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PRESENT SCENARIO OF INTELLECTUAL PROPERTY RIGHTS IN INDIA

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Introduction :

Intellectual property rights (IPR) have become important in the age of changing business environment which provides emphasis on global competition, high innovation risks, short product cycle, high investments in research and development (R&D), production and marketing and need for highly skilled human resources. There is an urgent need for enterprises and professionals to take important steps required for protecting, managing and implementing intellectual property rights, so as to get the best possible commercial results from its ownership.

Intellectual Property refers to creations of the inventions, literary and artistic works, symbols and images used in commerce. It is like any other property right. Intellectual property protection encourages innovation, development of knowledge-based industries. Intellectual Property Rights (IPR) exists in India for many years but it came to limelight only after 1995 when India entered into WTO as a member state. It is being predicted that India is moving towards Intellectual Property (IP) destination from the present IT destination.

Intellectual property rights (IPR) can be defined as the rights given to people

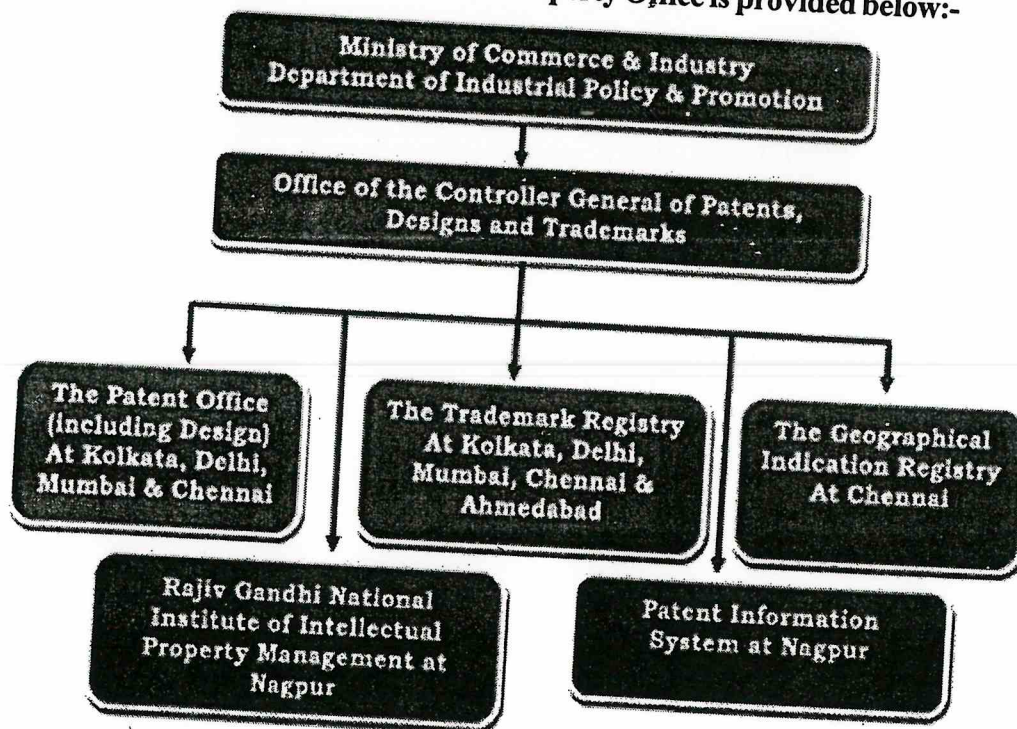


over the creation of their minds. They usually give the creator an exclusive right over the use of his/her creations for a certain period of time.

Intellectual property (IP) refers to creations of the mind: inventions, literary and artistic works, and symbols, names, images, and designs used in commerce.

The Indian Patent Office is administered by the Office of the Controller General of Patents, Designs and Trademarks (CGPDTM). This is a subordinate office of the Government of India and administers the Indian Law of Patents, Designs and Trademarks. The Patent Information System (PIS) and the Rajiv Gandhi National Institute of Intellectual Property Management (RGNIIPM) at Nagpur also function under the administration control of the Controller General of Patents, Designs, Trademarks and Geographical Indications.

Organizational Chart of Intellectual Property Office is provided below:-



(Source : Annual Report of CGPDTM 2015-16)



PRESENT SCENARIO OF INTELLECTUAL PROPERTY RIGHTS IN INDIA

Intellectual Property Rights enrich the society by providing availability of new and useful goods, service and technologies and improve the competitiveness of industries. For strengthening the IP regime, the Government of India set up an IPR think-tank in November 2014 to draft the IPR policy which finalized their draft in May 2016. And Government approved the National Intellectual Property Rights Policy to outline the roadmap for IPR in India. The policy aims at promoting and encouraging creativity, innovation and entrepreneurship in India.

The New IPR Policy 2016 has following objectives-

1. To create public awareness about the benefits of Intellectual property among all sections of society.
2. To stimulate the creation and growth of intellectual property by undertaking relevant measures.
3. To have strong and effective laws with regard to IP rights, consistent with international obligations.
4. To modernize and strengthen IP administration.
5. To catalyze commercialization of IP rights.
6. To strengthen the enforcement and adjudicatory mechanisms for combating IP violations and to promote awareness and respect for IP rights.
7. Capacity development by strengthening and expanding human resources, institutions for training, research and skill building in IP.

The trends of last five years in respect of filing intellectual property applications are shown below:

The positive approach of the Indian Patent Office has been commendable as per the Annual Report 2015-16. Indian Patent Office strengthened the culture of transparency, accountability and efficiency in its management which is evident from Table 1 that the increased Patent Applications filling by about 10 per cent to 48,904 in 2015-16 as against 43,000 in the previous fiscal year. As per the report, the filing of patents, design and trademark applications recorded a double-digit growth in percentage terms in 2015-16. These figures reflect a new found interest in the general public towards protection of their



IP and direct us towards a future of innovation, development of knowledge-based industries and favourable environment for technology transfer.

Table 1 - Intellectual Property Applications during 2011-12 to 2015-16×

Application	2011-12	2012-13	2013-14	2014-15	2015-16
Patent	43197	43674	42951	42763	46904
Design	8373	8337	8533	9327	11108
Trademark	183588	194216	200005	210501	283060
Geographical Indication	148	24	75	47	14
Total	235306	246251	251564	262638	341086

(Source : Annual Report of CGPDTM 2015-16)

Table 2 indicates that during the year, the office examined 16851 patent applications as compared to 2263 applications during the previous year. Decrease in the number of patent applications for which first examination reports were issued is because of less number of examiners available for examination work as compared the previous year.

Table 2 - Trends in Patent Applications during 2011-12 to 2015-16×

Year	2011-12	2012-13	2013-14	2014-15	2015-16
Filled	43197	43674	42951	42763	46904
Examined	11031	12268	18615	22631	16851
Granted	4381	4126	4227	5978	6326
Disposal (refused+withdrawn+abandoned)	8488	9027	11411	14316	21987

(Source : Annual Report of CGPDTM 2015-16)

During the year 2015-16, 21987 patent applications were disposed as compared to 14316 in the previous year. The disposal of the applications has increased by 53.6% as compared to previous year because more number of controllers were available for work. The total number of patent granted during the year was 6326 out of which 918 were granted to Indian applicants. The number of patents in force was 44524 as on 31st



Mach 2016, out of which 7306 patent belonged to Indians.

STEPS TOWARDS STRENGTHENING INTELLECTUAL PROPERTY RIGHTS

Office of Controller General of Patents, Designs and Trademarks and Geographical Indications has taken several new initiatives to strengthen the existing IT-enabled environment, to upgrade the existing computerized work-flow and for advancement of internal IT system.

1. The CGPDTM office started the New Unique Numbering System for patent application and request for examination field in the Patent Office with effect from 1st January 2016.
2. During the year 2014-15, CGPDTM office launched a new search facility "Indian Patent Advanced Search System (InPASS)". It is a search portal which provides login-free online public search facilities for patents.
3. The CGPDTM Office provides many dynamic utilities on the website for the benefit of the public which include displaying the month of filing of Request for Examination, displaying the group-wise and location-wise dates of Requests for examination, displaying the status on disposal of patent applications, etc.
4. The CGPDTM Office introduced e-filing facility of new design application to provide better public service.
5. The CGPDTM Office has been doing efforts to get ISO Certification to its various wings for adding credibility. An awareness program on ISO-9001-2008 Certification was conducted during 22-23 January 2015 by Quality Council of India.
6. The process of renewal of registration of trademarks has been made fully automatic.
7. The Geographical Indications Registry started receiving GI applications for registration of GI from 15th September 2003. As on 31st March 2016, Registry has received a total number of 543 GI applications of which 261 registered. During the year 2015-16, special steps were taken to clear all the pending applications. Online filing of GI applications has been started.



8. The CGPDTM Office has given invitation to stakeholders to participate in the legislative transactions.
9. The CGPDTM Office is also complementing with Startup India Campaign launched by Government of India, which was launched by the Honorable Prime Minister on 16th January, 2016 to foster entrepreneurship and promoting innovation by creating an ecosystem.
10. The office is also striving to the effective implementation of the policy objectives of Right to Information Act, 2005.

CONCLUSION

Presently, the young entrepreneurs of India consider the patent as a form of insurance as patent provides security to the original innovation and others cannot copy it. Government of India should provide needed assistance to Indian Patent Administration to come up with more Patent Offices in the major cities. All patent offices should be digitized, and should provide speedy online access of the data to public. The Patent Office should provide easy access to Patent Database of all granted patents and published applications. The continuous reforms by Government of India and other organization with the involvement of private players would strengthen Indian Patent Regime and would improve the filing rate in near future.

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