** - Getting intellectual property rights can help your business' image. Intellectual property rights like trademark registration can help you separate your products and services from others.
- **Access or raise Capital** - Through sale, licensing, or by using IPRs as collateral for debt financing, an individual can monetize for debt financing. Intellectual property rights can be used as an

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<sup>4</sup> world trade organization, What are intellectual property rights?  
[https://www.wto.org/english/tratop\\_e/trips\\_e/intel1\\_e.htm](https://www.wto.org/english/tratop_e/trips_e/intel1_e.htm)

advantage while applying for government funding like grants, subsidies, and loans.

- **Enhances export opportunities** – A business that has registered IPRs will be able to use brands and designs to market its products and services to other markets as well. A business can also tap into the franchising agreements with overseas companies or export patented products<sup>5</sup>.

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<sup>5</sup> gouvernement of Canada, The benefits of Intellectual Property Rights,  
[https://www.tradecommissioner.gc.ca/india-inde/ip\\_rights-propriete\\_intellectuelle.aspx?lang=eng](https://www.tradecommissioner.gc.ca/india-inde/ip_rights-propriete_intellectuelle.aspx?lang=eng)