



Women entrepreneurship and intellectual property rights: An analysis

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Abstract

Women in society as a whole have incredible creative knowledge and innovative skills but lack the commercialization of their expertise. Providing women with equal access to resources and the opportunity to utilise their intellectual property rights is a key strategy for empowering women. Innovators, artists, and inventors can benefit financially from intellectual property rights (IPRs) for their inventive works and intellectual efforts. It would make it easier for female innovators to start their businesses, which would not only enhance their lives but also have a significant impact on how the country and the world economy are shaped. The study endeavors to figure out the challenges experienced by Indian women, especially those who have already started their entrepreneurial journey. An online questionnaire and a convenient sampling strategy were used in the study to collect empirical data. The survey included 35 female entrepreneurs from 12 states, and the results showed that 20 of them, or 57%, run self-funded businesses with no outside funding or access to a network of investors. These female entrepreneurs, who hail from a variety of sociocultural backgrounds and represent different regions of the nation, share a lot in common in terms of the challenges they've encountered in their families and society. The paper concluded that the framework for intellectual property rights may help female entrepreneurs commercialize their skills and give them economic independence.

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1. Introduction

Women have been struggling since time immemorial to carve a niche for themselves in society. It is not surprising that women have not achieved the desired status in various domains of society. Women still fight to fully exercise their rights to productive employment and decent work throughout Asia and the Pacific. Women can empower themselves through entrepreneurship and contribute to the inclusive, sustainable, and prosperous development of their community, nation, and the world (United Nations publication, 2017) ^[4].

Enjoying all rights that positively impact women's empowerment is a phenomenal task for women worldwide, and the intellectual property rights regime is not an exception in this regard. Intellectual creations and innovations by human beings are considered intellectual properties, which are as valuable as tangible forms of property. The success of many businesses and corporate bodies is now dependent on IP rights (IPRs). Although IP as a whole has a positive effect on the national and world economies, not all individuals have the same access to resources and opportunities to exploit their IP for achieving economic growth. It is observed that the IPRs and the country's economic growth show a strong positive relationship (Kashyap *et al.*, 2020) ^[8].

Intellectual property can be created by any individual, irrespective of gender, race, caste, and educational background. When it comes to having access to all kinds of resources and societal support, women have fallen behind. Fair access to the IP system for grassroots and rural entrepreneurs would have a tremendous societal impact. An obstacle that many rural innovators,

including women, encounter is a lack of awareness about IP rights and the importance of protecting and safeguarding their interests. Many times, local and rural innovators freely share their knowledge with others without proper documentation, which lets others copy and monopolise their inventions, creations, and knowledge (Jain & Gurtoo, 2021) ^[7].

Generally, intellectual property is understood as inventions in the fields of science, technology, engineering, or mathematics, but IP goes far beyond patented inventions and includes other types of exclusive rights such as trademarks, copyrights, geographical indications, industrial designs, and so-called traditional knowledge. When female entrepreneurs start a business or service, they can work out whether their products or services are protectable by trademark, industrial design, copyright, patent, or other forms of IP rights. Women entrepreneurs can properly protect their IP if they have a basic understanding of the different types of IP and methods as well as an awareness of acquiring it (Shehu, 2019) ^[22].

The World Intellectual Property Organisation (WIPO) has initiated several projects to increase women's participation in innovation and entrepreneurship. Attempts have been made to understand and address the various challenges faced by women inventors and innovators. In spite of the tremendous contribution of women to the nation's building, they lack due recognition and acknowledgment on the national and international fronts. In the year 2018, the theme of World Intellectual Property Day was "Powering Change: Women in Innovation and Creativity", which focused on women and their role in shaping the future of the world economy (WIPO, 2018) ^[13].

In a nation like India, encouraging women to start businesses would be a difficult task without removing social barriers like changing the conventional attitudes and mindsets of society towards women. Women are mostly not encouraged to work on their innovative and artistic skills. It is necessary to educate women about their position and the value they can provide to the economic development and progress of the nation in order to create chances for women's entrepreneurship in India (Gupta & Aggarwal, 2015) ^[5].

Literature surveys in developing nations revealed that female-owned businesses produce innovative products comparable to those of male-owned businesses, but they are less likely to own intellectual property. Women usually start their own businesses out of necessity rather than the opportunity to support their families. Many of them may not be aware of how IP laws can give them competitive advantages, such as owning their own brand name under trademark law or protecting their creative works under other IP laws, and may not understand the value of commercialising their ideas (Cutura, 2019) ^[3].

The present study tried to highlight the importance of women's entrepreneurship in shaping the national and global economies. It is essential to break down the social barriers against women and promote an entrepreneurial mindset among female innovators to use their knowledge, skills, and expertise in a country with a flourishing economy like India. Women across society possess wonderful knowledge and creative skills but are unable to gain benefits from the commercialization of such knowledge. Encouraging women to think like entrepreneurs and acquire intellectual property rights is the need of the hour. Therefore, it is imperative to understand and identify the major constraints faced by Indian women, especially those who have already started their journey as entrepreneurs by commercialising their

knowledge and skills.

2. Literature Review

Jain and Gurtoo (2021) ^[7] discussed that the important element in all most all IP laws, which the policymakers, legal researchers, and concerned individuals found is the inherent inequality in the IP system. In simple terms, it can be described as a lack of equitable access to the IP system and its benefits to the marginalized and ignorant section of society such as grassroots and rural women inventors, innovators, and creators of IP assets.

According to Porter (2019) ^[10], the patent system's primary goal is to promote invention, and this goal cannot be achieved unless women are given an equal opportunity to participate in the innovation process. A careful analysis of various factors contributing to the low participation of women in innovation must be made. Proactive steps toward female inclusion can reduce the gender gap, specifically for inventors, and increase the pool of innovators. It would change the social perception of women as competent scientists and businesspeople.

Chatterjee and Ramu (2018) ^[11], examined the contributions made by women to the fields of entrepreneurship and patenting. Through entrepreneurial endeavors, women generate employment for themselves and others, earn money to better their families standard of living, provide markets with valuable goods and services, gain economic independence, lessen social exclusion, and contribute to economic growth. In the past, women's inability to legally own their property and earnings made it difficult for them to become business owners. Some of the obstacles that women still have been facing were limited access to education and training, negative stereotypes, and cultural restrictions for working in the commercial sector.

Vyas (2018) ^[12] stated that one of the most important tools for every country's successful development is the empowerment of women. Educating women about their rights, and providing necessary skills would enable them to serve their families as well as professional work. The goal of skill development for women is to increase their quality of performance, rather than just prepare them for jobs. India's transition to a "knowledge economy" makes it more crucial than ever for the country to concentrate on skill advancement relevant to the emerging economic environment.

Gupta and Aggarwal (2015) ^[5] opined that the act of starting a new business and taking advantage of a new opportunity is referred to as entrepreneurship. By developing new products, procedures, and services, entrepreneurs play an important role in shaping the national economy. In a developing nation like India, female entrepreneurs face several obstacles, and society as a whole needs to drastically shift its views and mindsets. In order to enhance women's economic circumstances, entrepreneurship among women must be encouraged.

The World Intellectual Property Organization's Committee on Development and intellectual property (CDIP) 26th session (2021) discussed "Increasing the Role of Women in Innovation and Entrepreneurship, Encouraging Women in Developing Countries to Use the Intellectual Property System" in the context of the Development Agenda Project, analyzed on challenges for Women Inventors and Innovators in Using the Intellectual Property System, and recommended to address the challenges with new strategies.

The National IPR Policy of India (2016) aims at creating a

“Creative India, Innovative India” for the benefit of all; to promote advancement in science and technology, culture, traditional knowledge, and biodiversity resources. It seeks to stimulate a dynamic, vibrant, and balanced intellectual property rights system in India, which will foster creativity and innovation and thereby, promote entrepreneurship and enhance socio-economic and cultural development. Similarly, the Indian National Policy for the Empowerment of Women (2001) is based on the principle of gender equality as enshrined in the Preamble of the Indian Constitution. The goal of this Policy is to bring about the advancement, development, and empowerment of women.

3. Objectives

- To gain insight into various issues and challenges faced by women entrepreneurs in India.
- To highlight the need of promoting women's entrepreneurship under the framework of the intellectual property system.

4. Methodology

The present paper is exploratory research and aims to gain insight into the issues related to women's entrepreneurship in India and the scope under the intellectual property rights regime to foster entrepreneurship. It has adopted a socio-legal method to collect primary data from the respondents, who already started their journey as entrepreneurs. Information was collected both from primary and secondary sources such as the review reports of national and international policies, the Committee on Development and intellectual property (CDIP), articles from national and international journals on IPRs, and women's entrepreneurship. The study is based upon a convenient sampling technique and employed a Google form questionnaire consisting of 20 questions about demographic variables, and other issues related to women's entrepreneurship. A total of 35 responses were gathered from 12 different states of India from 27th July to 23rd August 2022.

5. Data Analysis & Interpretation

Table 1: Demographic Variables of the Respondents

Demographic Variables	Particulars	No. of Respondents	Percentage (%)
Age	21-30	9	26%
	31-40	15	43%
	41-50	10	29%
	51-60	1	2%
Marital Status	Married	18	51%
	Unmarried	13	37%
	Divorcee	1	2%
	not mentioned	3	8%
Education	Under matric	2	6%
	Matriculate	4	11%
	Bachelor Degree	15	43%
	Post graduate	12	34%
Place of living	PhD	2	6%
	Rural	6	17%
	Urban	6	17%
	City	18	51%
	Metropolitan area	5	14%

Source: primary data

Table-1 explains the demographic profile of the respondents, which shows that the majority 43% belongs to the age group of 31-40 years; the majority 51% of respondents are married; a maximum of 43% are holding bachelor's degrees; and the larger portion of 51% are living in the city area.

A total of 35 women entrepreneurs responded from 12 states of India through Google form i.e. highest responses were received from Assam (11), Telangana (6), Odisha (5), Karnataka (3), West Bengal (2), Bihar (2), Andhra Pradesh (1), Punjab (1), Kerala (1), Jharkhand (1), Rajasthan (1), and TamilNadu (1). Out of the total 35 respondents majority 15 (43%) do not have a registered business or any trade license, while 13 (37%) said either had a registered business/trade license and the remaining 7 (20%) replied they may apply for registration.

Table 2: Duration of business

Duration Of Business (years)	No. of Respondents
< 1 year	10
1-3 years	9
3-5 years	7
5-10 years	3
10-15 years	4
15-20years	1
> 20	1
Total	35

Table-2 indicates that a maximum of 10 women (29%) started their business within 1 year, while 9 women (1-3 yrs), 7 women (3-5 yrs), 3 women (5-10 yrs), 4 women (10-15 yrs), 1 woman (15-20 yrs), and 1 woman (more than 20 yrs).

Table 3: Start Up Cost

Start Up Cost	No. Of Respondents
1000-5000	4
5000-10,000	3
10,000-20,000	8
20,000-30,000	2
30,000-50,000	3
50,000-100,000	3
>100,000	3
>10,00000	2
Other/no response	7
Total	35

Table-3 shows that a maximum of 8 women (23%) started businesses within the amount of 10,000/- to 20,000/- only, while 2 women stated that their startup cost was more than 10 lakh.

Table 4: Investment for Startups

Investment for Startups/Business	No. of Respondents
Personal savings	18
Bank loan	2
Borrowed from Family & Friends	9
Investor funding	Nil
Others	4
Not mentioned	2
Total	35

Table-4 reveals that these women entrepreneurs managed their business funds from personal savings 18 (51%), Bank loans 3 (9%), family & friends 8(23%), others 4(11%), investors funding (nil), and not mentioned 2(6%).

Regarding financial support, a maximum of 20 respondents stated that they have no financial assistance (57%), 13 received support from family (37%), 1 got support both from family and government (2%), and 2 (not mentioned).

6. Major Findings

- 20 (57%) out of the total of 35 respondents did not receive any outside financial assistance. The majority of them managed the funds from personal savings (18), loans from family and friends (9), and bank loans (2). Yet, none of them acknowledged the money they had received from investors or had access to the investor's network.
- Women own businesses like coaching institutes, education enterprises, online selling of traditional clothes, jewelry businesses, manufacturing small- to medium-sized poly sacks, designing clothes, outdoor advertising, social enterprise, beauty clinics, local dhaba (traditional food), catering services, flower decorative store, grocery store, and shoe business, etc.
- Their motivation behind pursuing entrepreneurship is for a variety of reasons, including to follow interests and passions, to develop personal knowledge and skills, to meet survival needs, to manage financial constraints, to become financially independent and self-sufficient, to assist the elderly and working-age population, to reduce unemployment, to manage and support a family, as an alternative to government employment, and to gain respect from society and community acceptance.
- The major challenges experienced by the respondents include balancing personal and professional obligations, lack of family and societal support, limited access to marketing opportunities, financial constraints, fear of failure when taking financial risks and competing with other business enterprises, gender discrimination, social barriers, and never being encouraged to start a business or pursue personal goals.
- They held the view that success means having a stable financial situation, being respected by society, receiving compensation for their labor and struggle, feeling good about their accomplishments, and realizing one's own goals. They want a good governance system that enables women to start small enterprises without paying the goods and services tax (or a reduction in the tax); controls the cost of goods and commodities that is beneficial to their businesses; and receives government subsidies and funding. Also, to ensure the future of women, financial and networking support, marketing possibilities, and a special Public Provident Fund (PPF) should be provided.
- Although there are many welfare programs, newcomers sometimes lack access to them, and getting a trade license is frequently a challenging endeavor due to the onerous registration requirements. In order to start their own business, women need to have the confidence, the right mindset, the creative skill, the support of their families, the right mentors, and the necessary working capital. Although women possess the requisite skills, they frequently face a variety of obstacles when trying to launch their own businesses. The global pandemic (Covid-19) outbreak also caused financial difficulties for many businesswomen. Adding to this, stable finance and the support of the family have a significant impact on women's life.

7. Conclusions & Recommendations

Despite numerous national and international policies, and programs on the issues of women's empowerment, women's participation in the national and global economy is not satisfactory. Over the generations, women have been contributing to every field of society with their creative endeavors as innovators, artists, designers, scientists, and entrepreneurs, yet they do not receive proper recognition and encouragement to explore their knowledge and skills in the prospective fields. Women, especially entrepreneurs have been lagging behind in enjoying strategic advantages over their innovations and creations because of a lack of awareness about the exclusive rights granted by the intellectual property rights regime. They lack the necessary insight on how to secure, manage, and uphold intellectual property rights to protect their interests. According to the results of the present study, women entrepreneurs from different states with distinct socioeconomic and cultural backgrounds experience more or less similar problems in receiving support from the family and societal levels. Encouraging women to identify their potential and exercise their intellectual property rights would significantly add value to their life. IP Rights will promote entrepreneurship among women to commercialize their knowledge and enable them to contribute to prosperous, inclusive, and sustainable development by creating a resilient ecosystem. It will reduce the gender disparity and also help to protect their other human rights.

In the light of above findings, the following recommendations are made:

- The present study can be used as a base for further in-depth study on a larger scale
- To inspire women to innovate and develop an entrepreneurial mindset.
- To increase awareness about the importance of intellectual property rights in the commercialization of women's innovations and creations.
- To establish a women-friendly forum, where women of diverse backgrounds can freely engage, share ideas, and collaborate on projects with one another.

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