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On  
Intellectual Property Rights  
In Digital Environment: Issues & Challenges  
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## DIGITALIZATION AND COPYRIGHT LAWS IN INDIA

D Veera Thulasi\* & V. Prathika\*

This article deals with digitalization and copyright laws in INDIA under Intellectual property. the copyright is considered a form of intellectual property and it is an intangible property. Copyright originated in an age where the expression of the intellectual product in physical forms, such as literature. Copyright gives exclusive rights to the author such as copying and issuing copies to the public performing, playing, or showing the work with the public and broadcasting the work. The Copyright Act, 1957 (Act) along with Copyright Rules, governs the laws related to copyright protection in India. Mere ideas, knowledge, or concepts are not copyrightable. Having said that copyright protects the original expression of information and ideas. The main objective of copyright law is to motivate and encourage the original author. The purpose of copyright law is to balance the rights of copyright holders and users. Copyright issues associated with digital/electronic information and protection of digital rights. The word digitalization means the process of changing from one form of analog to another form of digital which is also called digital enablement. Now the world surrounds digital trends, everything in hand transfer, check, visualize, gain information, etc. Digitalization benefits and provides various advantages to the public as well as to the world like increased efficiency, increased productivity, lower operational costs, improved customer experience, higher agility, enhanced employee morale, improved communication, increased transparency, improved competitive advantage, and faster decision making. So, these articles focus on how copyright laws apply to the concept of digitalization. This paper intends to analyze what extent digitalization affects copyright laws and prejudices the role of digitization in the country.

*Keywords: digitalization, copyright, intellectual property right, electronic information ,etc*

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## **Analysis of IPR Challenges of Cloud Computing and Ways to Overcome the Issues**

Lavanya S\*

Cloud Computing does not represent a revolution but an evolution of existing enterprise computing architectures there has been an emergence of a dynamic understanding. The cloud is a holistic ecosystem of components, not a point product or single vendor solution, and has basic, specific requirements to meet the needs of enterprise organizations. These requirements include scalability, adaptability, extensibility, and manageability of the enterprise such as providing for security real-time availability, and performance this article to discussed Cloud computing and Intellectual Property Rights. Conceptual advantages of Cloud Computing and its Implementation in the real world specifically in the domain of digital culture were evaluated along with the protection issues of digital resources. Burning issues in a digital environment like digital rights management (DRM). Technology protection management (TPM) and etc., we discussed IPR in the application procedure, arising due to differences in international Laws. It is high time for India to frame stringent privacy laws to solve issues related to cloud computing. Thus, the primary objective of this paper is to understand the impact of cloud computing to carve out probable solutions.

*Keywords: Cloud Computing, Intellectual Property Rights, Digital Rights Management (DRM), Technology protection management (TPM), and Privacy Infringement.*

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## EMERGING INTELLECTUAL PROPERTY RIGHTS ON NFT: ISSUES AND CHALLENGES IN INDIA

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The evolution of documentation of those assets kept changing from time to time based on the resources and technologies. In an era of digitalization, assets kept changing their state from physical to digital form. In the digital era, assets are getting a new form called as **Non-Fungible Tokens (NFT)**, which could be used to trace the original owner of the digital asset by Tokenisation stored in Block-chain Technology. NFT's are like Digital assets, which have their uniqueness and they cannot be equated or replicated. NFTs use **Block-chain Technology** to store data in the form of blocks and the **Digital ledger** being available publicly in the form of Hash Values, which could protect NFT's. So, it makes the NFT's very hard to hack or modify data in those blocks. NFT's are getting more popular and it is being seen as investment opportunity and collectables. These NFT's could be sold by way of **Smart Contracts** that allow only the owner of the NFT to the buyer and not the Proprietary rights or Royalty. Currently, there are no laws to govern the Non-Fungible Tokens in India. So digital content creators, artists, and musicians face suppression. The original work of those digital content creators, artists, and musicians needs to be protected in the form of NFT's that could add value. This research paper focuses on the issues and challenges pertaining to NFT, which are being sold, and possible legal framework that could be formulated to tackle the **Copyright infringement** that arises in NFT'S and the need to curb it. In the digital era, the domino effect of rising and falling is so common and laws to tackle intangible property are inevitable in a developing country, which targets for 5 trillion economies.

**Keywords:** *Non-Fungible Tokens, Block-Chain Technology, Digital ledger, Crypto-currency, Copyright infringement.*

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## Patent Scenario for microorganisms in India and Global Regime

Gayathri.A\*& Keerthana .P\*

The patent is a kind of intellectual property right, which is the protection given for various innovations, which is accompanied by the novelty of non-obviousness and industrial applicability. Initially, patents for microorganisms did not fall under patentability in all countries, In Indian Patent Act,1970 did not grant protection for microorganisms. Later, the Patent Amendment Act of 2002, allows patents for microorganisms used in industrial applications. In 1980, the US granted patentability for microorganisms by the judgment of the Supreme Court of the US. In India, a process patent for microorganisms was given by the TRIPS agreement 1995. Now, worldwide there has been an acceptance of patents for microorganisms. Microorganisms refer to living organisms, which are microscopic in nature. Bacteria, protozoa, fungi, viruses, algae, and archaea are the 6 major forms of microorganisms exploited by the biotechnologist for research purposes. Over the past few decades, the patent system for microorganisms is undergone important changes worldwide. Certain countries in the world used utility model systems for protecting inventions. Though patent for microorganisms is permitted, the government granted only a few patents for microorganisms. There is still a debate on patenting of microorganisms in India. Even TRIPS agreement has allowed patents there is still a controversy lies for the term microorganisms. This article discusses the evolution of the patenting system for microorganisms in India and globally wide, and also explains about the feasibility of statutory protection for microorganisms that are genetically altered and used for commercial application.

*Keywords: Patent, India, global wide, Microorganisms, Trade-Related Aspects of Intellectual Property Rights (TRIPS), Biotechnology, Research*

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## ARTIFICIAL INTELLIGENCE IDENTITY PHISHING

JAYALAKSHMI. K \*,HARITHA. V\*, & RAMASIVA .C\*

Intellectual property is simply defining to rights of individual of an intangible asset owned by a person, the rights include ownership and possession, without owner consent using their right will be illegal. In this treading world artificial intelligence as become part of everyone life because of the technology human's activities and work have been reduced. One of the major issues is identity phishing were the individual information scammed by the Hackers. The artificial intelligence gives lots of benefit at the same time some illegal activity effects the right of individual which finally results in intellectual property right loss. Now a day we face lots of technology related problem on of the privacy data were missed by the hackers. So, finally we need to be protective from the hacker programmer. The individual should be aware of the technology and while using any application, the user has to read about the privacy policy however it may be impossible so there should be any technique to be identified the programmer who use their program to phish the identity the identity of individual. This paper seeks to provide insight into the expanding scope of IPR laws and artificial intelligence, along with the inevitable challenges it brings from a worldwide lens on the matter. The artificial intelligence might also prove to be a threat to innovation and creativity which is the heart and soul of intellectual property Rights. The research paper discusses in details about the import of artificial intelligence on intellectual property Rights.

*Keyword: Artificial intelligence, copyright law, intellectual property, right of artificial intelligence system and privacy policy.*

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## CLOUD COMPUTING AND DIGITAL RIGHTS

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The most common definition of Digital Rights Management (DRM) is a combination of practices, abilities, and accessories designed to control, safeguard, and grant the authorized user the right to access the digital content. DRM, not "organization of digital rights," rather the "digital organization of rights." All rights, including those pertaining to licenses over digital content as well as to the security and privacy of that content, are managed by DRM. This idea has not yet been applied to cloud networks, where security is a major concern. An RSS (Rich Site Summary) is developed and used as information material in this suggested system. Then, this digital content is uploaded to a cloud-based network. DRM measures have been used to secure this content. Using a double encryption strategy, the primary goal of this work is to manage its rights over the cloud or server and protect its privacy. This article discusses the Digital Rights Management and its measures.

*Keywords: DRM, security, RSS, encryption, server, privacy*

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## **Traditional Knowledge & Digital Library**

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Traditional Knowledge is ancient knowledge that has been passed from generation to generation. Traditional Knowledge includes tools, agriculture, traditional medicine, craft skills, and climate. Some Traditional knowledge finds expression in culture, stories, rituals, song lyrics, dance, and games. Traditional knowledge and Digital Library (TKDL) were initiated in 2001. TKDL was developed by the Council of Scientific and Industrial Research (CSIR) & Ministry of Aayush. IPR protects, promotes & preserves Traditional knowledge. In 2001, the government of India set up TKDL as the repository of 1200 formations of various systems & Siddha and 1500 yoga postures. Traditional knowledge in IPR: It is the act of providing TK holders with the right to take necessary action and seek remedies against the misuse of the knowledge. India is the World's richest country in biodiversity. But, nowadays in India facing biopiracy (like turmeric and basmati rice case) and Traditional Knowledge was vanishing. But IPR protects & promotes Traditional Knowledge and Digital Library. Only a few nations offer the protection of Traditional Knowledge. This Knowledge should be spread, all over the world, and it will be recognized and would protect the traditional knowledge and its originality to keep it passing for generations without any further misuse.

*Key words: traditional knowledge, digital library, patent, benefit sharing, bio-diversity.*

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## **The Web of Cybersquatting: Needs cleaning**

N.BELINA\*, G.CHRISTINAL RUPAVATHY\*

In the digital era, Cyber-squatters can oppressively damage the brand and trademark proprietor simply by using the domain name of their brand. Cyber-squatting means unauthorized registration and use of internet domain names that are identical or analogous to that trademarks, service marks, company names, or personalized names. Cybersquatters designedly exploit the first-come-first-served nature of the domain name enrolment system and also the squatters either offer to vend the domain to the person or company who owns a trademark contained within the name at an exaggerated price. In India, in the absence of needful cyber laws, it's delicate to help cyber-squatting. The cases of cyber-squatting are decided under the applicable provisions of trademark laws. Domain name conflicts arise most constantly as a consequence of the practice of cybersquatting. A domain name is part of the URL (Uniform Resource Locator) which is assigned to each computer for the service on the Internet. The domain name is intended to be more meaningful than the series of figures. People who are using the domain name can thus choose fluently recognizable names in cyberspace. Unlike developed countries, India doesn't have any domain name protection affiliated law and the cases are decided under Trade Mark Act, 1999. This paper hopes to shed light on the discussion on the possible provisions for protection of commercial activity on the internet and point out a few possibly fruitful research directions in this area lined up with WIPO standards.

*Keywords: Cyber-squatting, cyberspace, URL, Domain name, Trademarks*

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## **Digitalization and Copyright laws in India**

Janaki. K\*,

Law is a response to social problems, and social problems continue to evolve over time as topics change. One area in which laws must constantly change is technology. One of the most glorious gifts that the human soul has brought to human society is technology, and digital technology is the latest advancement on a global scale. Digitization has undoubtedly brought positive change across the globe, but misuse of digitization has created confusion and crime. The most affected intellectual property right is copyright. Copyright protection has become an important issue in the digital age. You know that literary, artistic, musical, or theatrical works are copyrighted, but as technology develops, so do new ideas and concepts such as computer programs, databases, and other works. Moreover, these are detailed and heart technical purposes and we will look at some of these ideas in this article.

*Keywords: copyright, social problems, Digitization, computer programs, Misuse*

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## MODERN TECHNOLOGY AND IP LAW IN INDIA

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Modern technology has revolutionized various sectors in India, including healthcare, finance, education, and entertainment. However, with the widespread use of technology, the issue of intellectual property (IP) rights has become a crucial area of concern. IP law in India governs the protection and enforcement of patents, trademarks, copyrights, and other forms of IP. India has a robust legal framework for the protection of IP rights, with various acts and regulations in place, including the Patents Act, 1970, the Trademarks Act, 1999, and the Copyright Act, 1957. However, with the advancement of technology, there have been challenges in enforcing IP rights, especially in the digital sphere. The use of modern technology has led to the creation of new forms of IP, such as software, computer programs, and databases. These forms of IP require specialized legal expertise and an understanding of technology. The emergence of artificial intelligence (AI), blockchain, and the internet of things (IoT) has also presented unique challenges for IP law in India. The Indian government has taken steps to address these challenges by establishing specialized IP courts, introducing new laws and regulations, and promoting innovation and entrepreneurship through initiatives such as Startup India and Make in India. The government has also signed international agreements, such as the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), to ensure compliance with international IP standards. This paper seeks to analyze issues related to modern technology and Intellectual property in India.

*Keywords: Intellectual property (IP), Internet of Things (IoT), Artificial Intelligence (AI), IP Courts, Trade-Related Aspects of Intellectual Property Rights (TRIPS).*

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## **Folklore Protection in Digital Era: Emerging Issues and Challenges**

Dr. Avinash Kumar Babu\*, Tanya Singh\*\*

Folklore forms an essential part of a country's rich heritage. Protection folklore is not limited to an issue of east-west, however, it is worldwide. Folklores form a part of intellectual property of the communities from which they originate. Generally, folklores are not created for commercial purpose but for carrying forward the common values shared within the originating communities. Protection of folklore is important as it not only holds social and cultural values within the community but commercial value as well. The rising age of globalization has blurred the concept of state boundaries and has seen the advent of internet facilities. With the advent of digital technology, folklores are at the risk of misappropriation much more than the previous times. It has become quite common for one to witness display of identical or similar folk expressions on online platforms where such work is posted for unwarranted solicitation. Several instances of misappropriation of folk expressions have been seen where music composers, artisans, and painters engage in unauthorized usage of folk expressions to create their so called 'original work'. The present paper seeks to analyze the challenges posed to folk expressions in the digital age. Focus will be laid down on highlighting the gaps in the existing regime such as inadequacy of fair use doctrine due to digitalization.

*Key Words: Digital Age, Folklore, Heritage, Misappropriation, Commercialization, Privacy*

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## INTERNET SERVICE PROVIDER LIABILITY ON INTELLECTUAL PROPERTY INFRINGEMENT

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The internet of the 21st century is a rapidly blooming sector which is parented by internet service providers. Such networks extend their platform to sharing knowledge and simultaneously expose the data to stealing. These intellectual property infringements via Internet Service Providers (ISP) need to be considered and punished accordingly. This paper elaborates on legislation that has aided in holding Internet Service Providers (ISP) responsible for the theft of Intellectual Properties. Ancient theories of vicarious liability and contributory infringement incorporated are a phenomenon under which Internet Service Providers (ISP) were held responsible for Intellectual Property violations. The paper also extends its boundaries to foreign legislations that emerged out of the World Intellectual Property Organization (WIPO) copyright treaty 1996. One such is the digital millennium copyright act, 1998 which protects against copyright infringement in cyberspace. Similarly, the communications decency Act, 1996 explicitly provides for Internet Service Providers (ISP) held accountable under Intellectual property infringement. Nevertheless, Judicial Pronouncements were initiated as a backdrop to protect Intellectual property from vulnerability. Indian laws included in the research don't exclusively provide for statutes dealing with Intellectual Property infringement but have provisions regarding the same under Information Technology act of 2000. A skeletal framework of overall Intellectual property protection statutes is inserted to supplement the idea of upholding Internet Service Provider (ISP) liability. Certain suggestions are conclusively laid on how to improve inland laws and enact fresh laws for the same.

*Keywords: ISP, Intellectual Property, Infringement, Foreign Legislation, World Intellectual Property Organization Copyright Treaty, 1996, Internet Service Provider Liability.*

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## THE IMPACT OF ARTIFICIAL INTELLIGENCE ON INTELLECTUAL PROPERTY RIGHTS

S. Karthiga\*

The twenty-first century is undergoing the fourth industrial revolution (i.e.) the evolution and growth of artificial intelligence (A.I). Even though the seed for A.I is sown during the 1950s as science fiction, but now it becomes a booming reality. It is pertinent to say that the presence of AI, is ubiquitous. From technical to scientific, even in the legal field, its presence is prominent. The impact of A.I in the intellectual property rights (IPR) domain is imminent to study. These intangible rights are given to persons over their creations through human knowledge, skill, labour, and investment. It gives the creator an exclusive right over the use of their creation for a certain period of time. The rationale of these rights is to incentivize and motivate the inventor. The IPR gave protection to the inventor who indulges A.I as an assistive tool. The pertinent question now emerging is whether the inventions autonomously generated by A.I can be protected. Till now the WTO member countries does not recognize A.I as an inventor. These incorporeal rights are designed so that it includes only the natural person as a creator. Whether is it possible to treat both A.I and humans on the same footing? The average skilled person can't hold such massive Big Data or such computational power as that of A.I. If the inventions generated by A.I are to be protected, the current laws are insufficient. A separate category of rights has to be included in IPR for such inventions. These issues are focused on in this present research paper and the foregoing research is based on the doctrinal approach which depends upon the statutes, case studies, and other juristic walks.

**Keywords:** *Artificial Intelligence (A.I), Inventorship and ownership, Authorship and ownership, Ethics of A.I 2021, International Convention on A.I*

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## LEGAL PERSONHOOD OVER WORKS CREATED BY ARTIFICIAL INTELLIGENCE

MUGESH S\*

The humans were believed to be the most intellectual living creatures on the planet. Humans created artificial intelligence (AI) by using their intellect. The evolution of artificial intelligence and new technologies has made the Intellectual Property Rights (IPR) protection increasingly important. It is difficult to create sui generis laws because the concept is so heavily technical. So, the protection for these is provided by various Intellectual Property laws such as copyright, patents, and protection for designs and semiconductor, Integrated Circuit Layouts. The traditional copyright law does not protect work created by Artificial Intelligence (AI) as it only protects original works of the human beings. Also, as per Section 2(d) of the Indian Copyright Act, 1957 in case of the computer-generated works, the author is said to be the person who created that work. The person who contributes the creative ideas to works produced by artificial intelligence with human assistance can be considered the author of the works. The author attempts to address in this paper that whether such works are protected and who should be considered as the author of such works with comparative analysis of various countries. The current Intellectual Property laws require significant improvement in order to keep up with the ever-increasing artificial intelligence. The primary objective of this paper is to provide a layman with the basic knowledge that he needs when dealing with an innovation involving Artificial Intelligence and legally mandated rights. This paper aims to shed light into the expanding scope of Intellectual Property Rights and Artificial Intelligence, as well as the inevitable challenges it brings from a global perspective on the matter, as well as to propose some possible suggestive measures.

**Key Words:** *Artificial Intelligence, Intellectual Property, Technology, Copyright, Author.*

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## CYBERSQUATTING AND TRADEMARK ISSUES – AN ANALYSIS IN RELATION TO INDIAN CONTEXT

Nithyaprasath. S

The tremendous growth of science and technology is resulted in the unavoidable use of the internet in our day-to-day life, which also resulted in increased cybercrimes. The Cybersquatting generally refers the act of using the Trademarks or Trade names of another as *domain name* in bad faith with the intention of selling it to another person, company or for an organization in order to make profit. The person engaged cybersquatting or domain squatting do not own or have any interest in the trademarks of the person. The use of Trademarks of third parties are misleading the customers and causing loss to the person who owned them and forcing him to buy for a premium. There is no specific legislation that deals with the Domain name in India, whereas it is dealt under the Trademarks Act, 1999. Following the path of WIPO the Indian courts ordered the infringed party to surrender the domain name to the victim in many cases. As there were no specific legislations to deal with the cases of cybersquatting, the victim can seek remedies through Arbitration proceedings under the ICANN (*Internet Corporation for Assigned Names and Numbers*), UDRP (*Uniform Dispute Resolution Policy*) and INDRP (*Indian Domain Name Dispute Resolution Policy*). At present we are living in the 21<sup>st</sup> century where the internet connects the whole world and has no boundaries, so there is need for a *new legislation* to deal with the cases of Cybersquatting and domain name issues connected with registered trademark. Otherwise the cybersquatters would prey on the Trademark owner's goodwill. In this paper the author will be discussing about the problems faced by the Trademark holders by Cybersquatters, the need for a new legislation, an independent body to regulate the domain name with relation to Trademarks, decided cases and the remedies available under the Indian context.

**Key words :** Cybersquatters, Domain name, Trademark, Internet, Identity theft.

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## INDIGENOUS TECHNICAL KNOWLEDGE AND SUSTAINABLE DEVELOPMENT

L.Raja kamala Kannan\*, V.Vidhya\*

Traditional knowledge is the cumulative body of knowledge and beliefs handed down through generations by cultural transmission about the relationship of living beings including humans with one another and their environment. Total knowledge is unique to a community or culture and transmitted orally through practice. To protect from biopiracy and unethical patents and to protect the rights of traditional knowledge holders and sharing the benefit from the knowledge and to protect bio-diversity documentation is essential in the electronic form for the benefit of the community. The sustainable development goals are grounded in a vision that aims to transform our world. They aspire to build a world free of poverty, hunger, and disease, in which every woman and every girl enjoys full gender equality, where the environment is protected, and where all people have access to quality education and decent work. This will be a world that is more inclusive, sustainable, peaceful and prosperous, and free from discrimination based on race, ethnicity, cultural identity, or disability. There are just some of the facets of an ambitious and universal vision, adopted with the pledge that “ No one will be left behind”. A combination of issues such as loss of access to traditional lands and natural resources, discrimination in the world of work, forced migration, and poor access to opportunities have rendered them still more vulnerable in social and economic terms. Indigenous women, in particular, are exposed to multiple forms of discrimination and exploitation from both within and outside their communities. This Paper analyse the sustainable development goals SDGS framework to improve the livelihood and support the economic and social status of indigenous knowledge holders.

*KEYWORDS: Generation, Culture, Environment, Bio-Diversity, Practice, Custom,. Etc.,*

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## **The Digital Privacy That IPR Can Nourish!**

B.Shobika\*, P. Sowbarnika\*

Privacy has become a basic necessity in a millennium's life. The phobia of feeling that someone is watching us and restricting our mind from doing something we love is more crucial than anything. Everyone in this universe strives for another similar basic necessity called security. That security is the objective of our Law. Law settles the dispute and confers the people of its state a peaceful mind and environment to dwell. In an interim, digital environment is the present flash environment where the 21st century's all ages imbibed in. In here, privacy and security is all a human being users are scared about. Also, in the everyday enhancing world we live in, both optimism and pessimism balance its way of one's thoughts and life. With the both as balanced, the prevention from the evil side is also the responsibility of the Law of our country. So, by controlling the scam and nurturing the individual's privacy through IPR is all about this research paper. The research paper brings out the perks of IPR that helps in solving the major peril of the present era, "The Digital Privacy". The research paper aims to provide the solutions that are needed to solve the issues occurring in the digital environment. The research paper concludes the ways and measures to nourish digital privacy by IPR. Because in the one life we live, we need to live, love, laugh and explore to the fullest sans any phobias to destroy the path of life as all the self help books suggest this kind of divine way of life.

*Keywords : Digital privacy, Security, Prevention, Digital environment and IPR.*

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## WORKING OF INTELLECTUAL PROPERTY RIGHTS IN THE LENS OF ARTIFICIAL INTELLIGENCE

Monisha. D\*& Deva Dharshini. K \*

Artificial Intelligence and laws are set where laws need to be revised Keeping pace with technological developments. Artificial intelligence is developing rapidly and chances are it may take over many human endeavors, one of which may also be a large part of the legal profession. A huge threat has been posed in the legal sectors. Attorneys with their teams spend a lot of time understanding and filing patent claims. Hours are spent investigating and analyzing the novel, useful and obscure nature of the products and processes for which a claim is being made. A substantial expenditure goes into the process of patenting something. Facilitating laws by including AI in the whole process may substantially save us time and money involved in the process. Simplifying regulations by embedding artificial intelligence in the whole process could save significant time and money in the process. Artificial intelligence will affect every industry, and intellectual property rights (IPR) are no exception. No sector will remain immune to artificial intelligence and intellectual property rights will also not be an exception for itself. Artificial intelligence will have a double impact on intellectual property rights. In one direction, it seems to be useful in sectors such as patents and patent search engines, searching accurately and appropriately, and offering a way to sort through innovations and concepts. On the other hand, AI may emerge to be a risk to innovation and growth, which are the real essence of intellectual property rights, by providing a mechanism to the inventor on existing patents similar to his idea, among other things. This research paper covers how to stretch outdated notions of intellectual property to the fullest extent to accommodate the devastating consequences of the advent of artificial intelligence.

*Keywords : Artificial Intelligence, Intellectual Property, Innovation, Development, Technology, Patent.*

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## A STUDY ON THE INFRINGEMENT OF TRADEMARKS BY CYBERSQUATTING

UMAMAHESHWARAN. R\*

Society has evolved from customary laws to technological laws. Many new and modernising concepts have injected a curiosity in the individual to achieve or find something advanced. In this way, the concept of cyberspace was evolved and has achieved tremendous growth in society. The modern world has become prone to technologies without which the world may face instability and not survive. There is various cyberspace where the one who infringes such creativity or invention of an individual is unidentifiable in most cybercrime cases. One such threat is “cyber squatting” where the website of benefits and threats are equally present in cyberspace and all the individual's must be aware of and take precautionary steps on it. On the other hand, there is also a threat to intellectual property rights in the web portal of top companies or any entities popular among the public are accessed by an intruder who can be named as the “cyber squatter(s)” who possess a threat to such companies or entities by accessing their website by various illegal methods. This directly infringes the trademark of such website or web portal of the victim and also involves in the identity theft of the victim which further leads to a breach of the fundamental right to privacy including the protection of information of such companies or entities. This study will give a clear view of how cybersquatting is done and how much the company or any entity suffers the loss and try to recover their identity and what impact it creates on society and how the commoners who have to connect with the company or any entity gets affected by this threat.

*Keywords : creativity, cyber squatter, breach, identity, privacy.*

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## **AN ANALYSIS ON THE INFRINGEMENT OF INTELLECTUAL PROPERTY RIGHTS IN CYBERSPACE**

UMAMAHESHWARAN. R\*, LLOYD PONNUDURAI. A\* & BHUSHAN KUMAR. P\*

Cyberspace has very vast boundaries & unrestricted limits where many new developments and threats occur nearly in equal numbers. On the other side, there is also a crucial increase in the registration of new inventions, & as well as the infringement of intellectual property rights simultaneously. Many individuals come up with various new thoughts, through which many new inventions came into existence. This includes the intellectual properties created in cyberspace like software applications, lifestyle apps, or any other modern technology. But a serious threat to such inventions in cyberspace is inevitable. Many laws have been enacted world wide to protect the intellectual property rights. In India acts such as Copy Right act, Patent act, Trade Mark act, Designs act, Geographical Indications act, and PPVFR act has proved to be the shield of protection against the misuse, misrepresentation, mislead, and theft of intellectual properties and to protect the rights of the inventor. The most interesting terms in recent times in the field of information and technology sector are such as Crypto Currencies, Metaverse, Artificial Intelligence (AI) etc. The increased usage of these technologies by the public and the delinquent among the public pose great threat to the intellectual property rights of an individual or an entity which is the sole proprietor of such creation or invention or any idea that is the outcome of their thought process. This article will clearly analyze and discuss the issues regarding the subject matter and will also address about the challenges which may arise in the future and will try to propose suitable solutions.

*Keywords : cyberspace, metaverse, artificial intelligence, personal identity theft, threat to intellectual property rights.*

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## ANALYSIS TO OVERCOME THE ISSUES AND CHALLENGES OF CLOUD COMPUTING IN IPR

B.Yokeshwari & M. Sandhiya

This article deals with the analysis of challenges and issues in the field of 'cloud computing', an inseparable part of IPR. Being a new frontier in both law and technology, the concept of cloud computing is still unfamiliar in its basics and must be better understood before the regulatory and legal aspects. IT service that allows people to use commonly available online services on any device with an internet connection, without requiring users to be in a specific location to access specific data. The goal of cloud computing is to deliver services over the internet in order to offer faster innovation, flexible resources and it includes storage, servers, database, network, and software. Cloud computing is cost-effective to store data and processing functions at the global level, but this technology makes personal data susceptible. The data can even share with a third party without the consent of the owners. Cloud deals with the original work of authors or the confidential information of authors and it makes the risk of infringing the copyrights, patents, and trade secrets and the result of such infringement is mostly disastrous. There are three types of cloud computing services such as software-as-a-service [SaaS], platform-as-a-service [Paas], and infrastructure-as-a-service [IaaS]. Generally, SaaS allows the client to access and use software applications over the internet, PaaS provides access to a computing platform, and IaaS provides access to computer infrastructure on demand. There are a lot of issues that threaten data ownership and intellectual property rights as well as security concerns related to the storage of sensitive data. In this article we will highlight some of the issues and challenges related to intellectual property rights raised by cloud computing.

*KEY WORDS: cloud computing, trademark, copyright, patent, privacy infringement, intellectual property*

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## SECURING TRADE SECRETS IN DIGITAL ERA

Sivagnana Selvi C\*

Trade secrets are considered as a crucial form of a company's intellectual property, encompassing practices, designs, data, processes, knowledge, or patterns that hold commercial value. Typically, only a select few members of a company have access to this information, which is not generally known to the public. Together, these trade secrets form a collection of information that gives the company a competitive edge over other rival businesses. Unlike other forms of intellectual property, trade secrets do not need to be registered to be protected. Instead, individuals who are authorized to keep trade secrets confidential are required to sign non-disclosure agreements, which are typically included in their employment agreements with the company or institution. The proliferation of digitization, technological progress, globalization, and connectivity has brought about a rise in challenges and vulnerabilities to safeguarding trade secrets. The alarming frequency of trade secret thefts are evident and digitalization has opened avenues for unscrupulous individuals to exploit the public for their gain. Such thefts are prone to occur through cyberattacks or the release of critical information by an employee, among other means. The removal of global trade barriers due to globalization has encouraged countries to expand their businesses worldwide, thereby boosting their economies and providing customers with more quality options of goods and services. However, relying solely on confidential agreements to protect a company's most critical information appears to have weakened trade. The trade secrets are the oldest form of intellectual property, still lack proper legislation with provisions related to infringement and the rights of specific owners. Owing to its economic significance trade secrets should be protected in this digital era. In this paper the author will analyses the need and importance of the protection of trade secrets in the digital era.

*Key words: Trade Secret, Digitalisation, Cyber-attack, Non-Disclosure Agreement, IT Act.*

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## FAIR USE IN ONLINE LEARNING: AN ANALYSIS OF THE INDIAN COPYRIGHT ACT

V. NIVEDHITHA\*

Fair use is a concept that allows the use of copyrighted material without permission from the copyright owner, under certain circumstances, such as for the purpose of education, research, criticism, or news reporting. In the context of online education in India, the application of fair use can be particularly relevant as it allows teachers and students to use copyrighted material without infringing on the rights of the copyright owner. The Indian Copyright Act of 1957 includes provisions for fair dealing, which are similar to fair use in other jurisdictions. Section 52 of the Act provides for certain exceptions to copyright infringement, including for the purpose of research or private study, criticism or review, or reporting of current events. These exceptions can be particularly relevant in the context of online education, as they allow for the use of copyrighted material in online lectures, course materials, and other educational resources. However, the application of fair use in online education is not always straightforward, and there is often a need to balance the interests of copyright owners with the need for access to information and education. In India, there have been some recent developments in this area, such as the Delhi High Court's decision in the DU Photocopy case, which allowed for the creation and distribution of course packs containing copyrighted material for use in university courses. This article emphasizes how fair use plays an important role in promoting online education in India, by allowing for the use of copyrighted material in a way that balances the interests of copyright owners with the need for access to information and education and gives recommendation for ensuring that the application of fair use is done in a responsible and ethical manner, and that copyright owners are adequately compensated for the use of their works.

*KEYWORDS: Fair use, Online education, Copyright, infringement, Access to information*

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## THE FUTURE OF COPYRIGHT LAW IN INDIA'S DIGITAL LANDSCAPE

Veena Venugopal\*

The digital age has transformed the way we create, share, and consume content, presenting new challenges and opportunities for copyright law. The Copyright Act, 1957 governs copyright law in India; it has been revised multiple times since then. But it is becoming increasingly evident that the law must also change to accommodate the shifting nature of the digital realm. This article explores the future of copyright law in India's digital landscape, highlighting the challenges and opportunities it presents. The explosion of India's digital market in recent years has given rise to a wave of originality in the digital realm by making it easier for businesses and individuals to network and produce content. Nonetheless, copyright law has been significantly challenged by the ease with which digital works may be reproduced and spread. The anonymity of the internet contributes to the widespread belief that copyright law is ineffectual since it is so difficult to track down infringers. Despite these difficulties, India's digital landscape presents prospects for copyright law. Because to the proliferation of e-commerce sites and online payment processors, content producers now have access to an unprecedented number of potential customers and avenues for making money online. The article also stresses the importance of striking a middle ground between stifling creativity and innovation and ignoring the rights of authors and publishers. It is necessary to collaborate on developing new methods for protecting intellectual property in India's online environment. The future of copyright law in India's digital landscape presents both challenges and opportunities. To make sure that copyright law continues to encourage creativity, innovation, and the protection of intellectual property rights in the digital era, it is important that it adapt and evolve with technology and that creators, copyright owners, and policymakers work together.

*Keywords: Intellectual Property Rights, Copyright, Digital Landscape, Innovation, E-commerce.*

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## **Copy right & Plagiarism: Non-identical twins**

Priya Chittibabu\*

Copyright infringement has created lots of uncertainty in the current digital world. The comforts of using digital platforms paved way for exploitation. The availability of research materials on the web is pivotal and a fulcrum for plagiarism issues. Copyright is “a procedure whereby the originator of a piece of intellectual property (book, article, piece of music, etc.) acquires a series of rights over the work created, including copying, publishing, performing, broadcasting and adaptation.... And Plagiarism is “using another person’s work and publishing it as one’s own without payment or acknowledgment Plagiarism is a breach of ethics and copyrights is protected against the stealth of skill, labour, and creativity of the author. Plagiarism and copyright both have a great deal in common. There is great confusion regarding the differences between copyright infringement and plagiarism. But there are differences between plagiarism and copyright infringement. This paper focuses on concepts and illustrative contents to differentiate between them.

*Keywords: Copyright, Plagiarism, digital platforms, infringement, exploitation*

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## A DELIBERATION UPON DIGITAL COPYRIGHT LAWS OF INDIA

Mr. K.Shyam Srinivasan\* & Ms. M.Deepegaa\*\*

The absorption of copy right laws in India have revised significant changes in recent years, particularly with the emergence of the digital economy. The rise of online content and the ease of sharing digital media have posed challenges to traditional copyright laws. This article provides a detailed overview of India's copyright laws in the digital era, including the Copyright Act of 1957 and the amendments made in 2012. The article further discusses about the challenges faced by the copyright regime in India, such as the issue of online piracy, the lack of clear guidelines on fair use and the absence of effective enforcement mechanisms. This article also highlights the opportunities that digitalization has brought in the form of new business models and the ability to reach wider audiences. The article suggests that India needs to take a comprehensive approach to copyright regulation that balances the interests of creators, users, and intermediaries in the digital era. This requires a concerted effort by policymakers, the judiciary, and the industry to address the gaps in the existing legal framework and promote innovation in the digital economy. The Author have also discussed about the implications of recent court judgments on copyright issues related to digital media, such as the landmark Delhi High Court ruling on streaming services. The article concludes by identifying the key challenges that India's copyright laws face in the digital age, such as balancing the interests of different stakeholders and promoting fair use, and the opportunities for innovation and growth that they offer if effectively implemented in Indian scenario.

*KEYWORDS: Online piracy, Copyright regulation, Challenges, Digitalization and Promoting fair use*

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## DIGITAL EXHAUSTION-HIGH TIME TO DECIDE THE EXACT DEMARCATON

-VINU SREE G\*

Intellectual property is an integral pillar for the economic development of any nation and therefore, every welfare state attempts to reward and incentivizes it with certain exclusive rights. These rights are not absolute and they do not confer an unfettered monopoly. Every such exclusive economic right would exhaust at some point of time. Doctrine of first sale, commonly addressed as Doctrine of Exhaustion, is a common law doctrine, recognized as an important principle of The TRIPS agreement and is also incorporated in almost all the member nation's Intellectual property laws. Generally, when a product is placed in a stream of commerce, preferably after its first sale by the lawful owner, the title would vest upon the lawful buyer and the right of the seller gets exhausted in deciding the terms of the subsequent sale of the concerned product. The author intends to analyze the notion of exhaustion of Intellectual property rights with respect to digital copies of the copyrighted work. This article would decode the existing legislative standards and the innate limitations. With the advent of technology, digitization of copyrighted works is gaining momentum. The Bulletin Board System and thereafter the Peer to Peer software, even though was capable of having substantial non-infringing uses, was invalidated by the judiciary as they promoted infringement. The digital file sharing system was replaced by a marketplace for resale of lawfully purchased digital files. Being, a resale mechanism of lawfully acquired copy, it would have been covered under the First Sale Doctrine. Unfortunately, it had a different fate. The legal arena propounded different justifications making the doctrine inapplicable for the digital environment.

*Keywords: Exclusive rights, Doctrine of First sale, Doctrine of Exhaustion, Digital environment, Copyrighted Works.*

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## **Indigenous products and Digital Library**

Venkatesh Lakshman\*

The Intellectual Property Rights currently does not process and specific laws to protect the Traditional knowledge. The Traditional knowledge though recognized by World Intellectual Property Organization but still there is a lack of protection for this knowledge because of that there is a commercial exploitation of the generic knowledge which is being fed from generations. There is a lack of recognition of Traditional Knowledge in the Intellectual Property Rights and to improvise it there must be laws and convention governing the protection of Traditional Knowledge. Traditional knowledge is the knowledge arising out conventional intellectual activity it includes the habits, inventions, innovative skills. Traditional Knowledge Digital Library is a joint project of the Government of India through the Council for Scientific and Industrial Research (CSIR) and the Ministry of AYUSH to collect information on traditional knowledge existing in India as a single repository, in different languages and formats. TKDL acts as a guide for patent examiners prior to art at International Patent Offices (IPOs). The Traditional Knowledge are mostly subjected to economic exploitation by commercial entities because of such exploitation the real inventors and then community which has been perpetuating such knowledge is being neglected and is not given the adequate recognition. The protection and preservation of this Traditional knowledge would help in the economical growth of the community. There Tribes and communities which rely on certain traditional practice for their livelihood if this practice undergoes an economic exploitation there will be a huge economic loss for such community. Traditional knowledge and the community processing such knowledge much identified and protected as it's an intangible asset for the nation. This would help in the development of indigeneous products and encourage the preservation of such commodity and services.

*KEYWORDS: TKDL, indigeneous products, Traditional Knowledge IPR,*

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## A BRIEF STUDY ON DIGITAL EXHAUSTION

UMAMAHESWARI. U\*

In general Copyright owner has an exclusive right on distribution of his/her work. However, doctrine of exhaustion is a limitation imposed on the right of the copyright owner, it states that once a copy has been sold to another by the owner the right to distribute that copy by the copyright owner gets exhausted and the right to resell that copy is given to the purchaser of the copy. The owner of the copyrighted work loses the control regarding the future sale and transfer of this very copy. Herein we are talking only about this very copy, therefore it is illegal to make a copy of the copy and distribute and sell such copies. It is well known that Intellectual property law is extended to digital files and technological industry with the developing society. Rapid advancements in the digital space and the technological industry have always had an impact on intellectual property legislation. In recent years, digital data has also been a factor in copyrighted works dissemination. The reason for this is simple: people obtain a variety of data every day, including music, apps, online games, and PDF files for publications like books and magazines. Few people now use CDs or DVDs to listen to their favourite music or to watch movies, TV programmes, etc. because there are already apps like YouTube, Netflix, Spotify, etc. that make these activities much simpler and more comfortable. Thus, a question herein arises that would it be reasonable to apply the same standard of exhaustion laws to digital works as to physical works? Thus, this article herein focuses on the overview of the First sale doctrine related to copyrighted works and their reproduction in the digital sphere and finally the paper concludes with the Doctrine of exhaustion to be extended to digital files also with special reference to a U.S case study famously known as the ReDigi's case.

*Keywords: Digital, Exhaustion, Copyright, File, First Sale, Intellectual Property.*

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## **Critical analysis of Intellectual Property Rights Protection in Computer Programme under the Digital Era- A Glimpse**

Dr.J.Star\*,

Intellectual property rights are at the foundation of the software industry. With the beginning of the digital era, every transaction or work has been made simple and easy access to all the required information and platforms for making the communication. The Widespread use of computers led to further development in the field of communication through the internet. In the digital era of IPR, technology dominates, and the progression of technology is challenging the status quo of IPR in many ways, it includes the Computer program. Intellectual property concerning software refers to computer code or software protected by law. Protecting your software via intellectual property rights is considered important as software innovation is valuable to individuals, start-ups, and businesses. Therefore, the issue has arisen, is software Patentable in India? Or has Copyrights? Software is expressed in the form of source and object code and is similar to that of a literary work. Hence Copyright is the preferred method for protecting software programs. According to the Copyright Act, of 1957, computer programs come within the ambit of literary works. However, the work being original is essential for obtaining copyright protection for software or computer program. According to the Indian Patent Act, “a mathematical or business method or a computer program per se or algorithms” is not an invention, therefore, not patentable. This paper is examining the extent of computer programs protected under copyright and patent law and it further explores whether the existing IP law is sufficient enough to protect the computer program in the digital environment and examine whether there is a need to protect computer programs under IP regimes by developing a sui-generis law for the protection of computer program.

*Keywords: Copyright, Undisclosed Information, Trade Secret, Patents, Contract*

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## TRADITIONAL KNOWLEDGE IN DIGITAL ERA

NALASELVAN.P\*

Intellectual property clearly deals with one's own ideas, writings, designs, symbols, skills and creations. Intellectual property is intangible in nature means it cannot be touched or seen mostly. Intellectual property covers vast area like IP law, cloud computing, digital rights, liability of internet service providers, digitalization, block chain technology, cybersquatting, artificial intelligence etc. This paper covers the area of Traditional Knowledge and digital library issues and challenges. Traditional knowledge is nothing but knowledge possessed by the indigenous people and communities. It includes cultural knowledge, artistic knowledge, medicinal knowledge, natural resource knowledge, Agricultural knowledge and sacred knowledge. In olden era this knowledge is not in written form it is only present in oral form or reserve form but in modern era these knowledges are more digitalized. They are cheaply available in digital environment and internet resources. Therefore, it increases the risk of patent rights, more availability decreases the actual value of traditional knowledge, wrongful use of traditional medicine knowledge led to death of many people, anonymous users convey wrongly sacred knowledge to people led rise of violence and etc... issues are going to be discussed. Pioneering initiative of India's ayush ministry results in the creation of (TKDL) Traditional Knowledge Digital Library to protect Indian traditional medicine knowledge and prevent its misappropriation at international Patent offices. This paper discusses its arising irregularities.

*KEY WORDS; Intellectual property, Traditional knowledge, patent rights, increases risk, ayush.*

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## CHALLENGES IN PROTECTING COPYRIGHTS IN DIGITAL ERA

V. RAJA SARAVANAN\*

Mrs. A. JANAKI

Copyright laws have been in place for long times to safeguard original developers' intellectual property rights, but in the internet world, the concern is more intricate than ever. As technology progresses at a rapid pace, there is a rising need to improve and revamp copyright laws to adapt to the evolving environment of the digital world. The ease in which digital information can be replicated and transmitted is the major hurdle of creative works in the digital era. Previously, physical copies of books, music, and films had to be produced and distributed, making unlicensed copies more challenging to create and disseminate. It is not enough to just enforce the law in the battle against internet piracy. It's also about giving customers legitimate, inexpensive alternatives to piracy. Streaming services provide end users with access to a large variety of material for a low monthly charge. These services have been effective in lowering piracy rates in many regions of the world by giving economical and simple choices for accessing digital material. Another important issue in the digital age is the issue of fair use. Individuals may use copyrighted content for certain purposes such as criticise, comment, study, or research without requesting approval from the copyright owners. Yet, in the digital era, when information may be remixed and recycled in new and innovative ways, the idea of fair use might be difficult to apply. This article examines copyright law in the digital era, focusing on the expanding problem that poses substantial issues for content providers, consumers, and policymakers. There are no easy answers to this issue, it is evident that copyright laws must be revised and modified to match the evolving digital reality. So that we can guarantee that the digital era remains a lively and creative arena for content development and consumption.

*Keywords: Copyright, digital era, piracy, IPR, safeguard*

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## CHALLENGES FACED IN PROTECTING THE RIGHTS OF COPYRIGHT OWNERSHIP AGAINST INFRINGEMENT AND LEGAL REMEDIES IN INDIA

P. MEENMOZHI\*

Copyright is a bundle of rights given by the law to the creators of literary, dramatic, musical and artistic works and the producers of cinematograph films and sound recordings. The rights provided under Copyright law include the rights of reproduction of the work, communication of the work to the public, adaptation of the work and translation of the work. India is a member of most of the important international conventions governing the area of copyright law, including the Berne Convention of 1886 (as modified at Paris in 1971), and the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS). WIPO Performances and Phonograms Treaty (WPPT) in 2013. Copyright issues include **Copyright Infringement**. Copyright infringement means the unauthorised use of someone's copyrighted work for a profit, results in without prior permission, breaching certain exclusive rights granted to the copyright holder, such as the right to reproduce, distribute, display or perform the protected work. Violation of copyright law would lead to several judicial consequence. The owner of the copyright is entitled to legal **remedies** by way of injunction, damages, as conferred by the law for infringement of a right. These are restraining orders that prevent the defendant from continuing or acting in furtherance to the course of infringement. Copyright infringement has become a serious issue these days. The purpose of this article to discuss the rights of owenership of copyright against infringement and the copyright law provides an exclusive legal and statutory right to the original author on his creation of work. It imposes a negative duty on others that prohibits from using or getting benefit from the work without the consent of the author.

*Keywords : Copyright Act, Wipo, Copyright Infringement, Protection, Remedies*

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## **NFT Technology in Digital Rights Management**

Karthick S M\*

Due to their distinctive ownership and verification characteristics, non-fungible tokens (NFTs) are a class of blockchain-based digital commodity that have grown in prominence in recent years. In the setting of digital rights management (DRM), NFTs are being used more frequently to offer a safe and verifiable method of controlling possession and licensing of digital assets like audio, art, and video. Before NFTs are extensively used as a DRM option, a number of issues need to be resolved. Scalability is a big problem because using NFTs for DRM necessitates a big, safe blockchain network that can manage lots of transactions. It can be difficult to move NFTs between platforms or use them in various situations due to the fact that various NFT platforms may use various standards and protocols. In relation to questions of possession and intellectual property rights, there are further legal and governmental difficulties. Despite the fact that NFTs can offer a safe and reliable document of possession, they might not be accepted or enforceable under all legal systems, which could result in disagreements about ownership and licensing. Regarding NFTs and DRM, privacy and security are also important factors to take into account. NFTs are accessible to anyone with access to public blockchains because they are kept there. If the digital assets are not adequately protected, this visibility may cause privacy and security problems. For NFTs to be functional, they must be incorporated into the current digital rights management systems. To design a system that is both practical and safe, this integration demands a thorough grasp of the technology and the intricacies of digital rights management. In order to provide a safe method of storing and preventing copyright infringement, we will be exploring the necessity for NTF and how it may be controlled and maintained in this article.

*Keywords: DRM, Blockchain, NFT, Digital asset, Security and Infringement.*

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## CYBERSQUATTING AND TRADEMARK LAW-ISSUES AND CHALLENGES

DR.M.VIDHYALAKSHMI\*

The Internet Domain Name disputes have raised many unprecedented issues which the courts in many jurisdiction were time and again called to resolve and in the process many new terms were coined which enriched trademark jurisprudence vocabulary. Cybersquatting typically refers to the extortionate conduct of the registrant whose domain name represents the trademark or trademark of someone else which he has registered as his domain name with a purpose to sell it or offer to sell it to the true owner of the trademark holder for ransom. Cyber squatters have also been referred to as 'Cyber Pirates' and 'Domain Name Grabbers'. The simple domain name registration procedures have in fact encouraged the speculators to abuse the system. Cybersquatting happens when a total stranger who has absolutely nothing to do with the trademark, register the name by obtaining a .com registration of a well-known company or brand. Therefore, if a person who registers traffics or uses a domain name which is a trademark or is a famous mark or is confusingly similar to trademark, he is liable for guilty of cybersquatting. A person will be liable to the owner of the protected mark including personal name in a civil action, if he with a bad faith, intend to profit from that mark registers, traffics in or uses a domain name that is a.) Identical with or confusingly similar to a distinctive mark or b.) Dilative of the mark that was famous when the domain name was registered or c.) Identical or confusing similar to the famous mark.

*Key words: Trademark, Cybersquatting, Cyber pirates, domain name, distinctive mark, identical, similar marks.*

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## THE WTO -TRIPS AGREEMENT INTELLECTUAL PROPERTY RIGHT

M.VEDHAVATHI\*

The establishment of Trips (trade -related aspects of intellectual property right) Agreement; trips agreement is a short constant agreement and the meaning of allow to member are given more extensive protection of intellectual property and the linking of IPR. Protection and trade in circumstances of WTO organization. The consequences that IPR defense can have in upgrade extension and improving and the correlation of IPRS economic systems Trips agreement, different type of intellectual property, including copyright trademarks patent, GI, industrial and individual of the secret of trade and protection , integration in the WTO involved and responsibility to obey with trips agreement the extension – term of social benefit to society of developing innovation and short – constant agreement of society from addition of access to inventions (WTO ) intellectual property protect and enforcement. The Intellectual giving for under the agreement to the person of other member three main features of the Agreement. Standard, enforcement, dispute settlement , standard agreement set out of the minimum standard of protection to be given by the each and every member. So, the encourage and reward to the own creative work is the recognized in the goods and service one of undertaking from those of other product the duplicate product are make society of use and duplicate product under the law 10 years of imprisonment most to protection of agreement of legal system, The paper concludes with an study of the prospects for maximum or minimum IPR related Trips agreement protection and enforcement and agreement is short standard agreement set out the minimum standard protection of human mind, Remedy from comprehensive the WTO - the agreement (World Trade Organization)

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## INTELLECTUAL PROPERTY RIGHTS AND HUMAN RIGHTS

P.RAMALAKSHMI\*

The Human Rights and the Intellectual Property Rights are the two domains of law that have evolved independently. Intellectual Property Rights consist of statutorily recognised rights, providing incentives for the participation of the private sector in various fields and seek to contribute to technological development. On the other hand, Human Rights are the basic rights which are recognised by the State, and are inherent rights linked to human dignity. The Globalisation of the Intellectual Property Rights triggered the debate on the relationship between the Human Rights and the Intellectual Property Rights, because many developing countries particularly the least developed countries are not in a position to implement the TRIPS standards in their jurisdiction without further compromising their development at the cost of Human Rights. The indigenous communities state that the Government should recognise their claim over their traditional matter which is related to agriculture, bio diversity etc. according to the Intellectual Property Rights regime, the traditional knowledge is considered to be a part of the public domain, since it does not meet the established criteria for protection or private ownership. Since this traditional knowledge is ownerless, various private enterprises utilise this knowledge for further inventions and thereafter protect their inventions by means of patents, copyrights, etc. and the indigenous communities are deprived of their lawful share. Thus this article tries to explore the existing flaws in the Intellectual Property Rights regime, leading to the exploitation of the indigenous communities by various enterprises, which in turn leads to the violation of the Human Rights of the Indigenous communities and further tries to find the remedies by way of legislations to regulate the use of traditional knowledge without violating the Human Rights of these indigenous communities.

*Keywords : Intellectual Property Rights, Human Rights, indigenous communities, traditional knowledge , TRIPS.*

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## DEVELOPMENT IN TECHNOLOGY LEADS TO CYBERSQUATTING AND INFRINGEMENT OF TRADEMARK

Ashok Priyadarshan R\*, Manjari Sugirtha A\*

Over the past decades, people wish to lead more sophisticated lives. This leads to the tremendous growth of the internet and increases people's access. They rely on the internet for their day to day works. Especially during the pandemics people used to work from home, purchased essential commodities to luxury items, instantaneous communication across the globe, played games, communicated about safety to their closed ones, pay bills through e-service etc. Where there is good, there is bad. In such aspects the concept of CyberSquatting has increased which is directly connected to the infringement of Trademark. The domain names are registered by the person who is not the actual owner of such undertakings, with the intent of making wrongful gain by selling the domain in future for high profits. such practices are coupled with infringement of trademark.

Unlike many developed countries, India has no domain name protection legislation specifically. The main objective of this study focuses on, position of India in cybersquatting and comparison with other developed nations and their law regulating this cybersquatting as an offence. Several cybersquatting and infringement cases are referred with the aim to determine the role of development of technology leads to cybersquatting and trademark infringement Also, we recommend certain suggestions for making laws, to protect the domain users. As there is a need to have a tribunal to look into the most serious issues of cybersquatting offences.

**KEYWORDS:-** *Domain Users, CyberSquatting, Trademark Infringement, Legislation,*

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## INTELLECTUAL PROPERTY RIGHTS IN DIGITAL ENVIRONMENT

R. Bhuva Shankar\*

Intellectual property is a category of property that includes intangible creations of the human intellect, meaning "property without a physical existence." As I said, the intellectual property includes the patent, patent applications, trademarks, service marks, copyrights, and trade secrets. Here, as we are in the new digital era, we are entering and viewing in a non-physical form, i.e., studying e-books, listening to and watching audio and video files by downloads and uploads, etc. It is more convenient, and the accessing of internet sources is also getting higher. So, in order to protect an individual's or group's new ideas and creativity, they obtain copyrights to prevent unauthorized access and usage. It is applicable to the digital environment, too. This means that if a person listens to a song on a specific website, such as spaatify or Ghana, which are copyright holders, spaatify and Ghana retain the song's copyrights from the owner, either temporarily or permanently. If the copyright period expires, they should be required to renew the license with the copyright owner. Thus, the purpose of copyright is to stabilize copyright holders and people's usage. If Whether a property was taken directly or indirectly, recovering it is much more difficult because it allows people immediate access and affects monetary profits. So, in order to infringement or illegal activities committed by another individual or group, the file's owner and holder can sue the file, take action against them, and claim damages. To prove ownership of a specific product, such as a song or audio, the owner should be required to obtain copyright; otherwise, it may affects the development of on upcoming new ideas, inventions, and thoughts. As a result, copyright is essential in our digital age. So, the concept of "titling" IPR in a digital environment derives from the holding of property as evidenced by software encryption, data bases, and most particularly the fair use policy of intellectual property.

*Keywords: Intangible, convenient, copyrights, monetary, access, encryption, fair use.*

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## AN ANALYSIS ON ANTI CIRCUMVENTION LAWS TO PROTECT DIGITAL RIGHTS IN INDIA

KAVIYA R\*, GAYATHRI M\*, & PREETHA M\*

The creation, replication, and dissemination of works covered by copyright were significantly impacted by digitization. The vulnerability of works in digital format to infringement justifies the application of technological protection measures. But these technological safeguards are easily evaded, necessitating the need for extra legal protection. The Anti-Circumvention Law is a significant piece of India's legal system that aims to protect the rights of those who create, innovate, and use digital content. It serves as a legal weapon for protecting digital rights in that nation. The Anti-Circumvention Law's main goal is to stop people from getting around the technological protection measures (TPMs) that content owners use to restrict access to their digital content. TPMs have security features including encryption, passwords, digital signatures, watermarks, and others to guard against unauthorized use, copying, sharing, or alteration of digital content though this anti circumvention law is highly criticized on the basis that it restricts the legitimate use of digital contents and thus bar innovation and creativity and other legitimate usage of copyrighted work. Lawmakers have responded by passing regulations that forbid circumventing technological protection measures as well as the creation and distribution of tools used to do so, both at the international and national levels. According to the recently passed 2012 Amendments, the Indian Copyright Law now complies with the WIPO Internet Treaties in terms of the legal protection of technological security measures. Against this background this study aims to compare the legal frame works in different jurisdictions and to critically evaluate the existing legal framework for protection of technological measures at national and international levels.

*Key words: Digitization, Anti circumvention, Digital rights, technological protection measures, legal framework*

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## THE IMPACT OF ARTIFICIAL INTELLIGENCE AND INTELLECTUAL PROPERTY RIGHTS IN THE VIRTUAL SPACE - A STUDY

Mrs.A.Kokila

Artificial Intelligence has become a major force in the digital space, and its use is growing rapidly. This has led to many questions and concerns regarding Intellectual Property Rights and how they apply to Artificial Intelligence created works. One of the key issues surrounding Artificial Intelligence and Intellectual Property Rights is the question of who owns the rights to works created by Artificial Intelligence systems. In many cases, these works may be considered "original" creations, but the question of authorship is often unreliable. Should the owner of the Artificial Intelligence system that created the work be considered the author, or should it be the programmer who developed the Artificial Intelligence system, or perhaps the user who inputted the data that the Artificial Intelligence system used to create the work can be considered as an author becomes a debatable issue. These questions are still largely unresolved and will likely need to be addressed through new laws and regulations. Another issue is the use of Artificial Intelligence is copyright infringement. Artificial Intelligence systems are increasingly being used to create digital manipulation that can be used to infringe on the copyright of others. Patent law also presents challenges in the context of Artificial Intelligence. In addition, there are questions about whether Artificial Intelligence systems can be named as inventors on patents, and whether doing so would have any legal consequences. Overall, the intersection of Artificial Intelligence and Intellectual Property Rights in the digital space is a complex and rapidly evolving area of law. In this legal article, an attempt is made to elaborate the impact of Artificial Intelligence and Intellectual Property Rights in the present virtual space.

*KEYWORDS: Artificial Intelligence, Authorship, Copyright Infringement, Digital Manipulation, Virtual Space*

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## **A Critical Analysis on Complications of Protecting Copyright in the Internet and Exemptions for Copyright Infringement**

M.Gayathri\*, M. Preetha\*& R. Kaviya\*

Understanding copyright in relation to computer programs/software and other works in cyberspace is crucial. The main concern with intellectual property rights in the digital age is copyright. The line between private and public use is one of the fundamental copyright challenges on the internet. The Indian Copyright Act, 1957 also creates a distinction between reproduction for public use, which can only be done with the right holder's permission, and fair dealing for private use, research, criticism, or review, which is permitted under the law. The Internet is frequently viewed more as a scourge than a blessing by copyright owners. The four following reasons explain why the Internet poses the greatest threat to copyright users: First off, everyone can access the Internet at any time and without many obstacles. Second, the internet offers a platform for rapid and inexpensive dissemination of information across a large audience. Thirdly, the cost of distribution is practically nonexistent. The infringement occurs on digital networks, the courts find it difficult to analyze these problems. Besides information, other forms of media such as pictures, videos, music, and audio-visuals are also infringed upon. It is also simple to illegally reproduce and distribute another party's copyright content. All of these have created numerous challenges for the Internet sphere's IPR protection. The author of this article makes an effort to highlight the current and evolving IPR concerns brought on by the Internet, as well as to project what issues a national legislature should take into account to keep up with the demands of the digital revolution. Examining the driving forces behind Internet-based IPR infringements and looking into the current legal remedies at the international, regional, and local levels are the main goals of this study.

*Keywords: Intellectual Property, Copyright Infringement, Internet, Digital, Copyright owner, Fair use*

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## A CRITICAL ANALYSIS ON FAIR USE DOCTRINE IN COPYRIGHT AND ITS REPERCUSSIONS

M.PREETHA\*, R.KAVIYA\* & M.GAYATHRI\*

One of the exceptions to a creator's rights is known as fair use, which permits limited uses of copyrighted content without the creator's consent. The fair use doctrine aids in preventing a strict interpretation of copyright law, which would go against copyright's primary goal of promoting creation. The doctrine of fair use evolved over time as courts attempted to strike a balance between copyright owners' rights and society's desire to permit copying in specific, constrained situations. At its foundation, this philosophy holds that not all forms of copying should be prohibited, especially when they are used for socially significant purposes like criticism, news reporting, education, research etc. The Copyright Act currently contains the fair use doctrine, which was first established by the judiciary. According to the Act, four factors must be taken into account when deciding whether a certain action qualifies as a "fair use" which are the purpose and character of use, the nature of the copyrighted work, the amount or substantiality of the portion used and the effect of use on the potential market for a value of the work. In this Research, the researchers relied on the Doctrinal Methodology. This Research will specifically focus on the critical analysis on the concept of Fair use doctrine and its significance in the Indian scenario. This Paper concentrates on legislation that deals with Fair use doctrine, the views of copyright owners over the particular doctrine and the judiciary approach with certain landmark judgments of U.K., U.S as well as Indian cases.

*Key words: Fair use, Society, Misuse, Copyright, Copyright owners.*

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## INTELLECTUAL PROPERTY RIGHTS IN INDIA: CYBERSQUATTING AND ITS REMEDIES

M. DHARANI\*

Intellectual Property refers to creation of minds, inventions, literary and artistic works and symbols, names, images, and designs. With the growth of commercial activity on the internet, a domain name can be said to be used as a business identifier image. Also, there has been instances of domain name abuse and misuse in the form of cybersquatting. The Trade Marks Act, 1999 used for protecting use of trademarks in domain names is not extra territorial, therefore, it does not allow for adequate protection of domain names. Cybersquatting means that a person will register a domain name with the intention to resell the domain name to a party that has a claim to that name. Cybersquatters also do this with names that could be confused for a particular name. The idea is to profit by jumping on a domain name that someone will want. Many enactments have been adopted by Indian government for safeguarding Intellectual Property Rights. The enactments are Anti - Cybersquatting Consumer Protection Act (ACPA) and Uniform Domain - Name Dispute - Resolution Policy (UDRP) for international disputes. ACPA also protects a person's private name from bad faith registration. This paper also deals with the history of cybersquatting and Trademark Infringement on social media. Further, status of India's participation in IPR related activities across the world has been discussed in brief.

*KEYWORDS: Intellectual Property Rights, Domain name, Misuse, Reputation, Trademark.*

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**DEFINING FAIR USE IN THE DIGITAL ERA**

BERTILA. A

The idea of fair use is nebulous. Courts have had trouble applying it ever since it was created. The public has suffered because it has received no advice about how the doctrine fits in the context of new uses and technologies. This misunderstanding has constantly gotten worse since the invention of the Internet and the ensuing ease with which people can reproduce, repurpose, and exploit copyrighted material. The unpredictable nature of copyright conflicts has prompted litigation to run wild as society has progressed deeper into the digital age. The once-confusing fair use theory is now practically unknowable due to the growing use of technology and the simplicity with which individuals and businesses can copy, repurpose, and reuse works protected by copyright. Given the lack of congressional guidance, courts have relied heavily on the potential effect of secondary use on the market for the original work. While this reliance is justified by the need to maintain adequate creative incentives, the enormous growth of licencing markets has resulted in an overemphasis on economic concerns. Greater uniformity in application is, however, possible. Given its sensitivity to facts, the fair use inquiry is inherently imprecise. However, by viewing fair use through the lens of copyright's goal of intellectual enrichment, the judiciary can improve predictability. A utilitarian orientation not only gives society more direction, but it also reduces the risk of stifling the development of new technology. To rightly change the fair use doctrine, the courts ought to place weight on utility and productive nature of the secondary use. Eventually, judges must de-emphasise the use's market effect as differential, but essential to ensure benefit of the public. This paper discusses the way in which fair use has evolved over time especially in the digital era.

*KEYWORDS: Copyright, fair use, fair dealing, technology era, intellectual enrichment.*

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## A STUDY ON INTELLECTUAL PROPERTY RIGHTS IN CYBERSPACE- ISSUES, CHALLENGES AND ITS LEGAL PERSPECTIVE.

B.Sumibala\*

The property has been classified as either tangible or intangible property. Tangible property is subject to regulation from various Laws, which prohibit stealing or vandalizing another person's physical possession. Whereas intangible property is associated with Intellectual property, and there are Laws prohibiting the Copying, Infringing on another person's copyright, Trademark and other Intellectual property rights, Due to advancements in science and technology, a rapid paradigm shift has occurred in our day-to-day lives and in different fields. On the other hand, a new concept of property has evolving in cyber space. The term Cyberspace refers to the global network of Interdependent Information Technology infrastructures, Telecommunications Networks and computer processing systems in which online communication takes place. Property in cyberspace refers to all digital information, assets and data that are being transmitted in cyber space in the form of e-mail, websites, communication, blogs, and social media. Nowadays, property in cyber space is getting popular, and this virtual property is widely used in e-commerce, e-contracts, e-governance. This Intangible Virtual Property suffers Violation and Infringement in Digital Cyberspace. This paper aims to provide various challenges concerning property in Cyberspace, such as framing of websites, Metatags, This paper also discusses Caching, when we use computer a number of time search engine caches store information of webpage on the computer device server, this Caching, Metatag, Framing put various questions pertaining to legal impact on property in cyberspace, This paper also focuses on the Jurisdictional approach to Cyber space property in the National and in International Regime.

**KEYWORDS:** *Virtual Property, Intangible Property, Framing, Caching, Metatag, Cyber-Squatting.*

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**TAXATION ON DIGITAL ECONOMY**

CHANDRIKA B\*

The concepts of taxation, essentially important to any governmental structure, have been modified over time to accommodate the rapid changes in the economic system. Digitalization has brought dramatic changes in the way businesses operate. The term "digital service tax" (DST) refers to a tax collected on revenue generated by providing digital services that is not defined in any domestic law or international treaty. It is levied by the source country on revenue generated in such countries by global technology companies. It has created new opportunities to reshape the existing business models through the use of technology, allowing businesses to develop a virtual presence on a global platform. Corporate giants such as Google, Apple, Facebook and Amazon (referred as GAFA) operate on a global scale without requiring significant physical resources. Their operations are actually driven by intangibles, data, users, user created content, sophisticated algorithms and data analytics. The exponential growth in digital commerce has challenged the current international tax framework, which is primarily based on the concept of a fixed place of business. These tax laws have become unsuitable and inadequate for the dynamic business models of the digital era. As a result, digital businesses, particularly multinational digital enterprises, have been able to take advantage of tax laws and policies that were written for an industrial age and are no longer appropriate for today's digital economy. The search for a global solution has resulted in divergence in approaches adopted by countries. This paper delineates on international taxation, a model of taxation of digital transactions can help to ensure a more just and equitable world order and also addresses a huge problem related to the taxation of the digital economy that is the double taxation of various digital businesses being taxed in multiple jurisdictions, resulting in a violation of double taxation avoidance agreement (DTAA) treaties.

*Key words: Digital, Taxation, Global, DTAA, Services*

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**Blockchain technology of DRM**

SHANKARA NARAYANAN K\*

Online digital content service becomes more and more easily, however, free consumption and excessive spreading without rights protection will hurt the content providers' benefits and causes business loss. To solve this problem, in this paper we proposed a blockchain-based scheme for digital rights management(named DRMChain), which supports the right content serves the right users in a right way, the DRMChain can provide trusted and high-level credible content protection and conditional traceability of violation content service. In the proposed DRMChain, we use two isolated blockchain application interfaces (BAI) to respectively store plain and cipher summary information of original and DRM-protected digital content, and considering large capacity of digital content such as image, audio or video, we proposed external flexible storage of plain/cipher digital content and creates hashID of the content itself and links with the blockchain. In the DRMChain scheme we proposed efficient and secure authentication, privacy protection and multi-signature-based conditional traceability approaches, and thus the DRM license, usage control and constrain information can be easily retrieved form the blockchain, and customs can query all the consumption transaction lists of free or paid consumption history to prevent baleful fee-deduction. Analysis and performance evaluation manifest the DRMChain scheme provides a reliable, secure, efficient and tamper-resistance digital content service and DRM practice.

*KEYWORDS: DRMChain, Blockchain, Licence, IPR, hashID*

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**A STUDY ON THE LEGISLATIVE FRAMEWORKS ON PERSONAL DATA  
PROTECTION**

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Privacy is the recent concern around the globe due to the rapid growth in digitization. Personal data of individuals including their daily activities over the Internet are captured and used for benefit of the companies. The individuals are also susceptible to hacking, fraud, harassment, misuse of personal information and whatnot. The legislature seeks to address these growing concerns and protect the rights of individuals by securing their personal information. It also seeks to create an onus among the companies to protect the user information from confidentiality breaches. The paper seeks to study on the laws governing the digital processing of personal data. It highlights the merits of the Act and also, its shortcomings.

*KEYWORDS: Data, Privacy, Cloud computing, IPR, Individual rights,*

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சுருக்கம் :-

முன்னுரை - வணிகக்குறி - விளக்கம் - வணிகக் குறியைப் பதிவு செய்வதற்கான நடைமுறை - மனுவை தாக்கல் செய்தல் - மனுவை ஏற்றல் - மனுவின் விளம்பரம் - பதிவிற்கான எதிர்ப்பு - மனுவின் பதிவு - மற்றும் - பதிவு செய்யப்பட்ட வணிகக் குறிகளின் உரிமை மீறுகை - பதிவினால் வழங்கப்படும் உரிமைகள் - வணிகக் குறி பதிவு செய்யப்படாததான் விளைவு - பதிவு செய்யப்பட்ட வணிகக் குறியின் உரிமை மீறல் - மற்றும் - உரிமை மீறல் குறித்த பொது நெறிமுறைகள் - மற்றும் - உரிமை மீறுகையாக அமையாத பதிவு பெற்ற வணிகக் குறியின் பயன்பாடு - வணிகக் குறியின் உரிமை மீறுகைக்கு எதிராகக் கிடைக்கும் தீர்வழிகள் - உரிமையியல் தீர்வழிகள் - குற்றவியல் தீர்வழிகள் - நிர்வாகத் தீர்வழிகள் - முடிவுரை.