

A CRITICAL ANALYSIS ON CYBER THREATS IN INTELLECTUAL PROPERTY AND PROTECTING INNOVATION IN THE DIGITAL AGE IN INDIA

by

Sorna S.G.

Assistant Professor

S.E.A. Law College

Abstract

This paper deals with the concept and issue of cyber threats to intellectual property (IP) and the protection of innovation in India's digital age. It examines the role of intellectual property rights (IPR) in the context of cyber threats, focusing on the laws and regulations that govern cybersecurity and IP protection. The paper also discusses the objectives, challenges, and policies related to cybersecurity in India. By analyzing various cyber threats, such as hacking, data breaches, and IP theft, the paper highlights their impact on innovation and economic growth in India. It reviews existing laws like the Information Technology Act and the Patents Act, identifying areas where these laws fall short in addressing cyber threats. Furthermore, the paper explores the potential of new technologies, such as blockchain and artificial intelligence, to strengthen IP protection. Finally, it suggests the need for stronger regulations, improved enforcement, and increased cooperation between stakeholders to better safeguard innovation and promote economic growth in India's digital landscape. This paper explores the rise of cyber threats to intellectual property (IP) in India and the gaps in existing laws to protect innovation. It includes examining the impact of cyber threats on IP. Assessing the current laws effectiveness. Exploring the tech solutions for IP protection. And suggesting ways to strengthen regulations.

Keywords: cyber threats, intellectual property, protection, digital, innovation, India.

INTRODUCTION

The cyber threats in intellectual property, the Information Technology Act provides about cyberthreat and electronic threats in India. This covers the cyber threats and punishments to threats under Bharatiya Nyaya Sanhita and Information Technology Act. The judicial system promotes Justice to affected persons, the threats relating to digital and computer systems. The cyber threats happening due to illegal activities of threats, is collecting data in inappropriate manner. The law is helping to give justice and to make changes in society. There are issues and challenges faced by corporate fields in India, the unauthorized acts of hackers will result in cyber threats. The punishment for cyber threat in BNS is section 314 is dishonest and cheating in the property, the punishment for this threat is seven years imprisonment and fine.

CONCEPT OF CYBER THREAT AND LEGAL PROTECTION

Cyber threats to intellectual property (IP) in India pose significant challenges to innovation in the digital age. As businesses and industries increasingly rely on digital platforms, IP theft, data breaches, and cyber espionage have escalated, threatening sensitive information and technological advancements. Protecting IP requires effective cybersecurity frameworks, legal regulations, and technological safeguards. Addressing these issues is essential to make a secure environment for innovation and economic growth in India¹. The concept of intellectual property is the legal protection that is given to a person at the time to any other person, company or association. It is about without the consent of the person, the one person works cannot be copied by any other person. Under intellectual property rights the law is provided to protect the images, works and other design materials of a person. When one person is having a particular intellectual property for his products in his business, the same intellectual property cannot be used by any other person. The intellectual property is to protect the intangible property or assets, there are certain provisions protecting the rights. The scope of intellectual property is to create money and get benefits from the product in commercial and other fields. It includes intellectual property, inventions, creation and rights. Intellectual property is important to product innovation and creation of person². **Tata Consultancy Services Limited vs. State of Andhra Pradesh (2004)**³ - this case dealt with the issue of whether software programs could be taxed as goods. The

¹ V. J. Taraporevala, 'Law of intellectual property', Ip India services, (01 October, 2025, 05:25 pm), <https://ipindiaservices.gov.in/publicsearch>

² Pavan Duggal, Cyberlaw: The Indian Perspective, 2002

³ Tata Consultancy Services Limited vs. State of Andhra Pradesh (2004)

Supreme Court of India held that software programs, whether customized or off-the-shelf, are intellectual property and are liable for taxation. This ruling emphasized the protection of software as intellectual property.

- Intellectual property which includes the business related works and its rights and also importance of the intellectual property's right. Only the creator of that product can get the benefits out of that product and not any other person can get illegal benefits. The idea or expressions, creation of mind of any materials or products cannot be copied by any other person. The rights of intellectual property are the legal rights for the citizens of India, certain protection and recognition should be given to them. It is about the rights of intellectual property, manufacturers, computer designs and artworks. The law is given protection to undiscovered materials and information. The provisions under statute for intellectual property are, Biological Diversity Act, intellectual property Act, intellectual property, Trade Mark Act, Copyright Act, Designs Act, plays important role in intellectual property.⁴

CYBER THREATS IN INTELLECTUAL PROPERTY AND PROTECTING INNOVATION IN THE DIGITAL AGE IN INDIA

- A. Cyber threat is non-bailable offenses, the cyber threats are harassment, data and identity theft. Information Technology Act is more important to get evidence for the internet and online transaction details, the legal recognition of all transactions, and all electronic communication that is recorded in the system⁵. The cyber threat is threat activities and punished severely, the threats may be committed by individuals or any other organizations. Intellectual property plays an important role in protecting the information of individuals by granting legislation towards the cyber threats and punishments to the threats. There should be proper care and protection to be given to the products and materials of individuals which achieved human innovations. After reaching so many cases in cyber threat the Indian government established the Information Technology Act. The government should make it a privilege in India for IPR and cyber law awareness and positive changes, people should make benefits out of the government policy on IPR.

⁴ V. K. Ahuja, 'Law relating to IPR', Wto, (03 October, 2025, 01:15 am), https://www.wto.org/english/tratop_e/trips_e/intel1_e.htm

⁵ Talat Fatima, Cyber Law in India, 2017

- B. The Indian government took steps to control the cyber threats, they enacted the Information Technology Act, which helps to control cyber threats through online mode. The punishments can be given according to the threats or acts of the threat. The main problem in society is the insecurities of online data and information of individuals and Corporates. The legislature is making steps to avoid cyber threats in India, to ensure society is safe from threats or threats. The internet, computer and digital system is important to every person but using a method is more important. There should not be any illegal activities among them. The state should provide proper legislation for this, there should not be any huge loss for persons if the act is committed by any person so in a cyber way. There are many advantages, benefits and scope of using digital systems in India⁶. **Eastern Book Company vs. D.B. Modak (2008)**⁷ - In this case, the court addressed the copyrightability of judicial decisions and headnotes prepared by the publisher. The court ruled that only original works that display creativity and effort can be copyrighted, safeguarding the intellectual property of publishers in the digital era.
- C. The intellectual property rights are more important to individuals and the company or corporate sectors. On the other hand, the creator's innovations can't be stopped by any other individual, the creator can make some evidence or proofs on the products or materials. To avoid joint ownerships in intellectual property so that the proof of materials cannot be sent to any third party. To study corporate management in IPR with regard to legislations under Indian law. To analyze existing laws of India for cyber security and its protection in the digital age. To clarify about development of IPR in cyber laws and effects of the cyber threats in India. To suggest, legislation should bring changes to the environment. To provide recommendations for the cyber threat issues⁸.

LEGISLATION AND LAWS FOR PROTECTION OF CYBER THREAT

In India the cybersecurity provisions and regulations dealing with intellectual property law. The legislations are Information Technology Act, 2000, National Cyber Security Policy, 2013, National Cyber Security Strategy 2020, The Digital Personal Data Protection Act of 2023 (DPDP). The Information Technology Act, 2000 - It is about the cybersecurity laws in Indian countries. It is the Information Technology Act of 2000, there were many amendments to this act

⁶ Pavan Duggal, Cyber Security Law, 2019

⁷ Eastern Book Company vs. D.B. Modak (2008)

⁸ Talat Fatima, Cyber Law in India, 2017

for the betterment of cyber laws. The important provisions of the information technology Act are, section 43A and section 72A⁹. Information technology Act - Section 43A of the IT Act, talks about businesses and organizations within India that must have “reasonable security practices and procedures for it”. The purpose is to protect sensitive information from the digital system. It is to protect and safe from compromising, damaging, exposing and misusing of it¹⁰. Section 72A of the IT Act, any individual or a person who is disclosing the personal data without the real owner’s permission. The consent of the owner is very important to publish or to use such. To have any ill intention and cause damages to the data. It will be punished by law under this Act for a period of imprisonment of three years and liable to pay a fine of up to Rs.500,000, or both¹¹.

Yahoo India Pvt. Ltd. vs. Akash Arora (1999) - this case highlighted issues related to domain name disputes. The court held in this case in Yahoo's favor, mentioned that the domain name in the case was "Yahoo!" is a trademark and protected under IPR. The defendant has used the similar mark and its domain name which leads to passing off. The decision stressed the importance of IP protection in the online world¹².

National Cyber Security Policy, 2013 - In the year 2013, the Department of Electronics and Information Technology focused on the national CyberSecurity Policy in Indian country. The policy and its security legal regulations which is for public organization, private organizations and business activities to make better and to protect themselves from cyber threats¹³. National Cyber Security Strategy 2020 - The National Cyber Security Strategy in the year 2020 was made and recognised by the Indian government. It is to improve the cybersecurity efforts. This system is still under the National Security Council Secretariat. The main goal and objectives are to serve as the official guidance and methods for stakeholders, policymakers, and corporate leaders field to prevent cyber incidents which were occurring¹⁴. The Digital Personal Data Protection Act of 2023 (DPDP) - In 2023, the Indian Central Government had made legislation and passed it regarding digital data protection. The digital Personal Data Protection Act (DPDP). The definition of personal data which is mentioned under this Act, was borrowed from the EU’s General Data Protection Regulation (GDPR). The main aims and objectives of this Act is to

⁹ The Information Technology Act, 2000

¹⁰ Section 43A of the IT Act, 2000

¹¹ Section 72A of the IT Act, 2000

¹² Yahoo India Pvt. Ltd. vs. Akash Arora (1999)

¹³ National Cyber Security Policy, 2013

¹⁴ National Cyber Security Strategy 2020

protect data principles. The restriction for the certain activities of data fiduciaries under this specified Act¹⁵.

CHALLENGES AND POLICY IN INDIA

- I. The challenges of Intellectual property in India, owners of the intellectual property cannot make their own materials, products secure all the time, resulting in huge loss, damages to the owner. To reach growth in the environment, protection should be given for innovations. The first law introduced in India is intellectual property law in 1856. Indian intellectual property law guides protection to intellectual property. The intellectual property can be registered and maintained in Indian and other countries. The impacts in the Intellectual property rights are the case related to IPR run for a long time without clarity. The challenges in IPR, the process of products to be like shifts, the intellectual property in evergreen are not used and restricted, the licenses are necessary, the holder should have knowledge about the IPR. There is poor protection for scale companies in India, which cannot be claimed under Intellectual property. The Indian government provides legislation in favor of public interest, making changes in society¹⁶.
- II. The Indian government approved IPR policy which is focused on increasing the awareness among the creator of products¹⁷. This policy was made to recognize the protection of intellectual property, intellectual property trade marks, copyrights and so on. The challenges, rapid growth in the field of industrial, company, corporate, business, individual businesses regarding innovations. And this protection is based on innovations, creativity of the human mind in India. The other issues are lack of awareness and recognition for IPR, the control and regulations for IPR is not enough¹⁸.

IPR policies and cyber threats

Objectives of IPR in cyber security

The policies which aim to provide a secular environment and to bring faith in electronic devices among the people. The government of India had taken prevention and enforced many provisions

¹⁵ The Digital Personal Data Protection Act of 2023 (DPDP)

¹⁶ Investigating Cyber Law and Cyber Ethics: Issues, Impacts and Practices, 2011

¹⁷ Vinit Verma, 'Cyber law in India', Legal service India, (15 September 2025, 11 pm), <https://www.legalserviceindia.com/legal/article-1019-importance-of-cyber-law-in-india.html>

¹⁸ Yatindra Singh, Cyber Laws: A Guide to Cyber Laws, Information Technology, Computer Software, Intellectual Property Rights, E-commerce, Taxation, Privacy, Etc. Along with Policies, Guidelines and Agreements, 2003

to bring Justice and improve cyber securities. The cyber laws like, information technology which guides the purpose of legal recognition to electronic systems, making records to the government. The data policy and the network usage are the policies of the government settling among people. The policy to give protection to assets, technology, information, and not occur any cyber threats. The main objectives and policies of IPR are the human capital development, the enforcement, adjudication, commercialization of the products, management in the products. The administration, legal or legislative, to make awareness and promote IPR in cyber laws to avoid cyber threats¹⁹.

THE LEGAL ISSUE OF CYBER THREATS

Issues in cyber security

The cyber law cannot be separate from IPR, the online materials should be protected from threat, the communication and transaction held in digital systems cannot be forwarded to any third person. Cyber threat in intellectual property is about illegally using other's product, image, intellectual property, designs on the internet to get benefits out of that. The soft work or works of any person's rights can be protected by Indian legislation. There are certain issues in cyber security, sometimes the online materials or products cannot be protected by legislations in cyber law. The intellectual property issues in cyber security are, the fraud or threats had happened through computers or any other digital devices²⁰. The issues in cyber threats are infringement which are basically copyright infringement, intellectual property infringement and intellectual property mark infringement²¹. Most of the issues in cyber threats are caused by intellectual property infringement, the law is providing equal protection in intellectual property. Once the intellectual property mark is registered the goods, service and products are managed by law, there are certain advantages to intellectual property which are the goodwill of the intellectual property mark holder, the product which should give benefits to economically and socially, also providing consumer protection.

¹⁹ N. K. Acharya, 'Intellectual property in India', Appknox, (20 October, 2025, 03:00 am), <https://vikaspedia.in/education/digital-literacy/information-security/cyber-laws>

²⁰ Talat Fatima, Cyber Law in India, 2017

²¹ Will Kenton, 'The concept of intellectual property', Investopedia, (22 October, 2025 09:00 pm), <https://www.investopedia.com/terms/i/intellectualproperty.asp>

Registration of copyright to avoid cyber threats under IPR

In the registrations of copyright, the holder should submit details of the business or work and other details of the same. In Google Vs. Racha Ravinder case, using similar works. And in another case Tata sons limited Vs. Moni and others, it is about cyber threats they issue in internet address and production were recognised. The copyright infringements are prosecuted in India, the provision which gives production for this copyright infringement, section 63 of copyright Act is copyright infringement²². It says that internet sources are computer digital systems, so no materials can be copied from other persons, which is an illegal act. The infringement is about without the consent or permission or authority of persons whose own materials are products or images cannot be published in any other internet sources. The intellectual property laws provide a certain punishment to the act committed by any person who is residing in India. The intellectual property infringement is about unauthorized claim in the rights of individual persons, the punishment for this is that the fine amount can be imposed up to 1 lakh rupees²³.

NEED FOR INTELLECTUAL PROPERTY IN CYBER LAW IN INDIA

Growth of IPR in cyber laws

There should be protection to online sources and materials, without the consent of the owner of materials cannot be made profits by another person. The data privacy and other personal information regarding any gain cannot be made, the cyber law and IPR both play an important role in giving Justice to the people. The cyber threats are protected by the Intellectual property and other provisions enacted by the Indian government²⁴. It helps to hold the authority and recognition of individual creators. Intellectual property is essential for an Indian country, is efficient to recognize the potential of intellectual property in social and economic growth. To balance the growth and development between the public interest and environment, there should be a cause for creativity, innovation of individual people in society. The benefits of materials should go to the owner and creator of the products and not to any other third person. The law is helping to promote the Intellectual property and to bring positive changes in intellectual

²² G.M. Dutfield, T.W. Roberts, 'Intellectual property rights', Science direct, (23 October, 2025, 06:00 pm), <https://www.sciencedirect.com/topics/agricultural-and-biological-sciences/intellectual-property-rights>

²³ Chandra Nath Saha and Sanjib Bhattacharya, 'Intellectual property in corporate', Ncbi, (24 october, 2025, 07:40 pm), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3217699/>

²⁴ Dr. G. B. Reddy, 'Intellectual property rights and law', Rsgmedia, (25 october, 2025, 08:40 pm), <https://www.rsgmedia.com/term/i/intellectual-property-rights-management/>

property²⁵. **Puneet Kaushik vs. State of NCT of Delhi (2014)** - this case dealt with the cyber theft of trade secrets. The court ruled that accessing and stealing proprietary business information, including trade secrets and confidential data, through unauthorized means, constitutes a cybercrime under the Information Technology Act²⁶.

Strategic of IPR in cyber field in India

To create and invent new products and artistic work in society, the law is protecting the creativity of individuals. An individual has to create innovation in technically and culturally, to encourage the new creation²⁷. The state will make new jobs based on creativity of mind, job is based on the capacity and quality of individuals which brings economic development in the society. The jobs and works are based on industrial designs, intellectual property and the logo, intellectual property or designs, patent, and intellectual property secrets. In intellectual property, the registration of copyright is not necessary, the registration doesn't make any new rights in India. The original works made by the person or author. The world intellectual property organization is helping to secure the rights of the creator and owner of the intellectual property. The strategies for the protection of intellectual property is to make security and protection first, to be registered in Intellectual property rights, make reasonable care, to follow the policy and agreements related to intellectual property²⁸.

ANALYZING THE CYBER THREATS INTELLECTUAL PROPERTY AND PROTECTION

A. **The biggest cyber threat:** In developing countries, the companies and corporate workers are faced by cyber threats. To escape from those kinds of cyber threats, the protection methods in the digital age should follow the rules, regulations of IPR. The cyber threat is getting data information in an illegal manner and getting profits out of that, it damages the data and attacks the vectors in Indian corporate fields. The methods for cyber threats are which can be done directly, indirectly in specific targets of sectors. Because of these cyber threats we are facing financial issues. In the previous year 2021, the biggest cyber threat was employees who were working from home made access to digital systems. If

²⁵ Vakul Sharma, Information Technology Law and Practice, 2005

²⁶ Puneet Kaushik vs. State of NCT of Delhi (2014)

²⁷ Patrick Sullivan and Suzanne Harrison, 'IPR in business', Wipo, (26 october, 2025, 07:20 pm), https://www.wipo.int/wipo_magazine/en/2008/01/article_0008.html

²⁸ Acharya, 'Intellectual property in India', Appknox, (28 october, 2025, 05:00 pm), <https://vikaspedia.in/education/digital-literacy/information-security/cyber-laws>

there is a lack of security programs in the corporate fields which may lead to huge loss financially and cannot run its business. The intellectual property management refers to a system which can be intangible and the creation of the mind of the human being or person in the society. It includes all the rights of materials and the publicity of the creator²⁹.

B. Purpose Information Technology Act: The business services are protected by intellectual property rights, to secure from any other illegal activities. It is used to develop the research and the growth of the business in their fields, and recognize its own business in the environment³⁰. To get the benefits out of intellectual property policies and agreements in India. The knowledge of using the internet, computer and digital system is important to every person but using a method is more important. There should not be any illegal activities among them. The state should provide proper legislation for this, there should not be any huge loss for persons if the act is committed by any person so in a cyber way. There are many advantages, benefits and scope of using digital systems in India. After reaching so many cases in cyber threat the Indian government established the Information Technology Act³¹.

C. Protection under IPR: The government should make it a privilege in India for IRP and cyber law awareness and positive changes, people should make benefits out of the government policy on IPR. Hence, intellectual property rights are more important to individuals and in business sectors. On the other hand, the creator's innovations can't be stopped by any other individual, the creator can make some evidence or proofs on the products or materials. To avoid joint ownerships in intellectual property so that the proof of materials cannot be sent to any third party. The owner of products must get the infringes published and registered in the fields. IPR in cyber law, makes security to avoid huge losses in the digital age. Intellectual property is providing security to the innovations of human minds, to develop creativity in the society. The corporate sectors should take precautions before any cyber threats happen and to follow the regulations of IPR and cyber laws in India. To protect and develop the business, to follow provisional

²⁹ Taraporevala, 'Law of intellectual property', Ip India services, (29 September 2025, 12:50 am), <https://ipindiaservices.gov.in/publicsearch>

³⁰ Avtar Singh, 'Cyber law', Infosec awareness, (1 October 2025, 08:00 pm), <https://www.infosecawareness.in/cyber-laws-of-india>

³¹ Pavan Duggal, Cyberlaw: The Indian Perspective, 2002

intellectual property and intellectual property secrets law and make secure communication.

- D. **Security and safety:** The intellectual property rights are governed by the international treaties and the laws by legislation, the specific country has different laws and legislation of intellectual property. To manage the business field in the digital age without any cyber threats, to give awareness in society. To balance rights of owner and management in corporations, to make value, growth for commercialization in IPR. The issues relating to copyrights in corporate management, there is scope for IPR in cyber laws³². The owner of products must get the infringes published and registered in the fields. IPR in cyber law makes security to avoid huge losses in corporate management. Intellectual property is providing security to the innovations of human minds, to develop creativity in the society³³.
- E. **Prevention:** The corporate sectors should take precautions before any cyber threats happen and to follow the regulations of IPR and cyber laws in India. In the previous year, the most largest cyber threat was employees who were working from home made access to corporate digital systems. If there is a lack of security programs in the corporate fields which may lead to huge loss financially and cannot run its business. The intellectual property management refers to a system which can be intangible and the creation of the mind of the human being or person in the society. It includes all the rights of materials and the publicity of the creator. The punishment is dependent on the threat activities and impacts in the society.

CONCLUSION AND SUGGESTIONS

The conclusion of this research paper, knowledge of using the internet, computer and digital system is important to every person but using a method is more important. There should not be any illegal activities among them. The state should provide proper legislation for this, there should not be any huge loss for persons if the act is committed by any person so in a cyber way. There are many advantages, benefits and scope of using digital systems in India. After reaching so many cases in cyber threat the Indian government established the Information Technology Act. The government should make it a privilege in India for IRP and cyber law awareness and

³² M. Mohamed, 'Intellectual property rights', Meity, (3 October, 2025, 9:00 pm), <https://www.meity.gov.in/content/cyber-laws>

³³ Investigating Cyber Law and Cyber Ethics: Issues, Impacts and Practices, 2011

positive changes, people should make benefits out of the government policy on IPR. Hence, intellectual property rights are more important to individuals and the company or corporate sectors. On the other hand, the creator's innovations can't be stopped by any other individual, the creator can make some evidence or proofs on the products or materials. To avoid joint ownerships in intellectual property so that the proof of materials cannot be sent to any third party. The owner of products must get the infringes published and registered in the fields. IPR in cyber law, makes security to avoid huge losses in corporate management. Intellectual property is providing security to the innovations of human minds, to develop creativity in the society. The corporate sectors should take precautions before any cyber threats happen and to follow the regulations of IPR and cyber laws in India.

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