

A Study on Intellectual Property Rights Balancing Innovation and Public Interest in India

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Abstract: *This study examines the intricate balance between promoting innovation through the protection of intellectual property and ensuring public access to essential knowledge and technologies. While strong IPR protections incentivize creativity and innovation, they may also lead to monopolies, limiting accessibility and affordability, particularly in critical sectors like healthcare, agriculture, and technology. The objective of the study is To analyze the existing legal framework of intellectual property rights (IPR) , To assess the impact of IPR laws on innovation in critical sectors , To evaluate the effectiveness of judicial decisions and policy interventions , To explore the challenges faced by innovators and industries in navigating IPR laws. Research method followed is descriptive research .The Independent variables are the age, gender, educational qualification, occupation and place of living .The dependent variables are Did India's IP policy balance innovation incentives with public access , India's patent system encourage innovation without stifling public access to essential medicines , Are you satisfied that the Indian government play in balancing IP protection and public interest . Important findings is that The enforcement of patent rights in the pharmaceutical sector, particularly in life-saving drugs, often limits affordability and access for the public. However, compulsory licensing provisions under the Indian Patent Act have been instrumental in balancing innovation incentives for pharmaceutical companies and public health needs (e.g., the Natco-Bayer case on cancer drugs).concludes that while India has made significant strides in balancing IPR protection with public interest, continued legal reforms, policy adjustments, and international cooperation are needed to ensure that innovation serves the larger goal of equitable economic and social development. Moving forward, India must strengthen its public interest safeguards while encouraging an innovation-friendly environment that benefits both creators and society at large.*

Keywords: property , innovation , public , policy , provision , interest

I. INTRODUCTION

Intellectual Property Rights (IPR) play a pivotal role in fostering innovation by granting creators and inventors exclusive rights to their inventions, creative works, and discoveries. In a rapidly evolving global economy, IPR protections are essential for encouraging investment in research and development, ensuring that innovators reap the benefits of their efforts. However, in a country like India, where socio-economic disparities are prevalent, there is a constant challenge to balance the rights of innovators with the public's access to essential goods and knowledge, such as life-saving medicines, agricultural technologies, and educational resources. India's approach to IPR reflects its need to protect innovation while safeguarding public interest. The Indian legal framework, including the Patents Act of 1970, the Copyright Act of 1957, and other laws, incorporates provisions like compulsory licensing and public health exceptions to address this balance. The country's stance on issues such as pharmaceutical patents, access to affordable healthcare, traditional knowledge, and agriculture reflects its unique socio-economic conditions and developmental priorities . This study examines how India navigates this delicate balance between promoting innovation and ensuring public welfare, analyzing the effectiveness of its legal framework and judicial interventions. It also explores the ongoing challenges and opportunities for reform in the context of a globalized economy. Several factors affect the balance between intellectual property rights (IPR) and public interest in India. **Patent Laws:** India's Patent Act of 1970,



which includes provisions like compulsory licensing, plays a crucial role in determining how patents are granted and enforced. The balance between innovation and public interest is often tested in sectors like pharmaceuticals, where patent protection can limit access to affordable medicines. **Copyright and Trademark Laws:** India's copyright laws affect access to educational materials, digital content, and creative works, particularly in a country with a large population dependent on affordable resources. Trademark laws impact market competition, especially in sectors like technology and consumer goods. **Judicial Decisions:** Court rulings (e.g., the Novartis case) significantly influence the application of IPR laws, ensuring that innovation does not unduly infringe upon public welfare. **Current trends such as IPR Policy Updates:** India is updating its IPR policy to align with international best practices while addressing domestic needs. The government's focus is on improving IPR infrastructure, streamlining patent application processes, and reducing pendency times to encourage innovation. **Increased Patent Filings:** There has been a rise in patent filings in sectors like pharmaceuticals, biotechnology, and digital technology, reflecting growing innovation in India. The government's emphasis on "Make in India" and "Startup India" has contributed to this trend. **Comparison with India:** India follows a strict patent regime, particularly in the pharmaceutical sector, where it prevents **evergreening** (granting patents for minor changes to existing drugs). India's **compulsory licensing** provisions allow generic versions of patented drugs in cases of public health emergencies. **United States:** The U.S. offers strong patent protections and has no specific restrictions on evergreening. Drug companies can extend patents through minor modifications, often leading to extended monopolies on key medicines. The U.S. is also known for its **patent trolling** issues, where entities hold patents primarily to sue for infringement.

OBJECTIVE

- To analyze the existing legal framework of intellectual property rights (IPR)
- To assess the impact of IPR laws on innovation in critical sectors
- To evaluate the effectiveness of judicial decisions and policy interventions
- To explore the challenges faced by innovators and industries in navigating IPR laws

HYPOTHESIS

- **(H0):** There is no significant relationship between Age and the patent system encourage innovation without stifling the public access.
- **(H1):** There is a significant relationship between Age and the patent system encourage innovation without stifling the public access.

II. REVIEW OF LITERATURE

Kaushik, Madhu & Rajharia, Poonam & Vyas, Varsha Tiwari & Soni, Sumedha. (2023). This research paper aims to examine the current state of intellectual property rights (IPRs) and propose a way forward to address the challenges faced by various stakeholders in the global intellectual property landscape. Specifically, the paper will look at the state of intellectual property rights around the world. In this paper, researcher discussed the role that intellectual property rights (IPRs) play in fostering innovation, creativity, and economic growth. We also highlighted the controversies that surround IPRs, such as the debate on their impact on access to essential medicines and the balance between protection and competition. **Kumari, Payal. (2023).** Innovation, economic growth, and technical advancement all benefit greatly from protections afforded by IPR. This article investigates the influence of India's legislative framework on intellectual property rights (IPR) and innovation. It investigates patents, copyrights, trademarks, and trade secrets throughout India and assesses how well they work to encourage creative endeavours. This study delves into the complexities, difficulties, and potential of India's intellectual property rights (IPR) environment, and it suggests workable changes to increase innovation and competitiveness in India. **Chauhan, Aditi & Singh, Kashmir. (2023).** This study utilizes the Scopus database to examine the literature on intellectual property rights (IPR) authored by Indian researchers. The objective is to analyze the trends in publications over the years, document the sources, authors, institutes, types of documents, and subject areas of the literature. Through bibliometric analysis, a comprehensive collection of research articles,



conference papers, and reviews authored by Indian researchers on intellectual property rights was identified and analyzed. The study explores the publication trends from year to year, documenting the growth and evolution of research in this field. **G., Bhagyamma. (2023).** This paper provides an overview of the key concepts and significance of intellectual property, particularly in the context of international and Indian intellectual property laws. It begins by defining intellectual property as a set of intangible rights protecting creative and innovative works. These rights are crucial for incentivizing and rewarding creators and innovators across various domains. The primary motivation for protecting intellectual property is to stimulate progress in science, technology, arts, literature, and creativity by providing exclusive rights to creators. **ramesh , suresh (2021)** Intellectual property (IP) refers to creations of the mind, such as inventions; literary and artistic works; designs; and symbols, names and images used in commerce. India, the 5th largest economy in the world, has more than 1.2 million businesses and one of the largest workforces. With such a magnitude, it has the potential to create and share a huge amount of patented products with the world. However, India has failed to unleash its potential in this domain. Further, many other nations including the U.S have criticized India's patent regime for being too lenient on violation of patent rights and placing significant barriers for getting a patent. **G., Bhagyamma & Ramesh, Dr. (2023).** This paper explores the complex world of international intellectual property rights. It delves into the legal protection of intangible assets, including patents, copyrights, and trademarks, highlighting their importance in today's economy and culture. The discussion revolves around the philosophical concept of property as a bundle of rights, emphasizing the role of knowledge, scarcity, and utility in valuing intellectual property. Additionally, the paper addresses the need for a delicate balance between individual rights and the common good, showcasing how international legal regimes aim to achieve fairness, innovation, and widespread access to creativity. **Naik, Sourav & Ranjan, Soubhagya. (2023).** In the rapidly evolving digital landscape of India, the convergence of intellectual property rights (IPR) and digital piracy has become an issue of supreme concern. This research paper aims to offer a comprehensive assessment of this multifaceted problem by investigating both the privacy risks associated with pirated software and the advantages of embracing open-source alternatives within the Indian context. The initial segment of this study delves into the prevailing trends in digital piracy in India. It sheds light on the dynamics of software piracy, its economic implications, and the legal consequences it entails. **Radha, S & Kosuri, Nagendra & Kumar, Banisetti. (2023).** Ethnobotany, the scientific study of the traditional knowledge and practices of indigenous and local communities concerning plants, has been an invaluable resource in biodiversity conservation and sustainable development. However, the increased interest in ethnobotanical knowledge and genetic resources for commercial and scientific purposes has led to concerns about exploitation and inadequate benefit sharing for the communities that hold this knowledge. Intellectual Property Rights (IPRs) have been introduced as a potential solution to address these issues, but the implementation of IPRs in the context of ethnobotany is fraught with challenges. **Fredriksson, Martin. (2021).** This article analyzes how local, national and international interests are reflected in India's attempts to protect traditional knowledge through the formation of a Traditional Knowledge Digital Library (TKDL). It compares how the digital library is contextualized within India's domestic policy with how it is presented to the World Intellectual Property Organization (WIPO). The article argues that WIPO has endorsed the Indian initiative and embraced the promotion of protective databases as an uncontroversial tool that diverts attention from more contested forms of traditional knowledge protection. **Rajoria, Krati. (2022).** Globalization has provided reciprocity, greater competition, and access to markets worldwide leading to more options being available to consumers at fair prices. But this has at the same time led to unfair practices followed by manufacturers or suppliers of the products and services. Therefore, for the protection of consumers, it becomes necessary to have a legal regime in place. Similarly, for the growth and development of the economy of the country a stronger intellectual property rights regime is a prerequisite. The protection of intellectual property rights of the creator. **Raja (2021)** Intellectual property right (IPR) is a legal right that protects the creation of a person or enterprise developed by the brain or mind. This right provides the creator authority over the creation of his or her own to explore benefits if used by others. These benefits may appear in form of appreciation and recognition or monetary or material benefits or more. IPR is emerged as one of the major concerns in present economic and business environment. Globalization and open market policies have helped IPR to grow and affect the economic activities in last three decades. Copyright is one of the important rights falls under the IPR which protects the rights of creators of artistic works, literary works, sound, films and related creations. **Nomani,**



M. & K. K. Alhalbouni, Alaa & Rauf, Mohammad. (2020). Trade- Related Aspects of Intellectual Property Rights (TRIPS) Agreement, 1995 established synergy with human rights laws in realization of right to health, and access to medicine and sustainable development. The Doha Declaration on Public Health, 2001; Sustainable Development Goals, 2015-2030 and United Nations Secretary- General's High- Level Panel on Access to Medicines Report, 2016 promote innovation of health technologies in developing countries. It is estimated that 75 per cent of the world's population is health deficient and medicine starved due to patenting requirement of pharmaceutical industries. **Dash, Deepak & Vaiswade, Riya & Gupta, Gayatri. (2023).** A patent is the main design of Intellectual Property Rights employed in the pharmaceutical industry. Claims of patents in India are imposed under the Patents Act of 1970. The goal of patent authorization is to inspire and progress in the industry and associated modern technologies. Intellectual property rights can help grow the economy due to their industrial applicability in regard to businesses within the country as well as exports. The Indian pharmaceutical industry, is a distinctly uneven one, is influenced by others and there were difficulties in regards to intellectual property rights in the context of the world trade organization. **Neves, Pedro & Afonso, Oscar & Silva, Diana & Sochirca, Elena. (2021).** In recent decades, intellectual property rights (IPR) and their macroeconomic effects have attracted considerable attention from both policymakers and academics. Despite a substantial theoretical and empirical literature, evidence regarding the impact of IPR protection on innovation and economic growth is mixed. In this paper we conduct a literature review and meta-analysis of the topic, and find that IPR have an overall positive effect on innovation and growth. However, the effect on innovation is weaker in developing countries than developed countries. We also find that the effects reported in the literature depend to a great extent on individual studies' methodological characteristics. **Gaikwad, Arun. (2020).** Intellectual property refers to creations of the inventions; literary and artistic works; and symbols, names and images used in commerce. Intellectual property rights are like any other property right. They allow creators, or owners, of patents, trademarks or copyrighted works to benefit from their own work or investment in a creation. These rights are outlined in Article 27 of the Universal Declaration of Human Rights, which provides for the right to benefit from the protection of moral and material interests resulting from authorship of scientific, literary or artistic productions. **Ramesha, K.P.. (2011).** In order to protect the interest of all stake holders of livestock farming in India, it is necessary to protect innovations in livestock sector through appropriate IP instruments along with conservation and sustainable use of native livestock breeds and associated traditional knowledge through sui generis system in the modern IPR regime. The unique attributes of indigenous livestock breeds could be exploited for profits by getting some form of intellectual property rights (IPR) or protection. An appropriate internationally accepted legal system with respect to use of livestock biodiversity. **Chauhan, kislay. (2024).** Innovation, economic growth, and technical advancement all benefit greatly from protections afforded by IPR. This article investigates the influence of India's legislative framework on intellectual property rights (IPR) and innovation. It investigates patents, copyrights, trademarks, and trade secrets throughout India and assesses how well they work to encourage creative endeavours. This study delves into the complexities, difficulties, and potential of India's intellectual property rights (IPR) environment, and it suggests workable changes to increase innovation and competitiveness in India. **Mir, Aijaz & Rao, A. (2023).** Intellectual property rights in the era of social media have become increasingly important. The protection of intellectual property rights presents a number of challenges in the age of digital media. Copyright infringement, trademark infringement, and trade secret theft are a few of these concerns. This paper discusses the challenges of IP protection in the age of digital media and discusses strategies to protect IP rights in India. and patenting of novel genes may bring about economic benefit to the livestock keepers in the IPR regime through benefit sharing. **Vig, Shinu. (2022).** In the age of the fourth industrial revolution, the metaverse is creating new waves in the world of internet technology and is promising to provide even better and more immersive ways to interact with other people. Metaverse will further lead to the intertwining of the physical and virtual lives. It will create a virtual environment that allows users to interact in virtual spaces and allow the selling and purchasing of virtual goods. These transformations will pose new challenges and risks for the users, players, and owners of the metaverse platforms. This would require the regulators and policymakers to look closely at the issues such as intellectual property rights (IPRs). **Jadhav, Vilas. (2014).** This paper gives an overview of intellectual property rights (IPR) issues with special reference to copyright in India. The paper deals with the digital technology and copyright law as well as the role of librarians in the protection of copyright literature. Such protection ensures owners the control and



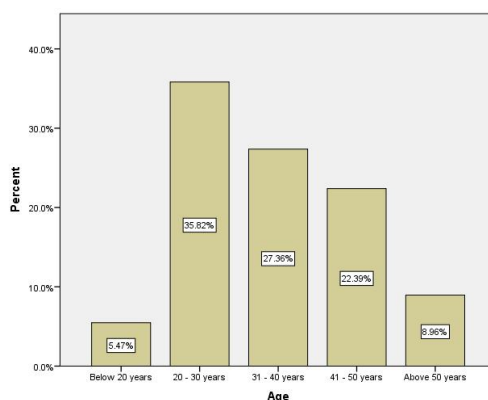
participation in the proceeds of the commercial exploitation of the work. Paper concluded that in the page of information communication technology, library and information professionals have more responsibility to protect the copyright of creators.

III. METHODOLOGY

Research method followed is descriptive research . The data is collected through a questionnaire and the sample size 200 . The sample frame was people located in various zones of tamil nadu The Independent variables are the age, gender, educational qualification, occupation and place of living . The dependent variables are Did India's IP policy balance innovation incentives with public access , India's patent system encourage innovation without stifling public access to essential medicines , Are you satisfied that the Indian government play in balancing IP protection and public interest , India's approach to pharmaceutical patents impacted public health , On a scale of 1-10, Rate your agreeability of a statement" Protecting traditional knowledge under IPR preserves India's cultural heritage" .

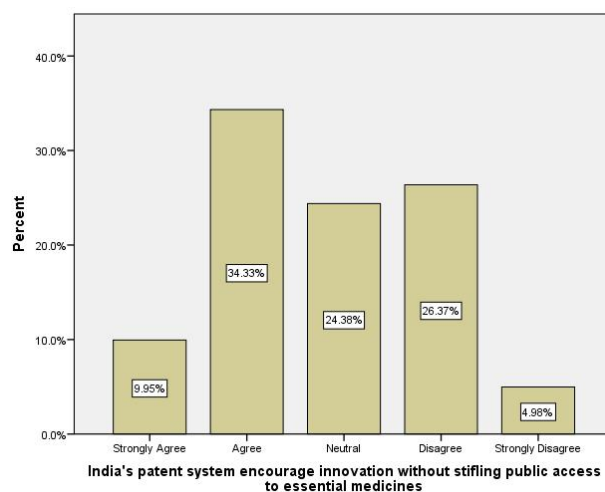
IV. ANALYSIS

FIGURE 1



LEGEND: Shows the bar chart of the age distribution of the respondents .

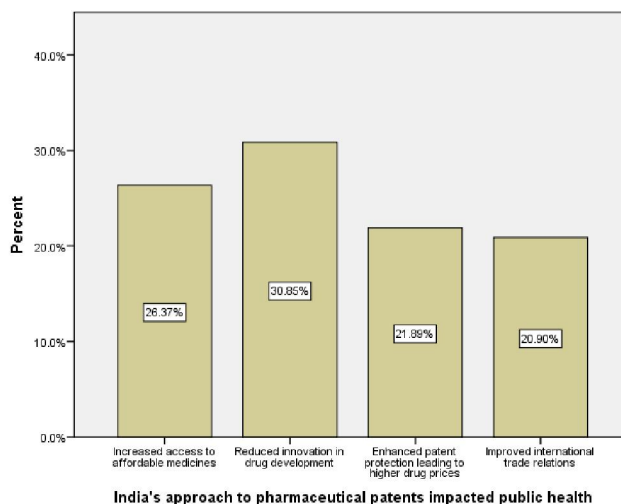
FIGURE 2



LEGEND :Shows the bar chart of the age distribution of the respondents and their opinion on the question India's patent system encourage innovation without stifling public access to essential medicines .

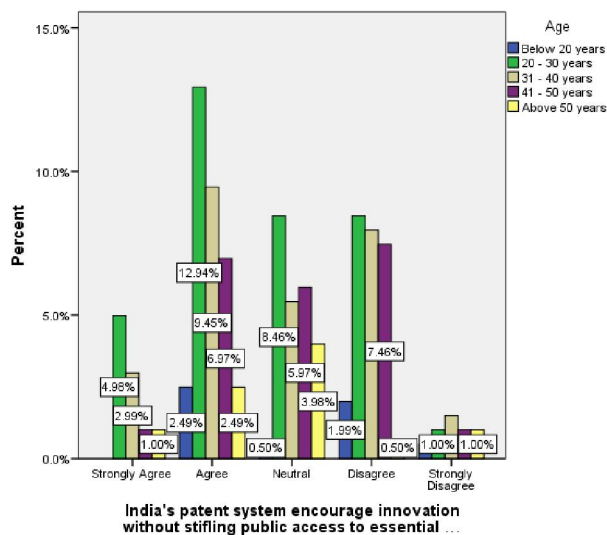


FIGURE 3



LEGEND: Shows the bar chart of the age distribution of the respondents and their opinion on the question India's approach to pharmaceutical patents impacted public health .

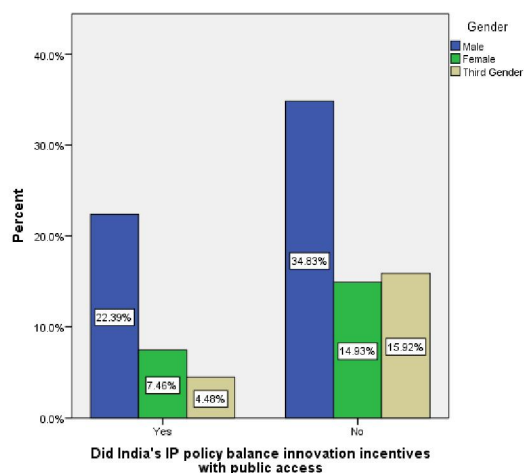
FIGURE 4



LEGEND :Shows the bar chart of the age distribution of the respondents and their opinion on the question India's patent system encourage innovation without stifling public access to essential medicines.

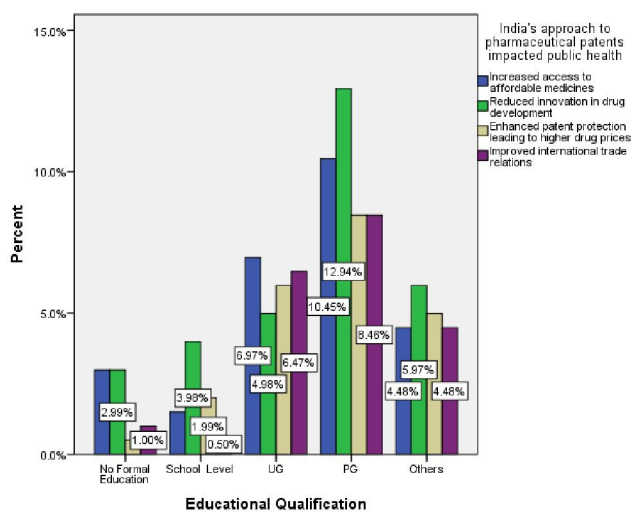


FIGURE 5



LEGEND: Shows the bar chart of the gender distribution of the respondents and their opinion on the question Did India's IP policy balance innovation incentives with public access.

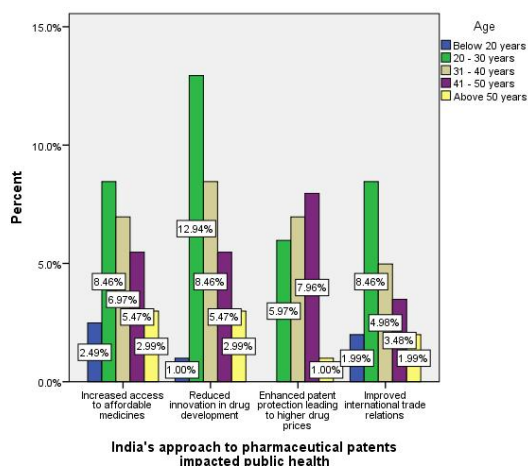
FIGURE 6



LEGEND: Shows the bar chart of the educational qualification of the respondents and their opinion on the question India's approach to pharmaceutical patents impacted public health.

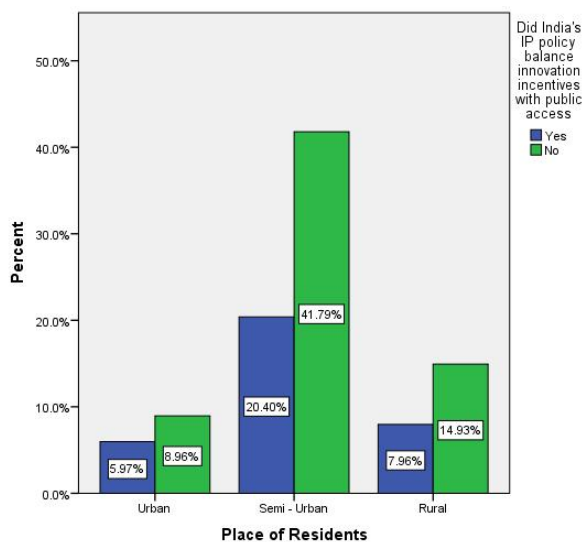


FIGURE 7



LEGEND: Shows the bar chart of the age distribution of the respondents and their opinion on the question India's approach to pharmaceutical patents impacted public health.

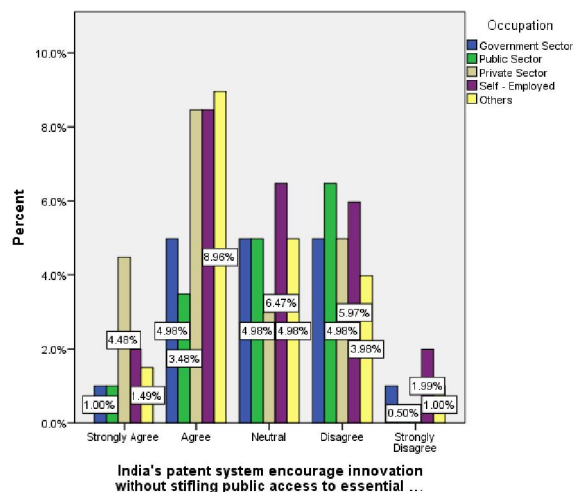
FIGURE 8



LEGEND: Shows the bar chart of the place of resident distribution of the respondents and their opinion on did India's IP policy balance innovation incentives with public access.



FIGURE 9



LEGEND: Shows the bar chart of the occupation of the respondents and their opinion on India's patent system encourage innovation without stifling public access to essential medicines.

TABLE 1

Age * India's patent system encourage innovation without stifling public access to essential medicines Crosstabulation

Count

		India's patent system encourage innovation without stifling public access to essential medicines					Total
		Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Age	Below 20 years	0	5	1	4	1	11
	20 - 30 years	10	26	17	17	2	72
	31 - 40 years	6	19	11	16	3	55
	41 - 50 years	2	14	12	15	2	45
	Above 50 years	2	5	8	1	2	18
Total		20	69	49	53	10	201

Chi-Square Tests

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	16.112 ^a	16	.445
Likelihood Ratio	18.214	16	.312
Linear-by-Linear Association	.684	1	.408
N of Valid Cases	201		

a. 13 cells (52.0%) have expected count less than 5. The minimum expected count is .55.

LEGEND : Shows the chi square test of the age distribution .

V. RESULT

Figure 1 Most of the respondents are from 20-30 years with 35.82%. Figure 2 We can say that 34.33% are accepted that their are encouraging the innovation without the public access. Figure 3 Most of the respondents are stated that reduced innovation in drug development in pharmaceutical patents impacted public health. Figure 4 represents the clustered bar chart stated that patent system encourage innovation without stifling public access. Figure 5 stated that India's policy balances have been declined the innovation incentives along with the public access. Figure 6 Most of the respondents are from Post Graduate in 12.94% stated that patents does not impact the public health. Figure 7 Represents that



delaying on drug development will affect in public health and level of increasing in pharmaceutical patents. Figure 8 Represents that 41.71% of respondents are from the Semi - Urban stated that the country balances the innovation with the Policies. Figure 9 We can represent that 8.96% of the other occupation respondents have agreed that the system have encourage to increases the patent system. Table 1 We may say that P Value= 0.445 is higher that 0.05. Null Hypothesis is accepted. There is no significant association between Age and the patent system encourage innovation without stifling the public access.

VI. DISCUSSION

Figure 1 We can conclude that Most of the respondents are from 20-30 years and these respondents can able to aware about the Patent and Intellectual Property. Figure 2 We can conclude that India's patent initiatives and system have encourage the innovation of necessary medicines. Figure 3 We can conclude that reducing the innovation in drug and medical areas can able to impact on pharmaceutical patterns among the country. Figure 4 We can conclude that the Government motive is to increase the patents and copyrights from the general public for providing the access to the public in society. Figure 5 We can conclude that there is no IP balances on the innovation and incentives to the public usage of a patented product. Figure 6 We can conclude that the graduates have stated that there must be a improvement in patent rights and awareness for the patent which also affects the pharmaceutical patents. Figure 7 We can conclude that the India's approach is to increase the patent on a pharmacy which impacts on a public health. Figure 8 We can conclude that the Intellectual Property policy will be balanced between the both innovation and incentives. Figure 9 We can conclude that the patent system in encouraging the people for innovation on the development of new product for the country. Table 1 We may conclude that the different age groups have agreed that the relationship of patent system for essential medicines innovation.

VII. LIMITATION

The lack of comprehensive data on the impact of IPR on marginalized sectors and informal innovators. The Indian economy has a significant informal sector where innovation occurs outside formal regulatory frameworks, such as grassroots innovations, traditional knowledge, and artisanal crafts. However, due to limited documentation and legal protection in these areas, it becomes challenging to assess how current IPR policies affect or exclude such innovations, potentially skewing the analysis towards more formal sectors and corporate interests. This lack of inclusion could result in an incomplete understanding of how IPR laws impact broader public interest in India's diverse economic landscape.

VIII. SUGGESTION

Simplify and expedite the process for issuing compulsory licenses, especially in cases of public health emergencies. This can help ensure timely access to essential medicines and technologies. implement stricter scrutiny measures to prevent the granting of patents for incremental innovations (evergreening) in critical sectors. This will help maintain a balance between protecting genuine innovations and preventing monopolies on minor improvements. Encourage and facilitate pre-grant opposition processes to allow third parties to challenge potentially unjustified patent applications before they are granted.

IX. CONCLUSION

India's approach to intellectual property rights (IPR) reflects a complex interplay between fostering innovation and addressing public interest. India's emphasis on public health, particularly in the pharmaceutical sector, and protection of traditional knowledge highlights its commitment to balancing these interests. However, challenges remain, including the need for more streamlined processes for compulsory licensing, stronger patent examination procedures, and enhanced protection for traditional knowledge. As India continues to evolve its IPR framework, ongoing reforms, stakeholder engagement, and international cooperation will be essential in maintaining this balance. By addressing these areas, India can better support both innovation and public welfare, contributing to equitable economic and social development.



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