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Subhrajit Chanda



BBA. LL.B. (Hons.) (Amity University, Rajasthan); LL. M. (UPES, Dehradun) (Nottingham Trent University, UK); Ph.D. Candidate (G.D. Goenka University)

Subhrajit did his LL.M. in Sports Law, from Nottingham Trent University of United Kingdoms, with international scholarship provided by university; he has also completed another LL.M. in Energy Law from University of Petroleum and Energy Studies, India. He did his B.B.A.LL.B. (Hons.) focussing on International Trade Law.

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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

NAVIGATING E-CONTENT CHALLENGES: INTELLECTUAL PROPERTY RIGHTS IN INDIA

AUTHORED BY - ADV. MASEEHULLAH Y. BANGALOREWALA

LL.M Student,

Monark University, Ahmedabad

ABSTRACT: This research delves into the evolving landscape of intellectual property rights in the digital age, particularly focusing on e-content and its protection in India. With the rapid advancement of information technology and the proliferation of e-content on the internet, traditional legal frameworks face new challenges. The study aims to identify areas within the Indian legal system that require strengthening to effectively safeguard intellectual property rights in the digital realm.

Current legal provisions inadequately protect intellectual property rights in electronic formats, leaving a gap that requires urgent attention. In an era dominated by information, technology, and globalization, the protection of intellectual property rights in cyberspace becomes imperative. While developed nations like Europe, the United States, and Japan have established robust mechanisms for safeguarding digital intellectual property, India lags behind. Harmonizing Indian laws with international standards is crucial not only for protecting domestic interests but also for asserting Indian intelligence on the global stage.

Moreover, as electronic media gains prominence, the scope of intellectual property extends to various aspects of digital content creation and dissemination. India's legal infrastructure struggles to address issues such as electronic copyrights, domain name protection, and e-trademarks effectively. Despite efforts such as the Information Technology Act of 2000, existing legislation falls short in providing adequate remedies for violations of electronic property rights.

The research traces the evolution of intellectual property protection laws globally and underscores the urgent need for India to enact comprehensive legislation tailored to the digital age. It emphasizes the necessity of synchronized efforts at both national and international levels to safeguard intellectual

property rights in electronic formats. In conclusion, the study highlights the imperative for India to enhance its legal framework to address the complex challenges posed by the digital revolution and protect intellectual property rights in the electronic domain.

Keywords: Intellectual Property rights, e-content, Indian laws, patent, trademark, copyright.

INTRODUCTION:

The advancement of information technology and the dissemination of e-content on the internet have introduced new challenges to the interface of intellectual property law. This study aims to identify areas requiring reinforcement within the Indian legal framework. The primary objective is to advocate for enhanced legal protection of intellectual property e-content rights. Presently, the system inadequately safeguards these rights in electronic formats, especially in the rapidly evolving landscape of information technology. India's legal system lags behind international standards, particularly concerning the protection of intellectual property e-content rights at the global level. Given the parallel mechanisms in Europe, the United States, and Japan, Indian laws need to align with these standards to assert its position in international forums. Additionally, the Information and Communications Revolution has reshaped global dynamics, necessitating developing nations to upgrade their legal frameworks to safeguard national interests. The proliferation of the Internet Information Superhighway and Cyberspace poses unprecedented challenges, emphasizing the urgency of addressing these issues.

Furthermore, electronic media is rapidly increasing prominence due to its numerous uses and advantages. It provides the foundation for enlarged company possibilities today. It is in the realm of study that innovative commercials, content, models, and works of literature take form. With the development of information and communication technology, the Internet is gaining popularity due to its superiority over all previous mass communication tools influencing people's lives. The notion of Intellectual property e- content has a broader applicability in electronic media since a significant portion of it involves the application of an individual's intellectual skills. The adverts put on websites and distributed through electronic media are the producers' intellectual property. The contents, designs, color combinations, punch lines, photos, font styles, etc., are some of the marketers' creative efforts utilized to promote their businesses. The website itself, however, is an intellectual property. The software used to operate a computer and other programs is also

considered intellectual property.

India's legal system is insufficiently developed to cope with concerns pertaining to electronic copyrights, domain name protection, 'e' patents, and 'e' trademarks. Existing Indian law is likewise incapable of providing remedies for violations of electronic property rights. Despite the Information Technology Act of 2000's efforts to give protection to property owners and defend their rights via rules pertaining to signatures, it is insufficient to cope with issues involving the exploitation of Intellectual property e- content on the internet. Moreover, the present Intellectual property e- content legislation in India is insufficient to cope with electronic property, which is exploited illegally from all corners of the globe, beyond the territorial jurisdiction of the law. Numerous wealthy nations, including the United States and Japan, have enacted legislation to safeguard Intellectual property e- content in virtual form. India must enact legislation to address several concerns pertaining to electronic or property, domain names, and other relevant matters.

Therefore, an effort has been made to track the evolution of intellectual property e- content protection legislation, how it moved to the world, and the resulting consequences. In addition, an attempt has been made to synchronize worldwide efforts to preserve intellectual property e- content rights in the age. It emphasizes the necessity for Intellectual property e- content protection regulations in India in electronic format.

1. LITERATURE REVIEW

The study involved researching, analyzing, evaluating, and critically assessing various sources such as papers, books, recent amendments, international conventions, and contributions from renowned jurists on the aforementioned issue. Additionally, court decisions from India, the United States, the United Kingdom, Japan, Australia, and the European Union were examined to establish a regulatory framework relevant to the Indian context. Specifically, publications like the Indian Journal of Intellectual Property E-Content Law, the International Journal of Law and Technology, and the International Journal of Communications Technology were consulted. References may include citations from these sources.

2. OBJECTIVE (S) /NEED OF STUDY

The primary objective of the preservation of Intellectual property rights in e- content analysis would be to emphasize the need for expanded legal protection. The existing system doesn't

protect electronic IP rights. In this era of digitization, information, and technology, Intellectual property e- content rights in cyberspace are unexplored. The Indian legal system has fallen behind international advances in the subject, notably with regard to the protection of Intellectual property e- content rights of Indians at the international level. Since Europe, the U.S., and Japan have nearly identical protection mechanisms for intellectual property e- content rights, Indian laws must outline provisions for granting protection to digitized versions of Intellectual property e- content rights and be compatible with developed world standards to carve out a niche for Indian intelligence in international forums.

3. **THE RESEARCH HYPOTHESIS**

To evaluate the strengthening of Intellectual property e- content protection in technological circumventions, we need a nuanced view of legal protection that transcends traditional academic bounds and reductionism. According to the definition, a reality without wants is neither alive nor capable of being improved in any manner. As a result, the hypothesis posits that attention to changing parlance and technical legal demands is urgently necessary so that we do not become victims of neocolonialism in the analogy of research and development by large corporations as assignees of the Intellectual property e- content rights. The current legislation in India regarding the protection of Intellectual property e-content Rights is insufficient for the protection of intellectual property rights in E-content.

4. **RESEARCH DESIGN & METHODOLOGY**

This research combines both descriptive and analytical approaches. The subsequent doctrinal study involves organizing and interpreting the procedural and substantive aspects of legislation concerning intellectual property e-content. Essentially, research involves exploring new avenues, and anything novel stems from direct experience. Doctrinal research is conducted by meticulously examining legal literature, organizing, categorizing, and analyzing legal structures, frameworks, and case laws to uncover new insights. To address legal challenges with fresh perspectives, legal doctrines, frameworks, and case laws are rigorously evaluated and analyzed using rational and scientific methods. Various sources such as acts, books, debates, previous judicial rulings, legal journals, international conventions on intellectual property protection, World Intellectual Property Organization

documents, and multilateral agreements to which India is a signatory are consulted. Additionally, information is gathered from newspapers, linked writings, articles, electronic media, and the internet.

1. The "information demand" determines how to receive the required information. The database provides Case laws on a specific problem, Legislative intent of any act, and Legislative history of a certain enactment. Foreign laws matching Indian laws. Online and CD-ROM legal databases were also helpful for finding relevant case law. Law journal articles are vital sources of information. West law international, scc online, and manupatra online are utilized to find legal journal articles.
2. Research Concerns
3. This study will attempt to compare logical answers for the following research questions: To what extent is it feasible to extend legal protection for e- content rights in the current information environment?
4. Would Indian Laws be flexible enough to preserve the delicate equilibrium between Intellectual property e-content protection and public interest?
5. How far can the Intellectual property e-content and Information Technology conundrum be resolved?
6. What feasible efforts may be made to guarantee international consistency in the protection of Intellectual property e-content rights?
7. How far can global innovations in Standard Essential Patents be accommodated within the Indian legal framework?
8. To what degree may internet service providers and intermediaries be held liable for Intellectual property e- content infringements in cyberspace?
9. What effect does the present network neutrality controversy have on the protection of Intellectual property e- content rights on the Internet?
10. Can we rely on judicial interpretations to protect consumers and producers without effective e-trademark legal protection?

The most recent theological research did not underline the earlier problems. Intex, Micromax, and Ericsson are three companies that have gone to court. The Supreme Court ruled on domain names as trademarks 11 years ago. After 10 years of compliance, or 2005, the impact of TRIPs on developing countries and their compliance must be examined. In today's quickly

expanding technology, there are few researchable subjects, especially when the offender is oblivious of his online transgressions. When an attempt lacks a physical location, guilt is difficult to determine. Moreover, the idea of fluid information and its legal constraints have just lately been addressed. Network neutrality is also about treating all ISP traffic equally. Without such oversight, ISPs might limit the connection to disapproved websites or material. This demands examination in the contemporary Indian environment, which hasn't been addressed in recent years since it's a recent offshoot of law and technology.

CHALLENGES OF THE STUDY

This research will pave the ground for the formalization of the need to upgrade the current Indian legal system protecting intellectual property e- content rights. Since there are no particular provisions in the present Indian legislation regarding the protection of electronic versions of intellectual property e- content rights, it opens the door to the possibility of investigating the legal protection of electronic forms of intellectual property e- content rights. Therefore, the purpose of the current research is to support the necessity to remedy the gap in legal protection caused by technology advances. In addition, the research will pave the way for others to thrive in this sector, since it would be the most significant component to be addressed in the field of Intellectual property Rights and E-content.

HOW WELL ARE E-CONTENT RIGHTS SAFEGUARDED IN THE PRESENT INFORMATION ENVIRONMENT?

1. Would Indian Laws be flexible enough to preserve the delicate equilibrium between Intellectual property e- content protection and public interest?
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6. What effect does the present network neutrality controversy have on the protection of Intellectual property e- content rights on the Internet?
7. In the lack of proper legal protection in the field of e-trademarks, can we depend only on court interpretations to safeguard the interests of consumers and manufacturers?

Newspapers, connected publications, articles, the Internet, and electronic media are sources.

The "information demand" determines how to receive the required information. The database provides Case laws on a specific problem, Legislative intent of any act, and Legislative history of a certain enactment. Foreign laws matching Indian laws. Online and CD-ROM legal databases were also helpful for finding relevant case laws, Law journal articles on any topic are crucial informational resources that may be found in journals, legal databases, and article indexes, West law international, SCC Online, and Manupatra are online.

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