

## **A Study on Ethical Issues on Intellectual Property Rights in Higher Educational Institutions.**

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### **Abstract:**

These days most of the higher educational institutions are facing burning challenges of violation of IPR because many researchers including academicians are writing research papers like fast-food. Recently most of the researchers are getting material from internet sources which has been discussed in this paper. It is also seen that even after coping from the sources they are not mentioning the citation of the work which is against the IPR. Referring to the higher education institutions academicians under the force of writing and publishing paper to certain seminar, conferences and book chapters are following illegal process to fulfill their participation, which has now becoming the emerging challenges in the perception of ethical conduct of the Academicians, Research scholars. This abstract provides a concise overview of the review's focus on ethical dilemmas concerning intellectual property rights (IPR) within higher educational institutions. It explores issues such as ownership disputes, plagiarism, commercialization, and open access, highlighting the complexities faced by researchers and institutions. Through literature analysis, case studies, and stakeholder perspectives, the review aims to explain the ethical challenges and proposes strategies for navigating them. Eventually, it emphasizes the importance of fostering a culture of integrity, transparency, and equitable access to knowledge in academia to uphold ethical standards and promote responsible innovation.

**Key words: IPR, Review, Ethical Issues, Higher Education.**

### **1.INTRODUCTION**

In the digital age, intellectual property rights (IPR) have become a critical concern, particularly within higher educational institutions where innovation and knowledge creation are paramount. This review delves into the ethical dimensions surrounding IPR in academia, examining issues such as ownership, plagiarism, commercialization, and open access. By analyzing existing literature and case studies, this review aims to provide insights into the complexities of IPR within higher education and offers suggestions for navigating these ethical challenges. The rapid advancement of technology has brought about unprecedented opportunities for knowledge creation and dissemination within higher educational institutions. However, along with these opportunities come complex ethical considerations regarding intellectual property rights (IPR). This review explores the multifaceted ethical issues surrounding IPR in academia, aiming to shed light on the various dilemmas faced by researchers, educators, and institutions.

#### **Ownership and Authorship:**

One of the fundamental ethical issues in academia pertains to ownership and authorship of intellectual property. Questions arise regarding who holds the rights to research findings, inventions, and creative works produced within academic settings. Conflicts often arise between researchers, institutions, and funding agencies, highlighting the need for clear guidelines and policies to address ownership disputes ethically.

#### **Plagiarism and Academic Integrity:**

Maintaining academic integrity is paramount in higher education, yet the ease of digital reproduction has made plagiarism a prevalent concern. Ethical lapses in citing sources, improper attribution, and unauthorized use of others' work undermine the principles of academic honesty. Institutions must promote a culture of integrity through education, enforcement, and support mechanisms to prevent plagiarism and uphold ethical standards.

Commercialization and Technology Transfer:

The commercialization of academic research raises ethical questions regarding the balance between public good and private gain. While technology transfer initiatives facilitate the translation of research into real-world applications, concerns arise regarding access, affordability, and equitable distribution of benefits. Institutions must navigate the ethical complexities of commercial partnerships while ensuring that the public interest remains paramount.

Open Access and Knowledge Sharing:

The movement towards open access aims to democratize knowledge by making research freely accessible to all. However, ethical dilemmas arise concerning sustainability, quality control, and author rights within open access publishing models. Institutions must strike a balance between promoting open access to knowledge and safeguarding the rights and interests of researchers and content creators.

**2. Research Methodology**

Overall, the research methodology employs a multi-method approach to comprehensively examine the ethical issues surrounding intellectual property rights in higher educational institutions and to provide actionable insights for promoting ethical conduct and responsible innovation within academia.

**2.1 Purpose of Research**

The reasons for conducting a case study at Higher Education Institutions of Jabalpur is that Gyan Ganga College of Excellence situated in Jabalpur organized the National Seminar on Awareness of IPR in the month of February 2024 and to fulfill our participation we conducted this research work by understanding the set of rules against the violation of the ethical issues including plagiarism.

**3 Review of Literature**

India's approach to intellectual property rights (IPR) has evolved significantly over the years, reflecting its commitment to fostering innovation, creativity, and economic growth. This updated review provides an overview of the current landscape of IPR management in India, covering legal frameworks, administrative structures, enforcement mechanisms, international engagements, challenges, and recent developments.

**Legal Frameworks:** India has comprehensive laws and regulations governing various aspects of intellectual property. The key legislations include the Patents Act, 1970; the Trade Marks Act, 1999; the Copyright Act, 1957; the Designs Act, 2000; and the Geographical Indications of Goods (Registration and Protection) Act, 1999. These laws provide the framework for the registration, protection, and enforcement of patents, trademarks, copyrights, designs, and geographical indications.

**Administrative Structures:** The management of intellectual property in India is overseen by several government bodies. The Controller General of Patents, Designs, and Trademarks (CGPDTM) is responsible for patent, trademark, and design registrations. The Copyright Office, under the Ministry of Education, handles copyright registrations. Additionally, the Geographical Indications Registry manages registrations related to geographical indications.

**Enforcement Mechanisms:** Enforcement of intellectual property rights in India involves collaboration between law enforcement agencies, such as the police and customs authorities, and specialized bodies like the Intellectual Property Rights (IPR) Cell of the Central Bureau of Investigation (CBI). These agencies work together to combat piracy, counterfeiting, and other infringements of intellectual property rights.

**Intellectual Property Appellate Board (IPAB)<sup>1</sup>:** The Intellectual Property Appellate Board (IPAB) serves as an appellate body for decisions made by the patent and trademark offices. However, discussions have been ongoing regarding the abolition of IPAB and the transfer of its functions to commercial courts.

**International Engagements:** India is a signatory to various international agreements related to intellectual property, including the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS). These agreements set

minimum standards for IP protection and facilitate cooperation between countries in areas such as patent recognition and enforcement.

**Challenges and Developments:** Despite progress, India faces challenges in effectively enforcing intellectual property rights. Issues such as piracy, counterfeiting, and lengthy legal procedures continue to pose significant hurdles. However, there have been efforts to address these challenges through initiatives aimed at streamlining IP processes, enhancing enforcement mechanisms, and raising awareness about intellectual property rights.

**Recent Developments:** Recent developments in India's IPR landscape include efforts to improve the efficiency of patent and trademark registration processes, modernize IP infrastructure, and strengthen enforcement mechanisms. Additionally, there has been a focus on promoting innovation and creativity through initiatives such as Startup India and the National Intellectual Property Rights Policy.

In conclusion, the management of intellectual property rights in India involves a complex interplay of legal frameworks, administrative structures, enforcement mechanisms, and international engagements. While challenges persist, ongoing efforts to enhance the effectiveness of IP management and enforcement are crucial for fostering innovation, economic growth, and competitiveness in the global market. This updated review serves as a valuable resource for understanding the evolving landscape of intellectual property rights in India and the measures undertaken to address emerging challenges and opportunities.

### **IP Policies of HEIs' in India<sup>ii</sup>**

The higher education network system in India is the third largest (next to China and the US), and in the near future, it will become the largest education hub in the world. The Council of Scientific and Industrial Research (CSIR), Indian Council of Medical Research (ICMR), and Tata Institute of Fundamental Research (TIFR) are few of the largest networks of premier research institutions in Asia, and the Indian Institutes of Technology (IITs), National Institutes of Technology (NIT), and Indian Institute of Science (IISc) are the technical institutions of national importance, where cutting-edge basic and applied research facilities were provided and produced more patents from India. Mumbai IIT, IIT-Delhi, and IISc were among the few earliest academic institutions that framed IPR policies in India. IIT-Delhi first brought its IPR policy in 1994. The Rajiv Gandhi School of Intellectual Property Law was instituted in IIT-Kharagpur to improve the number of trained lawyers and increase the capacity building in the IP area to serve the needs of industries. Governing and funding bodies of universities and the University Grants Commission (UGC) drafted guidelines for the promotion of awareness and management of IP at universities. ICMR and CSIR have framed their IP policies emphasizing on the commercialization of publicly funded research. The National Research Development Corporation (NRDC) plays a major role in the management of IP from national laboratories and universities.

### **Plagiarism Laws in India**

Section 57 of the Indian Copyright Act, 1957 awards authors the right to claim authorship of their work. It also grants them the "special right" to be attributed to their work.

Section 63 of the Indian Copyright Act, 1957 considers infringement as a criminal offence and awards the same punishment for the violation of section 57 and copyright infringement.

A convicted infringer is liable to be imprisoned between six months and three years and to be fined between fifty thousand and two lakh rupees under Section 63 of the Act

To promote fair research and curb ethical misconduct in higher education in India, The University Grants Commission in India issued the UGC (Promotion of Academic Integrity and Prevention of Plagiarism in Higher Educational Institutions) Regulations, 2017 plagiarism policy for all higher education institutions. It defined 3 distinct levels of plagiarism in academic work and their reverberations, ranging from barred from publishing their manuscripts for a period of six months to three years and not be allowed to supervise any student for three years.

### **Measures to mitigate plagiarism<sup>iii</sup>**

There can be ethical, legal, and professional ramifications to generating a plagiarized work, and with multiple plagiarism detection software readily available, numerous incidents of reproduced works are being discovered at an alarming rate. Students need to be taught how to properly credit their sources. Providing sources and citations gives proper credit to the originator of the words or ideas, and it allows individuals who read your work to find your source to verify your work and learn more about the subject.

This increases the writer's credibility, and consistently and precisely citing your sources helps you avoid plagiarism in your writing. Students need to be taught how to properly credit their sources. Providing sources and citations gives proper credit to the originator of the words or ideas, and it allows individuals who read your work to find your source to verify your work and learn more about the subject. This increases the writer's credibility, and consistently and precisely citing your sources helps you avoid plagiarism in your writing. Students should be taught how to properly reference sources, and teachers should be educated on the necessity of citing and referencing. Students should also be taught to describe topics in their own terms rather than relying heavily on the author's language and phrasing.

To avoid charges of plagiarism, give credit if you utilize, someone else's concept, quote, or paraphrase it. Direct quotes should always be in quotation marks. In addition, your reference should include the URL of the content and the date you accessed the website in question.

### **Conclusion :**

Ethical issues surrounding intellectual property rights (IPR) in higher educational institutions are multifaceted and require careful consideration to uphold integrity and promote responsible innovation. Ownership disputes, plagiarism, commercialization, and open access present complex challenges that demand nuanced solutions. Institutions must prioritize transparency, fairness, and equitable access to knowledge while navigating the tensions between public good and private gain. Addressing these ethical dilemmas requires collaborative efforts, robust policies, and a commitment to ethical conduct among researchers, educators, administrators, and industry partners. By fostering a culture of integrity and accountability, academia can harness the transformative power of intellectual property for the betterment of society while upholding ethical standards.

Directing the ethical issues surrounding intellectual property rights in higher educational institutions requires a nuanced understanding of the complex interplay between innovation, collaboration, and societal impact. By fostering a culture of ethical conduct, promoting transparency, and developing robust policies, institutions can uphold the principles of academic integrity while harnessing the transformative power of intellectual property for the betterment of society.

Addressing these ethical challenges requires ongoing dialogue, collaboration, and a commitment to values-driven decision-making within academia and beyond. Conducting seminar ,workshop and conferences are steps to give insight and spread awareness amongst Academicians ,Research Scholars on Intellectual Property Rights role in making ethical environment at each level of work weather Innovation or Research in any field.

With this, researcher concluded the study on “A Review of Ethical Issues on Intellectual Property Rights (IPR) in Higher Educational Institutions.”

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