

Gender Equality, Diversity, Innovation and Intellectual Property Rights: Legal Representation & Protection of Women Entrepreneurs

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Abstract

Gender equality, diversity, innovation, and intellectual property rights are pivotal aspects of modern society and the business landscape. This research paper explores the intersection of these themes in the context of legal representation and protection for women entrepreneurs. With women playing an increasingly influential role in the global entrepreneurial ecosystem, ensuring their rights and fostering an environment conducive to their success is paramount. Achieving gender equality in entrepreneurship is an ongoing challenge. Women entrepreneurs face a myriad of obstacles, from access to finance to social biases. Legal representation can serve as a powerful tool in dismantling these barriers by advocating for policies and practices that level the playing field. Embracing diversity is not just a moral imperative but a driver of innovation. Women bring unique perspectives and ideas to the entrepreneurial landscape. Legal representation can champion diversity initiatives, encouraging businesses to promote gender-inclusive cultures and diverse leadership, which, in turn, fuel innovation. Entrepreneurship thrives on innovation, and women entrepreneurs are at the forefront of pioneering solutions to global challenges. Legal protection of intellectual property rights become crucial in safeguarding these innovations, encouraging further creativity and entrepreneurship among women.

By examining the multifaceted relationship between these key elements, we gain insight into how legal mechanisms can empower women entrepreneurs, promote diversity, fuel innovation, and safeguard their intellectual property. The evolving landscape of entrepreneurship demands a proactive approach to ensure that women entrepreneurs are not only protected but also empowered to contribute fully to the global economy. Legal representation stands as a vital instrument in realizing this vision, paving the way for a more inclusive, diverse, and innovative future.

Keywords: Diverse Leadership, Conducive Environment, Empowerment, Equal Participation, Inventions

Introduction

Human creativity and innovation are the forces behind advancement. Since the dawn of time, both male and female inventors and creators from all backgrounds have changed history by unleashing their creativity and imagination. Some groups, however, continue to be notably underrepresented in numerous applications of intellectual property (IP). Intellectual Property Rights¹ (IPR) provide legal protection to the creators of original works, including inventions, literary and artistic works, and trademarks. Women are entitled for same IPR protection as men, and their rights are protected by various international treaties and national laws².

In terms of patents, women can apply for and obtain patents for their inventions, and they are entitled for same rights and protections as men. This is also correct for trademarks and copyrights, where women can own and protect their trademarks and copyrights similar to men. Now a days the area of IPRs have strongly came in support of equality for men as well as women. WIPO³ also has come up with a system to promote and encourage equal participation of women by various capacity building and training workshops.

To sum up IPR laws is not differentiating between genders, the problem arises with the correct application of laws. These legislations do not provide for special protection to women as well. However, the nations are free to formulate legal protection for their women such as India has made some protective regulations for the promotion of women and small entities through the Indian Patent Act.

Women do not get treated-equally to men in many countries of the world. Women are at a disadvantage when it comes to succession laws. Stronger intellectual property safeguards may be able to reduce this disparity. The rights of women are also protected when IP rights are fiercely upheld. For

¹ Further mentioned as IPRs.

² Available at: <https://www.wipo.int/women-and-ip/en/>.

³ World Intellectual Property Organization (WIPO).

instance, actresses, female performers, artists and artisans are often given the better remunerations in the nations with the strictest intellectual property protection.

In any development-oriented country IPRs must be protected at their best. even, UDHR⁴ under Article 27 provided that every individual has the right to protect their moral and material interest which Has the capacity to convert into any scientific literary or artistic production.

This protection demonstrates how safeguarding IPRs benefits all societies equally. Economic incentives to develop and invest are a result of the protection of these rights. Economic growth and prosperity follow these rights. By upholding these rights, women's status in society is elevated to one of greater equality with males, which promotes further longer-term economic growth. Gender equality, diversity, innovation, and IPRs are important aspects of modern entrepreneurship, and protecting the legal rights of women entrepreneurs in these areas is crucial to ensuring their success. Here are some key points to consider:

Gender Equality: Women entrepreneurs face unique challenges in the business world, such as gender bias, unequal access to funding and resources, and discrimination. Legal representation can help women entrepreneurs navigate these challenges and advocate for their rights.

Diversity: Promotion of diversity in the commercial world can promote greater inventions, innovations and better results. Female inventors and innovators from various experiences have the capacity to give new perspective ideas ahead, however the obstacles which they face related to their gender, race and other factors are removed. Good legal protection can guarantee that women are getting equal opportunity in the field of IPR to innovate and succeed.

Innovation: IPRs are vital for protection of the innovative ideas and products that Female inventors and innovators bring to the market. Legal representation can help Female inventors and innovators file patents, trademarks, and copyrights, and guard their IPRs against infringement⁵.

IPRs: Female inventors and innovators face some difficult challenges in reaching and enforcing their IP rights. For example, there are proper apprehensions that they are facing barriers in getting resources and required education and training for application of their rights. Most of the countries are dominated by males and they seldom give any chance to their women competitors. they have been multiple efforts made by government to bring parity in the field of IPRs.

Intellectual property (IP) rights are essential for entrepreneurs, including Female inventors and innovators, to protect their innovative ideas, inventions, and creative works. Women intrapreneurs, who are

⁴ Universal Declaration of Human Rights of 1948.

⁵ Available at: Innovation and Intellectual Property among Women Entrepreneurs, <https://iwpr.org/iwpr-general/innovation-and-intellectual-property-among-women-entrepreneurs/>.

entrepreneurs working within an existing organization, have the same IP rights as male intrapreneurs.

For example, if a woman intrapreneur creates a new product or process, she can apply for a patent to protect her invention. Similarly, if she creates a new brand or logo, she can apply for a trademark to protect her brand.

In addition, copyright protection can be important for women intrapreneurs who create original works, such as software programs, designs, or written materials⁶.

When it comes to discriminating against women in IPR nothing is left to consider. A factor to promote such situation is that there is an under-representation as manufacturers or innovators. This promoted the absence of considerations of women's contribution in IPR, their ideas and work have also suffered because of the same.

Female-discrimination is also significant issue in the patent system, where their patent applications may be treated differently or subjected to a higher standard than those of men. This may result in lower rate of patent approvals for women and a lack of protection for their inventions.⁷

In conclusion, legal representation and protection are crucial for supporting and promoting the success of Female inventors and innovators. By ensuring gender equality, diversity, innovation, and IPRs, we can create a more inclusive and equitable business environment that benefits everyone.

Intellectual Property (IP) rights are important for protecting the innovations, creative works, and brands of female inventors and innovators. To ensure their legal representation and protection in the field of IP, female inventors and innovators can take several steps:

Seek legal advice: Women entrepreneurs can consult with IP lawyers or legal clinics to get guidance on protecting their intellectual property. These experts can provide legal advice on IP registration, licensing, and enforcement.

Register their IP: Female inventors and innovators should register their trademarks, patents, and copyrights to secure their IP rights. This can help protect their brands, inventions, and creative works from infringement and unauthorized use.

Enforce their IP rights: Female inventors and innovators have right to legal proceedings against infringers or violators of their IP rights. They can hire

⁶ Mareike Fröhlich, Tatjana Jevremović Petrović & Jelena Lepetić, Gender, Business and the Law, Available at : https://link.springer.com/chapter/10.1007/978-3-031-14360-1_19.

⁷ Available at: Gender, Diversity and Innovation: Concepts, Policies and Practice, https://books.google.co.in/books?hl=en&lr=&id=0-RvEAAQBAJ&oi=fnd&pg=PR1&dq=Gender+Equality,+Diversity,+Innovation+and+Intellectual+Property+Rights:+Legal+Representation+%26+Protection+of+Women+Entrepreneurs&ots=twGWj_rEjj&sig=SdOlzGISUtYXnCrNejlfO4khGHU#v=onepage&q&f=false.

legal representation for enforcement of IP rights through litigation or alternative dispute resolution.

Team up with other businesspersons: Female inventors and innovators can work together with other industrialists or organizations to share knowledge and resources on IP protection. This can help build networks and alliances that can provide support and assistance in IP-related matters.

Stay informed: Female inventors and innovators must keep information about developments in IP law and policy, particularly in their respective industries. They can participate in industry associations and attend conferences and seminars on IP protection.

Overall, female inventors and innovators can take various steps to ensure their legal representation and protection in the field of IP. By seeking legal advice, registering their IP, enforcing their IP rights, collaborating with others, and staying informed, they can safeguard their intellectual property and maximize the value of their innovations and creative works⁸.

Innovation and Intellectual Property among Female inventors and innovators⁹

Innovation and Intellectual Property (IP) are crucial aspects of entrepreneurship, regardless of gender. According to a report by the WIPO, only 31% of international patent-applications of 2019 listed at least one-woman inventor. This is a significant disparity that highlights requirement to provide more support and resources for women innovators¹⁰.

One more challenge which is faced by women in the field of IPRs as inventors and innovators is the less amount of funds and accessibility to the available resources for their work or invention. This can result in difficulty in protecting and marketing their IPRs. A female inventor has a more difficult time in getting economic help to get IP protection.

Even though there are many challenges, many women inventors and innovators have defeated these hurdles and provided valuable support in the field of IP. They are leading many companies like Spanx, The Honest Company, and Bumble and have provided a revolutionary contribution in their separate field through their products and services.

To support female inventors and innovators in the area of innovation and IP, there are several initiatives and resources available. For example, the National Women's Business Council (NWBC) has a Women's Innovation

⁸ Available at: <https://cdn.www.nwbc.gov/wp-content/uploads/2018/02/27192554/Qualitative-Analysis-Intellectual-Property-Women-Entrepreneurs-Part-2.pdf>.

⁹ Available at: <https://www.womenentrepreneurindia.com/ranking/top-10-women-in-ip-copyright-and-trademark-2021-rid-61.html>.

¹⁰ How IP Rights Empower Women, Available at: <https://www.forbes.com/sites/lorenzomontanari/2018/04/26/how-ip-rights-empower-women/?sh=4327fc0f6e73>.

and Entrepreneurship (WIE) Program that provides resources and support for women-owned businesses, including guidance on IP protection. Additionally, organizations like the Association for Women in Science (AWIS) and Women in Bio (WIB) provide networking opportunities and mentorship programs for women innovators¹¹.

To summarize it can be very clearly said that women inventors are facing multiple difficulties when it comes to securing their IP, however governments are trying to make them more independent and successful in their own fields. with proper support funding and favorable legislative procedure women can contribute significantly in the field of IPRs.

IPRs and Gender Discrimination

Whenever a country wants to promote innovative ideas and intellectual property, they must ensure that there is no discrimination on the ground of gender. A workplace which is diversified can have the power to bring new thought-processes and innovative ideas which will convert into smart and effective results for all. At the same time providing a workplace which is gender-neutral also ensures that there is less gender gap in securing IP rights.

It has been proven by many researchers that the industries which are open to inclusion of all the genders and have the power to create a diversified team are more capable of producing better products and services. The target audience will also be broader. A good team requires better tools and equipment rather than focusing on a stereotypical gender-based role, therefore whenever there is an inclusion and equitable distribution of power in definitely results in into a better product which will reach to a wider market to simplify one may take example where we can safely say that female inventors are more likely to produce products which will meet women's particular needs.

However, despite the benefits of diversity and gender equality, there is still a significant gender gap in IP ownership. Women are underrepresented in patent ownership, trademark registrations, and other forms of IP protection. For bringing parity, multiple organizations have taken initiatives to encouraging gender-neutral approach in their fields¹².

¹¹ Women Entrepreneurship Promotion in Developing Countries: What explains the gender gap in entrepreneurship and how to close it? Available at : https://d1wqtxts1xzle7.cloudfront.net/55287867/4-libre.pdf?1513245420=&response-content-disposition=inline%3B+filename%3DWomen_Entrepreneurship_Promotion_in_Deve.pdf&Expires=1681726658&Signature=gcu6f8Hw9B3bNZz7U4j7IZ71v2DBLVt1PgVHWUv7tDkQ54Cn5Ar26WL6tKl~pRXGNAsTIBCaCsRL93b88e0mPP6aGbMPczB6mpTNowwBzbc9ACAgA8-Y2O~XCRVRIUtpZu~HNhQBiw-v7iFXa~sn~52Zxt1SrCCwDxZ8gfv4tNZucleOxYOikBOxDy0AcEuc9HUZFeg1vvki8Tu5Qbimy9jW2Nj0bX PQ9T5jZgPXz5-zxVJ3FzNPf4YIJRhKJKs6yIBrke0fIQOgq69pQYHw7jIL4HsSXZNqXJwNs0g0S19PVJ7EC3GLIiU1kBaFPJ4D9B3gtwYE5tVN1pSHb7yQ__&Key-Pair-Id=APKAJLOHF5GGSLRBV4ZA.

¹² Available at: <https://ukzn-dspace.ukzn.ac.za/handle/10413/21136>.

For example, the WIPO has launched several initiatives to encourage gender-equality and diversity in IP, including the WIPO Research program, which encourages collaboration between public and private sector organizations to develop solutions for global health challenges. The program specifically encourages the participation of women and underrepresented groups in the innovation process.

Similarly, the Association for the Advancement of Sustainability in Higher Education (AASHE) has developed a program called the Sustainable Development Goals (SDG) Pledge, which inspires education-institutions for committing to advancing gender equality, diversity, and other SDGs in their research and innovation activities.

In conclusion, encouraging gender parity and diversity in novelty and IP is essential for promoting innovation and addressing the gender gap in IP ownership. By providing more opportunities and resources for underrepresented groups, we can create a more inclusive and equitable innovation ecosystem that benefits everyone.

Therefore, to conclude it can be said that if industries will not focus on the promotion of equality of genders in the field of intellectual property rights, the whole mankind will be at loss. Like any other field IPRs also require a balance of gender in IP ownership, when you provide more opportunities for the groups who have not got equal representation a more inclusive and equitable environment is created which will eventually benefit everyone.

IPRs does not limit themselves as an object which only men can own, similarly, they are not meant for women only, however by including both the genders and giving them equal chance, the world can definitely achieve a better tomorrow as intellect is not restricted to a gender. A better product requires good education and experience not the dominance of a gender.¹³.

Legal representation of women in IPRs (IPRs)

Female innovators essentially be given a proper and valid legal representation to protect their IP. Without legal protection women might find it difficult to achieve the same access and protection of their creative ideas. Without any doubt there is a comparative low representation of females in legal-field and in achieving legal representation, they find it difficult to be taken seriously and this makes it difficult for them to get protection for what is their creation.

Without saying that due to the smaller number of female advocates and patent attorneys, Women face an additional challenge.

¹³ Empowering Women Entrepreneurs Through Intellectual Property Protection, Available at: <https://www.sdpkosove.com/articles/2019/04/empowering-women-entrepreneurs-through-intellectual-property-protection>.

To quote WIPO “the representation of women in the field of patent attorney is limited to maximum 30% globally”. This is a major hurdle where women are crippled to find the field people to find suitable representation.

Additionally, women may face financial barriers to accessing legal representation, as legal fees can be prohibitively expensive. This can be particularly challenging for female inventors and innovators and innovators who may be operating with limited resources. The American Bar Association's Women in IP Law Committee provides networking and mentoring opportunities for women in the field, while the WIPO's Women's Entrepreneurship Program offers training and support for female inventors and innovators seeking to protect their ideas and innovations¹⁴.

Moreover, several organizations offer pro bono legal services for women seeking to protect their IPRs, such as the Volunteer Lawyers for the Arts, which provides legal assistance to low-income artists, and the Legal Aid Society, which provides free legal services to people with low incomes.

To end, females must be provided with equal legal representation which will not only promote equality but will also ensure a greater excess to the protection of the ideas. when one addresses barriers any field and try to find out a solution it results into a better system to function.¹⁵

Protection of Women's IP Rights in India

IPRs refer to the legal ownership and control over intellectual creations, such as discoveries, fictitious and creative works, signs, appellations, pictures, and projects used in commerce. Indian legal system has multiple legislations and rules to deal with the protection of IPRs of women.

Patents: Indian legislation related to patents says that women will be granted patents for their innovative and non-obvious inventions. They can also achieve and get protection of schemes made by the government providing economic help in filing patents¹⁶.

Copyright: Women authors, composers, artists, and performers are protected under the Act of Copyright in India¹⁷.

Trademarks: Female inventors and innovators can register their trademarks to protect their brand identity and prevent others from using a similar mark¹⁸.

¹⁴ Available at: <https://www.uspto.gov/initiatives/we>.

¹⁵ Available at:

https://www.americanbar.org/groups/intellectual_property_law/publications/landslide/2017-18/march-april/using-intellectual-property-law-promote-human-flourishing-market-women/.

¹⁶ The Indian Patents Act, 1970.

¹⁷ The Copyright Act, 1957.

¹⁸ The Trade Marks Act, 1999.

Geographical Indications: The Geographical Indications of Goods (Registration and Protection) Act, 1999 allows registration and protection of geographical indications (GIs) used to identify goods as originating from a particular region. Women farmers, artisans, and producers can register their GIs to promote their products and prevent others from misusing their GI.

Designs: The Designs Act, 2000 provides for the registration and protection of industrial designs. Women designers can register their designs to prevent others from copying or imitating their work.

Apart from above-mentioned laws, the Government-of-India also launched several initiatives to encourage female inventors and promote their participation in the innovation ecosystem. For instance, the Women Entrepreneurship Platform (WEP) provides a platform for female inventors and innovators to network, access financial and non-financial resources, and showcase their products as well as services. The WEP also organizes training and mentoring programs to build the capacity of female inventors and innovators.

Overall, multiple legislations as well as initiatives are provided by Indian legal system that protect the IPRs of women and promote their participation in the innovation ecosystem.

Failure of legal system in protection of women's IP rights¹⁹-

Even though the IPR legislations do not discriminate against anyone on the basis of gender in India. There is a substantial need for encouragement provided to women to handle the problems they face in availing and securing their rights. Henceforth are few important points which result in the failure of providing effective system in protection of IPRs for women –

Expensive Procedure: The legal system can be expensive, which makes it problematic for females, mainly the one from marginalized communities, to access justice. The cost of filing and pursuing IP cases can be prohibitive for female inventors and innovators, inventors, and creators.

Lengthy legal procedures: The legal procedures for IP cases can be lengthy and complex, which may dishearten females from following legal remedies. The delays in the legal system can also result in women losing out on their IP rights.

Lack of effective enforcement: Even when women are able to obtain IP rights, the lack of effective enforcement can make it difficult for them to protect their rights. There are instances where infringers continue to use women's IP without fear of legal consequences.

¹⁹ Akriti Jain and Anjula Gurtoo, Can the restrictive boundaries of intellectual property create a larger social impact? Available at: <https://www.currentscience.ac.in/Volumes/120/11/1667.pdf> p. 1667.

Gender bias: Gender bias in the legal system can also impact the protection of women's IP rights. Women may face discrimination and bias in the courts, making it more difficult for them to obtain justice.

If one wants to address the issues which are mentioned about when one must implement a great foreseeability in providing education as well as awareness about the protection of intellectual property for females. There is also a need for substantial reformation to make the rights more reachable, easy, effective and affordable. The gender discrimination must be tackled carefully so that no woman faces any kind of difficulty in getting justice.²⁰.

Conclusion and Suggestions

According to several indexes maintaining the scorecard of how well the countries across the world protect their IP Rights among women, countries that are highly efficient in managing their IP Rights provide women with equivalent rights of succession. Therefore, it won't be wrong to admit the fact, "Empowering women means giving them equal IPRs." Protecting IP Rights is a win-win for all nations. Protection of these rights will make sure that economic incentives always exist to invest and innovate. It would also lead to worldwide economic growth and prosperity. Everyone should celebrate the role of women by not only counting their past achievements but also encouraging them for future endeavors, advancement, and growth.²¹

Equitable access to the IP system also applies to gender equality. Gender inequality in science, technology, engineering and mathematics (STEM) is a well-researched and widely debated topic. A 2016 WIPO (WIPO) survey report on the Patent Cooperation Treaty (PCT) applications shows that only 29% of all PCT applications from 1995 to 2015 included women inventors²². Another report from the USPTO shows that only 22% of patent applications contained at least one women inventor in 2019²³.

There is hard evidence that though women are more likely to work in larger research groups and contribute in all fields of intellectual endeavours, they are less likely to patent than men. Early studies have also mentioned that many patents that are 'taken out in some men's name are, in many instances, due to women'²⁴. Some early examples of this disparity are visible in the inventions of cotton-gin and under glaze painting on pottery. While the invention of cotton-gin came by

²⁰ <https://www.olartemoure.com/en/india-indian-government-encourages-women-to-patent/>

²¹ How can Intellectual Property Rights Empower Women?

<https://www.kashishworld.com/blog/how-can-intellectual-property-rights-empower-women/>.

²² Brant, J., Marathe, K., McDole, J. and Schultz, M.; available at https://www.wipo.int/export/sites/www/ip-development/en/agenda/pdf/policy_approaches_close_the_ip_gender_gap.pdf (accessed on 21 April 2021).

²³ USPTO, P and P: 2020 update on US women inventor-patentees; <https://www.uspto.gov/ip-policy/economic-research/publications/reports/progress-potential>.

²⁴ Gage, M. J., North Am. Rev., 1883, 136, 478–489; <https://www.jstor.org/stable/25118273>.

collaborative efforts of Catherine Greene²⁵ and her associate Eli Whitney, the patent was granted to Whitney. Simultaneously, Greene's second husband later assumed the subordinate interest in it. Similarly, Mary Louise McLaughlin's invention of the under-glaze technique of painting on pottery was patented by a man, prohibiting even the inventor from using her invention.

With this note, we contend that companies have started asking themselves how they can leverage IP rights to address issues relevant to the bottom of the pyramid. Examples in rural innovation, health and gender equity suggest how the institutions involved in the adoption and enforcement of IP rights partially deter mine the impact of IP on each set of outcomes. We see clear examples of how companies with IP rights have used their exclusivity privilege to make a social difference in the world. IP-specific initiatives taken by mission-oriented private organizations suggest that if designed and exercised consciously and wisely, stronger and efficient IP policy systems can act as a powerful tool to realize better societal outcomes to achieve social sustainability.²⁶

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²⁵ Boomer, L., *Life Story: Catharine Littlefield Greene Miller. Women & the American Story*, 2021; Available at: <https://wams.nyhistory.org/settler-colonialism-and-revolution/the-american-revolution/catharine-littlefield-greene-miller/> (accessed on 21 April 2021).

²⁶ Available at: <https://vikaspedia.in/social-welfare/women-and-child-development/women-development-1/meera-didi-se-poocho/property-rights-of-women-in-india-and-maintenance>.

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