



Government of Karnataka
Department of Collegiate & Technical Education



**GOVERNMENT RAMNARAYAN CHELLARAM
COLLEGE OF COMMERCE & MANAGEMENT**

Re-accredited 'B' Grade by NAAC
Race Course Road, Bengaluru - 560 001

INTERNAL QUALITY ASSURANCE CELL

Developments, Effects and Challenges of Covid-19 in India

A Peer Reviewed Edited Book





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DEVELOPMENTS, EFFECTS AND CHALLENGES OF COVID-19 IN INDIA :

Published by the Editorial Committee under the Chief Patronship of **Prof. Laxman A. Kulagod**, Principal, Government Ramnarayan Chellaram College of Commerce & Management, Race Course Road, Bengaluru - 560 001 in May 2020. (For Private Circulation Only). Pages : 206 + iv

Copies : 125

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ISBN : 978-93-5407-176-8

Printed at:

M/s. Creative Graphics

Sultanpet Main Road, Bengaluru- 560 053.

Ph : 22370262, 98860 54808

E-mail : creativegraphics2005@gmail.com

NOTE: The authors of the papers are solely responsible for technical content of the papers and views with references cited therein.

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“ROLE OF INTELLECTUAL PROPERTY RIGHTS FOR TRANSFORMATION OF MSMEs IN POST COVID-19 ERA”

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Abstract

The unmatched fluctuations that is caused by the Covid-19 are tossing to significant grounds and prospects for MSMEs sectors by adaptation and adoption of innovative strategies for business sustainability. COVID-19 crisis time is very crucial to undergo with transformation of MSMEs to robust economic sustainability. The globalization and technological advancement have played a very important role in protection Intellectual Property Rights for MSMEs to meet unbeatable development. Promotion of IPR leads to research and development and set an example for innovation and economic growth. Even though the knowledge and facts about IPR in India is yet to flourish in good number and also community need more support and knowledge for acquiring of IPR. To protect and to foster the MSMEs, IPR for an invention is essential. The research and innovation should be in constant way in all the aspects MSMEs can create a wide range of opportunities for holistic development and it can support for the Atmanirbhar i.e., “Vocal for Local.”

Keywords: Intellectual Property Rights, MSMEs, Transformation and Economic Growth.

Introduction

In this world human being is considered as most intelligent species. Human begin is very inquisitive by nature, His/ her inquisitiveness or curiousness leads to lot of innovation and invention in this world. His/ her inborn desire for holistic development has found new ways to fulfil the desires. The things or process that a man presents for the use of the society can be created only through the use of skills, labour intellectual and effort of his own. Therefore, all that what is produced or originated by the human skill, intelligence, labour and efforts are called the “Intellectual Property”. Global competitiveness has redefined business strategies worldwide

and the focus has certainly shifted to examining how our knowledge resources can repositioned our stand in the world market. Intellectual property rights (IPR) has become important in the face of changing trade environment which is characterized by global competition, high innovation risks, short product cycle, need for rapid changes in technology, high investments in research and development (R&D), production and marketing and need for highly skilled human resources. Regardless of what product an enterprise makes or what service it provides, likely being used regularly and creating a great deal of intellectual property.

Today is the era of not only the survival of the fittest but also the survival of the faster and stronger. One way to gain competitive advantage by the MSMEs and Start-ups is the use of IPR which have become a precious commodity in today's world. It seems pertinent to briefly reflect on a deliberation or thought: Does IPR enhance the competitiveness and sustainable development of MSMEs and Start-ups?

In the changing global scenario, the issues of IPR have gained special importance for the Micro, Small & Medium Enterprise (MSME) sector and Start-ups. IPR protection plays a key role in gaining competitive advantage in terms of technological gains for achieving higher economic growth in a market driven economy. It is felt that IPR requires greater understanding and attention by the industry, particularly the MSME sector and Start-ups in India. The Indian MSME sector and Start-ups needs more information, orientation and facilities for protecting their intellectual powers. While majority of the countries have adopted strategies for implementing strong IPR protection for strengthening their industries and trades. Indian industries, particularly the MSME and Start-ups are lagging behind in recognizing the importance of IPR and adopting IPR as a business strategy for enhancing competitiveness.

HISTORY OF IPR IN INDIA

George Alfred DePenning is supposed to have made the first application for a patent in India in the year 1856. On February 28, 1856, the Government of India promulgated legislation to grant what was then termed as “exclusive privileges for the encouragement of inventions of new manufactures” i.e. the Patents Act. On March 3, 1856, a civil engineer, George Alfred De Penning of 7, Grant’s Lane, Calcutta petitioned the Government of India for grant of exclusive privileges for his invention - “An Efficient Punkah Pulling Machine”. On September 2, De Penning, submitted the Specifications for his invention along with drawings to illustrate it’s working. These were accepted and the invention was granted the first ever Intellectual Property protection in India.

Intellectual Property Rights (IPR)

The term Intellectual Property reflects the idea that its subject matter is the product of the mind or the intellect. These could be in the form of Patents, Trademarks, Copyrights, Geographical Indications, Industrial Designs, Layout-Designs (Topographies) of Integrated Circuits, Plant Variety Protection. Intellectual Property comes under international legal protection. Intellectual property rights can be defined as the rights given to people over the creations of their minds. They usually give the creator an exclusive right over the use of his/her creations for a certain period of time. These rights are governed worldwide by Trade Related aspects of Intellectual Property Rights (TRIPS) agreement.

IPR Status of India

The World Bank carried out survey concerned to Knowledge Economy Index (KEI) of 140 countries across the world on the basis of their knowledge-based initiative, policy frame work, economy incentive and institutional regime, information and communication technologies (ICT) infrastructure in 2007. India ranked at 101st position due to lack in aforesaid parameters. 3, 49 Similarly, India ranked at 14th, 9th and 13th position in patents, marks and designs respectively based on total (resident and abroad) IP filing activity by origin in 2014.50 Rankings are based on the total numbers of applications filed by origin. India’s worldwide participation in IPR filing activity is mere 1.6%, 3.14% and 0.82 % for patent, trademarks and industrial designs, respectively. The participation is even less if only resident applicants are considered due to Unawareness amongst youth, academicians, researchers, industrialists and traders in India about IPR and

its benefits is the main reason for lagging behind in IPR participation. Even, Micro, Small and Medium Enterprises (MSME) that constitute around 95% of all units; 40 % of total value addition; nearly 80% of the employment of the total manufacturing sector; and 35 % of total exports are also lacking in IPR edge.

Status of MSMEs

- **33% of GDP is contributed by MSMEs to Indian economy**
- There are more than **106 lakh MSME** units in India with an investment of more than Rs 1 lakh crore. The sector has recorded **double digit growth** in the last four years.
- The contribution of the MSME sector to the entire output of the country is 40% and to **the GDP 6.11%**. Currently, there are over 11 million MSME units in India that produce more than **8000 products**. India’s Micro, Small, and Medium Enterprises (MSMEs) base is the **largest in the world after China**.
- The government of India’s latest ‘Make in India’ push, along with a significant jump in the FDI flows, the Indian MSMEs sector is poised for rapid growth and integration with major global value chains.
- These MSMEs units **contribute 35% to Indian industrial exports. 40% of the work force**
- **344 products from India** that carry the GI-tag among this Karnataka State Holds 1st place.
- The state of Uttar Pradesh has the largest number of estimated MSMEs with a share of **14.20 percent of the total MSMEs in the country. 90% of the industrial units in India belong to the MSME sector.**

Objectives of MSMEs	Challenges of MSMEs	Role and Benefits of IPR for MSMEs:
• Promoting competitiveness and productivity in the MSME space. • Making the MSME sector innovative, improving technology and depth. • Enabling environment for promotion and development of MSMEs. • Strong presence in exports. • Improved managerial processes in MSMEs.	• Need to improve the competitiveness of the overall MSMEs sector. • Access to technology. • IPR related issues. • Design as a market driver. • Wasteful usage of resources / manpower. • Energy inefficiency and associated high cost. • Low ICT usage. • Standardisation of products and proper marketing channels to penetrate new markets.	• Extensive research & need analysis. • Project completion & business potential • Decide on right IP protection strategy • How to manage trade secrets • IP due diligence to avoid infringement • Support your R&D with new technology development for patenting • Expresses the innovation potential to customers • Increases chances of funding • Greater valuation • Raise money without much liquidation by licensing or monetization

Review of Literature:

- **Rath, Swagat, (2020) Transform COVID-19 Challenge on Indian Tourism Industry in to An Opportunity** in this paper author describes that Indian tourism have a great spectacular view for the world, it fascinates the tourists and promising area for sustainable Indian economy. It is not only developing the GDP of the country but it opens employment opportunity and livelihood for the people. In the world tourism sector is the most affected sector by Pandemic COVID-19. It fetches a lot of unemployment, Stress and number of run down in the hospitality and tourism sectors. By analysing this paper Geographical indication can bring the changes in tourism sector in Post COVID-19 era.
- **Raj Ankush Soshte (2020) A study on building awareness on intellectual property rights (IPR) for the micro, small & medium enterprises (msme) in India** the paper focused on importance of IPR for MSMEs by using secondary data. To make MSME stronger MSMEs should be aware of IPR. Even though government has taken a lot of programmes there is gap in MSME about awareness about IPR.
- **Ratansingam et.al (2020) SMEs and COVID-19 Bioresources How SMEs in Malaysia's Furniture Industry Coping With COVID-19 Pandemic? Early evidences from a survey and recommendations for policy makers** analyses that MSMEs are also aware the weaker and vulnerable members should think out of the box and avoid stereo type of analysing as well as interpretation of business. After analysing primary data which contains 784 respondents and 1890 registered furniture MSMEs at Malaysia almost all the respondents of the survey indicate that all the SMEs must eagerly explores towards research and innovation for sustainable development in this pandemic COVID-19 situation.
- **Nalla Bala Kalyan (2017), A Study on Intellectual Property Rights (IPR) For Micro, Small and Medium Enterprises in India** Researcher shares his view that is IPR is needed for MSMEs to prevent competitors from copying or closely imitating a company's products or services; create organizational identity, increase market value of the company, and access new markets. By analysing through secondary data, it demonstrates that IPR can be made more effective for MSMEs by organizing awareness and sensitization programs at different paces on regular basis.
- **Mani Govil (2017) Current status, challenges and potential for Innovation in the MSME Sector** here author suggest that MSMEs also need proactive institutional support in finding good markets, domestic and international to exploit the very best markets for their products. MSMEs need to have an environment and an IPR regime that protects innovation, and strong IP management capabilities, services and solutions that enable to harness and maximize the value of our innovation.
- **Manjunatha, N. K (2016) Status of Geographical Indications in India, Especially Karnataka** Here author has a view that the Karnataka state has a dynamic and erratic weather that changes from place to place within its territory. based on secondary data obtained from Legal books, journals, magazines and newspaper articles, reports of the governments, material from the world wide web especially the World Trade Organisation, the World Intellectual Property Organisation, and GI Registry Office, and simple mathematical techniques are used to calculate the percentages Karnataka experiences variable geographic and physio-graphic conditions, encouraged Karnataka state for growing variety of flowers, fruits and vegetables in different parts of Karnataka.
- **Anasua Mukherjee Das, (2016) India releases National Intellectual Property Rights Policy** here author mentions that the IPR policy also recognizes the interests of poor patients in developing countries as identified from its text: 'the contribution of the Indian pharmaceutical sector in enabling access to affordable medicines globally and its transformation to being the pharmacy of the world...'. India is also a signatory to the recently adopted United Nations' Sustainable Development Goals (SDGs). One of the targets of SDG 3 (Good Health and Well Being) emphasizes on easy and equitable access to medicines and vaccines. The Target states, '3.B Support the research and development of vaccines and medicines for the communicable and non-communicable diseases that primarily affect developing countries. The policy also emphasizes on operational strategies in strengthening IP incubation and facilitation centres in different creative and innovative organizations for improving their institutional IP portfolios at par with the global standards. The Atal Innovation Mission also has similar operational objectives. Thus, the IP awareness and capacity development in the industries, MSMEs (micro, small and medium enterprises), start-ups, R&D institutions, science

and technology institutions, universities and colleges are given priority for the early foundation of a holistic and conducive innovation ecosystem in the country. While building strong IP-led cultures in the country, India's economic growth and technological progress would make a significant impact in other areas of human development, such as poverty alleviation and zero hunger.

- **Lalith et.al (2015) An Introduction to Intellectual Property Rights and their Importance in Indian Context**
Authors express the benefits from IPR through secondary data that skill and societal development and mentioned that IPR encourages fair trading and effective enforcement of IPR stimulates economic growth. The IPR is to give economic benefits and recognition to creator and inventor with an objective to reduce poverty, stimulate creativities and skills, explore growth and trade, provide health care at low cost, ensure food security, improve access to educational system, benefit traditional knowledge holders and to surpass the holistic development.
- **Sankara Rao and Noorinasab (2013) IPR Awareness among MSMEs in India** the author examines the role supporting Institutions create awareness about strategic benefits and enable to protect Innovative & creative capacity of SME.s through Intellectual property rights in India. About 40,000 IP applications are filed in India annually and 85 per cent of these are filed by multinational corporations, leaving a sizable number filed by SMEs, but most innovations across the world are done by SMEs. The IP facilitation centres specifically aim to build greater awareness among SMEs about IPR issues and provide insights to them on the creation, ownership and protection of intellectual property. In India, the lack of awareness among small players effectively denies them the fruits of the intellectual property they create.

In India agriculture is not only gambling with environment or situation but even MSMEs also gamble with business dynamics and business atmosphere which includes both controllable and uncontrollable environment. Sustainability and Surviving stages of MSMEs is not a relaxed job at the same time it is not a hard chore too. In order to enhance the 2s (Survivability and Sustainability) Government of India initiated and efforts made to bring for main stream. *That results in 33% of GDP is contributed by MSMEs to Indian economy. 114 million people are employed and I can say that people are directly and indirectly involved in MSMEs and become the stakeholders. Where 16.5% of GDP*

- MSMEs stare at labour and raw-materials supply
- Deficiency of convenient capital (both Human and Financial resources)
- Back stabbing in providing or delivering quality infrastructure.
- Issues in Cope-up with upgradation of technology.
- Hard to impression the end-users and stake holders.
- Deprivation of research and Innovation Impending fiscal policies.

- Agony of long-term sustainability and failure.
- Uncontrollable market condition or circumstances leads to cut-throat competition
- Failure in framing strategies and its implementations.
- Absence of trained and skilled people to raise up business in any situation.
- Low-slung of emotional corresponding of things and increasing negative sentiments
- Neediness of Leadership
- Imbalanced regional development.

Existing MSME Classification			
Criteria : Investment in Plant & Machinery or Equipment			
Classification	Micro	Small	Medium
Manufacturing Enterprises	Investment<Rs. 25 lakhs	Investment<Rs. 5 cr.	Investment <Rs. 10 cr.
Services Enterprise	Investment<Rs. 10 lakhs	Investment< Rs. 2 cr.	Investment<Rs. 5 cr.

Revised MSME Classification			
Composite Criteria : Investment and Annual Turnover			
Classification	Micro	Small	Medium
Manufacturing & Services	Investment< Rs. 1 cr. and Turnover < Rs.5 cr.	Investment< Rs. 10 cr. and Turnover < Rs.50 cr.	Investment< Rs. 20 cr. and Turnover < Rs.100 cr.

Source: Economic Times, May 2020

MSMEs Overview- Atmanirbhar during COVID-19

• Rs 3 lakh crores Collateral free Automatic Loans for Business, incl MSME • Rs 20,000 crore Subordinate Debt for MSMEs • Rs 50,000 cr equity infusion through MSME Fund of Funds • New definition of MSMEs • Global tender to be disallowed upto Rs 200 crores • Other interventions for MSMEs • Rs 2500 crores EPF support for Businesses and Workers for 3 more months	• EPF contribution reduced for Business & Workers for 3 months- Rs 6750 crores • Rs 30,000 crores Liquidity Facility for NBFC/HCS/MFIs • Rs 45,000 cr Partial Credit Guarantee Scheme 2.0 for NBFC • Rs 90,000 cr Liquidity Injection for DISCOMs • Relief to contractors and Other Direct tax Measures • Extension of Registration and Completion Date of Real Estate Projects under RERA • Rs 50,000 crores liquidity over TDS/TCS reductions
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Sources: Presentation made by Union Finance & Corporate Affairs Minister Smt. Nirmala Sitharaman under Atmanirbhar Bharat Abhiyaan to support Indian economy in fight against COVID-19, Ministry of Finance, May 13, 2020. PRS

is earned from food and agriculture, 7% from automobiles, real estate 13% and remaining shared by other sectors.

Now the present the era of coronavirus, away from the unhappiness and fear, makes the entire globe is in quarantine

or in lockdown heat. This COVID-19 has created a bad atmosphere(business) to all the sectors but MSMEs has a major tragic effect. "The MSME Minister said nearly 8-10 lakh units will be restructured in the coming days, asserting that owners will have to take care of their workers and put in place mechanisms for proper sanitisation as a preventive measure once they return to work".



Conclusion

Vitalities IPR which transforms the MSMEs in Post COVID-19

- Accelerate the traditional Industries
- Crisis leadership management training
- Dualistic development
- Effective addressing of Infrastructural
- Seizing the market even from GI tag
- Innovation Economy
- Interdisciplinary research and scaling up of technology clusters
- Pay attention to digital sector
- Register on the National stock exchange.

To elevate MSMEs through IPR in future for sustainable economic progress is essential to meet global aptness. Incorporation of the IPR will be able increase the exports, bring brand value and contribute to Indian economy. Manufacturing sectors especially MSMEs need to focus on important enablers of innovation to sustain global competition. Atmanirbhar-vocal for local may attain by continuous innovation, effective brand building and proper utilization of digital platform and awareness about IPR.

Innovation leads to easy attainment of IPR (Patent, Copyrights, GI tag, Trademarks, Traditional Knowledge etc.). These innovations bring the brand image in world wide or

world wide identification of our MSMEs products and services. These purposes can accomplish by effective and efficient utilization digital platform in this situation. Through digital platform MSMEs can build the CRM, meet the greater number of clients and customers. Digital platform plays major role in Vocal for Local approach by enhancing and make easy way for supply chain management. An intense changeover of all the aspects in human life made mysterious and inevitable. It may take many days to permit the country to bring prosperity in holistic matters. The days are not far for Micro, small and medium enterprises (MSMEs) will be the most effective sector, enhance the growth of India and set as an example for holistic development. MSMEs improved their performance in terms of market share and a diversified range of goods and services through innovation.

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