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# Intellectual Property Rights for Digital Media Content Creators: Emerging Trends and Research Outline

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## ABSTRACT

*The twenty-first century will be known as the century of knowledge and intelligence. The ability of a country to innovate and convert knowledge into wealth and social good determines its future. As a result, innovations are crucial to the generation and application of knowledge. Intellectual property is the quality inherent in ideas or their manifestation. It is an innovation that protects the rights of individuals and businesses who have converted their ideas into material assets by awarding those properties' owners certain rights. The four categories of intellectual property are secrets of commerce, intellectual property rights, copyrights for literary works, and patents for inventions.*

*The researcher will address the following subjects in the study because India's advancements in intellectual property have consistently sparked lively debate and drawn interest from around the world. In addition to fulfilling its obligations under the World Trade Organization's Convention on TRIPs Rights, India has recently made great progress toward developing its own trademark law, which seeks to find an acceptable compromise within the compromise between monopolistic rights and unfettered access to information. That being said, it would be incorrect to say that there aren't any parliamentary changes in the field of intellectual property, even though no new laws have been established in the last year.*

**Keywords:** *Intellectual Property, Innovation, Patent, Trade Mark, Copy Right.*

## I. INTRODUCTION

IPRs, or intellectual property rights, are the rights attached to intangible assets that belong to an individual or entity and are shielded against unapproved use. As a result, intellectual property rights are the ownership rights associated with intellectual property. These rights enable those who own trademarks, trademarks, or works protected by copyright to profit from their creations, with the intention of protecting other people's intellectual property or achievements of human intellect. The 27th provision of the UN Declaration on Human Rights (UDHR) states that

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everyone has an obligation to the safeguarding of the material and ethical interests arising from any literary, artistic, or scientific work that they create. In this section, rights to intellectual property are also covered.

A century ago, the two factors of production that dominated economics were labor and capital. However, this is beginning to change as knowledge and information begin to take the role of assets that generate wealth. Most jobs that generate revenue are knowledge-based as opposed to physically-based. The prosperity of a nation's economy depends heavily on its intellectual property in the fiercely competitive global market of today. Intellectual property is the fuel that propels wealth and encourages innovation and discovery. IPRs are presently used as tools to protect creativity and generate revenue.

The intellectual property of others should be promoted and protected for a variety of reasons, including the advancement and well-being of humanity in creation, the creation of new creations related to technology and culture, the legal protection of new innovations, the encouragement of growth in the economy, the creation of new industries and jobs, and the enhancement of life quality and enjoyment. In one way or another, everything around us is regarded as intellectual property. These days, intellectual property is a constant in our daily lives. Among other things, examples are the patterns on office supplies and furniture, home appliances, electrical devices, water bottles, tiles, bedding, and decorations.

#### **(A) Objectives of the Research Paper**

- To evaluate the difficulties content creators face in stopping content infringement, which includes the copying, misuse, and misappropriation of their creations?
- Evaluating social media companies' content protection initiatives in light of their policies, terms of service, dispute settlement procedures, and intellectual property compliance.
- To provide social media influencers with legal counsel, technical solutions, and legislation pertaining to intellectual property.
- To offer suggestions for reforms to intellectual property laws and to legislators regarding how successfully they protect the creative works of social media influencers.

The main goal of the study is to examine the legal environment and issues pertaining to the protection of multimedia creators' works under intellectual property law, and to provide workable answers for legislators, platforms, and influencers.

## **II. HISTORICAL VIEW ON IPR**

After intellectual property rights were initially acknowledged in 1883, they were thereafter governed by the International Intellectual Property Organization (WIPO). In addition to supporting the global safeguarding of intellectual property rights, WIPO provides an extensive variety of international services. The Market-Related Parts of Intellectual Properties (TRIPS) accord is an international legal agreement that was developed by the World Trade Organization (WTO) and went into effect on January 1, 1995. Members of the World Trade Organization were able to increase the protections afforded to their inventions beyond what was allowed by their respective national laws thanks to this agreement. India signed the TRIPS agreement in 1995, kindly joining the ranks of other rising nations. In addition, the National Industrial Protection Rights Policy was passed by India in May 2016. This strategy, with its unambiguous appeal to "Creative India, Innovative India," aims to steer the future development of intellectual property rights in the country.

### **(A) Meaning of Intellectual Property**

The set of legal rights granted to the owner or inventor of intellectual property is known as "the intellectual property rights (IPR)". These are an individual's rights concerning artistic creations. By honoring artists for their labors of love and preserving their creative property, they hope to uphold the rights of artists. As a result, the inventors and producers are permitted to profit from their works.

One type of intangible resource created by human intelligence is intellectual property (IP). It refers to the products of human intelligence or mental creations, including inventions, poems or various creative works, and names, symbols, and pictures used in trade.

As to the provisions of the "Convention Forming the International Intellectual Property Organization," the rights pertaining to: —

- Works in all fields of human activity, such as broadcasts, phonograms, plays, artwork, and science; performances by artists; and;
- Scientific advancements,
- Commercial designs,
- Service marks, names and designations used in commerce,
- Defense against deceptive business practices, and
- Any additional rights arising from creative, scientific, literary, or industrial

intellectual activity.

Geographical indicators, rights to know-how or confidential information, and integrated circuit layout designs are other types of intellectual property.

### **(B) Classes of Intellectual Property**

1. Copy Right
2. Patents
3. Trade Mark
4. Industrial Design
5. Geographical Indications

#### **a. Copyright**

The term "copyright" describes the legal safeguarding of writers' and artist's ownership rights in creative works. A copyright is sometimes referred to as a "literary right" or "author's right." Authors are granted sole ownership to their works through copyright, which also guards against unapproved publication and rework of their creations. Copyright protection begins as soon as a creation is conceived and disseminated in a tangible form. Copyright laws protect original works of art. Furthermore, the protection only applies to speech. Thoughts that are just articulated physically are not legally secure and are not protected by copyright. The author's two following rights are safeguarded by copyright.

1. Economic rights are the creator's capacity to make money off of others using their works. For instance, the authority to prohibit or allow the work's duplication in whatever format, the authority to prohibit the work's unapproved translation, etc.
2. Moral rights or the defense of the writer's non-commercial interests. As an example, the rights to object to modifications made to a work and to assert one's authorship, etc.

#### **b. Patent Right**

A trademark is a sole right given for new and inventive items or inventions. These can be goods, services, or processes that provide a fresh take on an old problem or a cutting edge technological development. To put it another way, the individual who invented it is granted an exclusive license:

1. A fresh and helpful article;
2. A better version of an already-written article; or

### 3. A novel approach to creating an article

Ideas that have commercial or industrial value may be eligible for patent protection. In return for disclosing the invention, the recipient receives an enduring authorization to produce the novel item or to make the product using the invented technology for a fixed period of time (typically twenty decades from the application's filing date). The owner of a patent may decide to sell the concept or grant licenses to other individuals so they can make use of it.

#### c. **Trade Mark**

A registered trademark serves as a means of identifying a company's products against those of its rivals. A trademark can be a single file, an image, a mark, a design, or a set of numbers, as well as three-dimensional elements like form and package.

According to Section 2(zb) of the Trademark Act of 1999, a "trademark" is described as a mark that may be displayed graphically and that is used to distinguish products or services of one entity from those of another. Trademarks can be applied to the forms, color schemes, and packaging of products. Its originality, therefore, is what makes a trademark stand out.

#### d. **Industrial Design**

The decorative or artistic elements of a product are referred to as industrial design. It could be made up of two-dimensional elements like patterns, layouts, or color, or three-dimensional elements like an object's shape. An industrial style is only decorative; it serves no practical use. Legal protection is necessary to maintain the creative originality of an industrial design and deter others from replicating it.

#### e. **Geographical Indications Tags**

When identifying products with a particular geographical origin (GI), an indication of geography is utilized. These measures capture the attributes of the goods that are fundamentally connected to their nation of origin, such as their character, quality, or other features. Generally, industrial, handcrafted, wine, food, and agricultural items are classified by their geographic location. GI products include things like Basmati Rice and Darjeeling Tea.

### **III. DIFFICULTIES IN AVOIDING CONTENT INFRINGEMENT**

Every user has easy and free access to social media content that is saved on the internet. Influencers on social media lately could gain or lose from this, depending on your point of view. If anything starts to "trend," it could be difficult to monitor how your creation is being copied or reproduced.

**(A) Efforts To Protect Content on Social Media Platforms**

Posts containing copyrighted content are allowed on social networking sites like Instagram, Pinterest, Facebook, and Twitter. In contrast the social media platform, but the person whose work uploads content is the rightful owner of the copyright to the content published to the relevant website or application.

- Facebook: We are granted a non-exclusive right to any intellectual property that you shares, post, or upload on our products, including Facebook.
- Twitter: Anything you publish, upload, or otherwise make available via the Services is your property. You are the owner of the content (your included music, images, and videos are regarded as part of the Content).
- Instagram: Regarding any text, data, photos, music, sound tunes, applications, new artwork, or other items (collectively, "Content") that you publish, Instagram disclaims all ownership.

**(B) Suggestions for social media influencers**

- Being aware of the application of IP law: Digital media content may be subject to trademark, copyright, and patent laws. Original texts, images, music, and videos are protected by copyright, but trademarks shield your brand names, logos, and catchphrases that set your work apart.
- Relevant government registration: There are further legal advantages to register your copyright with the appropriate government body. By registering, you can prove that you are the owner of the copyright and pursue legal action to recover damages and expenses.
- The registration of trademarks: To safeguard your brand, register your slogan, logo, or name as a registered trademark with the appropriate government agency. You can use your trademark in your materials and prevent others from using marks that are confusing to customers by registering it.
- Include explicit usage guidelines: Specify the permissible uses of the material on your web page or other digital platform. You can specify that your content can only be used for personal, non-commercial purposes and that any other use needs your consent. You can impose restrictions on usage, attribution, and other aspects of your work to safeguard and manage it.
- Monitoring for infringement: Check for online instances of unapproved use of your

work. This may entail searching the internet for your material or setting up Google Alerts to alert you when it is viewed without authorization. If you find infringement, consider filing DMCA removal notices, sending cease-and-desist letters, or even filing a lawsuit.

- It is advisable to contemplate licensing your material to external entities. Royalties, usage restrictions, and license durations may all be mentioned in licensing agreements.
- Legal Assistance: To protect your content, speak with an experienced intellectual property attorney. IP law is complex. You may register, enforce, and protect your content by understanding the IP legislation with the assistance of a lawyer.

#### **IV. CHANGING TRENDS IN INTELLECTUAL PROPERTY**

Intellectual property has advanced significantly in recent years. The 21st century not only marked the beginning of the IP revolution, but it was also a century's worth of invention and creativity. These days, thoughts and knowledge can be transformed into money for the good of society.

The famous words of Victor Hugo are, "No authority on world may thwart a plan which is time has come." This assertion is supported by the significant impact that IPR has had and the growing requirement it has garnered in recent years. These days, new types of intellectual property rights are appearing in the domains of investments, technology, healthcare, and literature.

You can find the solutions to any of your questions with modern technologies. It has not only made connection with people worldwide easier, but it has also put a limitless supply of details at our fingers. But with great power comes enormous accountability, and modern laws are particularly devoid of it. Each social and political issue can be resolved by the application of the law, and the law on copyright is the product of this union of the two disciplines.

The main objective of copyright law is to provide the innovator and other users of the work with more legal power. In India, software, or computer programs, are protected by the Indian Copyright Act of 1957. The laws governing copyright have undergone multiple global revisions to achieve this purpose.

Strong intellectual property rights (IPRs) are essential for any business, regardless of size, to protect its ideas, concepts, creations, and goods. It has always been advantageous since they generate income for innovators as well as all relevant stakeholders. IPRs and technological regulations are crucial factors to take into account when conducting business or resolving



disputes.

The shift to digitalization in the legal system has had a big influence on the manner in which individuals used to behave. The abundance of information on web pages has simplified the handling, sharing, and execution of protected works; yet, it has also increased the availability of low-cost illegal copies and the unapproved use of copyrighted works.

To limit the quantity of original work that is duplicated beyond the owner's knowledge and protect intellectual property from such threats, DRM, or digital rights management, has added new safeguards. Software makers can employ copy access control and other measures to keep an eye on who is using their goods and ensure that only those who have paid for them are able to access the services.

Furthermore, no other person is permitted to receive another copy of the original piece of artwork unless they secure a license. Using a watermark is another way to make sure the creator can digitally track unauthorized use of their creations. The watermark embedded into the work makes it easy to keep an eye on unauthorized use.

The exclusive right to acquire, import, export, and sell pharmaceuticals is given to the pharmaceutical sector through patents. The patent forbids other pharmaceutical companies from selling the drugs they manufacture for the next twenty years. IPR primarily affects pharmaceutical firms in three areas: distribution, pricing, and manufacture.

The pharmaceutical industry faced enormous obstacles in 2020 and 2021 because of the global pandemic that was in progress at the time. Pandemic essentials such as masks, sanitizers for hands, and personal protective equipment (PPE) were widely supplied during this period and are still on the market today.

But in the middle of a global pandemic, getting the approved vaccination posed a bigger challenge for us than even getting access to other health-related necessities. We faced several challenges in gaining access, such as a lack of funds, raw materials, production teams, and knowledge, concepts, and advancements in the medical field.

It is more important than ever to understand intellectual property laws nowadays. Patents are essential for both researchers and scientists to prevent theft of intellectual property and to promote economic progress. The public and private sectors not only collaborated to raise funds for pharmaceuticals and biomedical research and innovation, but also made sure to celebrate and recognize those who devoted their time and energy to furthering the medical field. Everywhere governments made sure companies incorporated under intellectual property protection received financial support and other advantages. But in the present day, we have to

make sure that access to immunizations and healthcare is not impeded by intellectual property rights. To ensure everybody has access to the best, scientifically proven treatments and cures, it acts more like a shield.

Right now, the most valuable asset that startups and established companies have is their intellectual property, both financially and legally. A brand's protection under trademark law is contingent upon a company's performance. Furthermore, the market takes companies with protected intellectual property and investments more seriously, which attracts stronger investors and partners.

The idea of intellectual property rights enhances a business's value and functions as a promotional tool. The good's patent or trademark sign emphasizes how unique, unique, and different from any other item on the market it is.

The Indian government launched programs like Made in the nation in 2014 and Skills India in 2015 to highlight the nation's inventive side. These two served as the nation's platforms for attracting investment and highlighting the creative qualities of its citizens.

## **V. CONCLUSION**

Given the expanding digital landscape, it is reasonable to argue that intellectual property rights are more vital nowadays compared to when they were at any point in human history. Thanks to IPR, the innovations have gained value and potential for commercialization. A person would never be able to reap the results of their labor if they did not take the required safeguards to secure their invention or business.

The recent discoveries and technologies that are registered and patented also help the country's economy. The development of corporate trademarks as well as patents on the internet has made it simpler for people to illegally steal ideas shared online; however other nations have very rigorous legal protections that exist because they value creators' work and ideas. The epidemic has finally made intellectuals and artists realize how important enforcing intellectual property and data protection are, and as a result, the electronic and medical sectors are flourishing at the moment.

To sum up, writers for digital media require intellectual property rights. They give content producers the foundational legal support they need to stay independent, become well-known, and keep ownership of their digital creations. Intellectual property rights are essential for the protection and inspiration of writers, singers, photographers, and other creators of digital media. These innovators expended cash, time, and effort.

The widespread use and ease of distribution of digital media means that content providers require intellectual property rights in order to safeguard their interests. To safeguard their works, content providers need to obtain permissions, trademarks, and copyrights. By preserving and honoring intellectual property rights, producers of digital media content can produce incredible content that enhances our online environment.

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