

Empowering Women Entrepreneurs Through Intellectual Property Rights

written by King Stubb & Kasiva | August 31, 2023



Introduction

Intellectual property Rights, even though constitute the intangible fraction of rights available to any individual, institution or business concern, are one of the most important and economically viable rights in the present day. The ambit of intellectual property rights may include a plethora of dimensions such as ideas of entrepreneurs, inventions, artistic creations, literary works, etc., and are available in the forms of patents, trademarks, and copyrights.

One of the growing and rising shares of authors, entrepreneurs, business owners and technical developers globally in the recent past have been women who have entered into a plethora of fields and have contributed significantly to innovations in these fields.

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Gender Differences And Intellectual Property Rights

Intellectual property rights, as the name suggests – are not a privilege but a right guaranteed to every individual historically. For instance, in the Universal Declaration of Human Rights which came into existence in 1948, Article 27 delves into the question of IP Rights and lays down the provision that everyone carries the right to protect their interests vested in scientific, literary and artistic productions authored by him/her.

This article lays down an enabling provision which creates a gender, caste, nationality or creed-free right available to every individual to protect their intellectual rights and utilize what is legally their own property. However, according to statistics, in the duration between 2019 and 2021, the share of females having their patents registered under their name was merely 10.2% whereas the remaining 89.2% remained with the males. However, in terms of inventors, females share nearly 1/3rd fraction of inventions. Therefore, it can be clearly deduced that females have a disproportionate share in the registration and ownership of intellectual property rights in the forms of trademarks, copyrights, and patents.

One of the major reasons behind such disproportionate representation of women in terms of intellectual property rights has been the patriarchal notion of disallowing or discouraging women from entering various arenas of professions such as science, technology, engineering and mechanical studies involving the usage of complex algorithms and applications of mathematics which has a huge upside potential of generating novel ideas and therefore, securing patents, copyrights and other forms of rights. This gender bias has not only been rooted deep into society but also into the family setups wherein fewer females decide to voluntarily enter these fields.

In the non-technical arenas such as arts, crafts, writing and even the handloom industry, usually there are many barriers to obtaining protection under the intellectual property rights system as they are not considered original or marketable under the law. Moreover, in primitive societies across the globe, there exists a stigma attached to women undertaking such activities and therefore, patentability of such inventions remains a distant dream. There have also been instances wherein the inventions and creative pursuits of females have been patented by men under their own names.

The process of assigning and registering copyrights and patents in one's own name is a tedious and financially draining process that involves a significant pool of resources at one's disposal. In the case of females operating micro, small and medium enterprises, the finances create a huge burden, and the support and guidance mechanism are often also unavailable to them. Secondly, lack of awareness and mentorship pertaining to intellectual property rights with females. In rural and sub-urban setups, most females are unaware of their rights which causes a huge scope for exploitation of rights by parties to whom their products or inventions are sold and even competitors having adequate knowledge and availability of finances.

Geographical, regional and linguistic barriers also play a fair share of role in hindering females from obtaining their intellectual property rights and securing them exclusively. At times, owners of small businesses or artists and authors coming from rural areas are unable to convey or elucidate their claims or rights that they wish to enforce in forms of intellectual property and are therefore unable to get shelter under the umbrella of intellectual property rights.

Way Forward

There is a crucial need to take affirmative steps in the direction of promotion and empowerment of females' rights in the intellectual property domain. While addressing and integrating changes in the social fabric of the country might be a challenging endeavour, it is imperative to take measures that promote and empower women in rural areas with small-scale business operations. They should be encouraged to assert their legally bestowed rights

and safeguard their intellectual property against exploitation. Moreover, the government should take steps towards reducing gender disparity in intellectual property rights by taking affirmative actions in form of creating schemes empowering females financially, culturally and legally by spreading awareness about various forms of IPR and enabling them to secure their rights without going through huge administrative and legal hassles. Encouraging the female segment of artists, creators and entrepreneurs to obtain patents, copyrights and trademarks would go a long way by empowering other females to enter these areas and contribute their share of work and enhance creativity, productivity and innovation in the markets.

FAQs

What are the types of IPR in entrepreneurship?

There are four main types of intellectual property rights, including patents, trademarks, copyrights, and trade secrets. Owners of intellectual property frequently use more than one of these types of intellectual property law to protect the same intangible assets.

What is the gender gap in IP?

This Intellectual Property gender gap is a real problem that can be easily confirmed by looking at available data on international patent applications through the PCT system (only 16% are filed by women) or the EPO system (13.2%).

What are the benefits of IPR for society?

Enforcing IPRs such as trademarks and designs with respect to such products prevents their entry into the market and ensures that consumers can rely on the quality and safety of genuine products made by the original manufacturer.

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