IPR Reforms
Evolution of the Indian IPR Regime
“In the era where knowledge is power, innovation is the driver of growth.”

- Hon'ble Prime Minister
  Narendra Modi
Need for the Reform

The past decade presented India with the challenge to scale up the process of IP creation and to capture value from the scientific and technological creations to catapult the country into the league of most innovative and developed nations. To address this challenge, an IPR think tank was constituted that conducted intensive stakeholder consultation with nearly 300 organisations and individuals as also 31 departments of the Government of India. These efforts led to formulating the National IPR Policy of India; the need for the same was recognised in context with the following reasons:

**LACK OF IP EDUCATION**
Indian researchers/innovators needed to be made aware of basic precautions that are to be exercised. IP Education was needed to be ramped up across the country, and the feasibility of introducing this in schools had to be explored.

**DEARTH OF INCENTIVES FOR GENERATION OF IPRs**
Incentives were needed to encourage the MSMEs, startups, talented scientists and engineers to create IP.

**NEED FOR FACILITATING GRASSROOT INNOVATIONS**

**NEED FOR BETTER ENFORCEMENT AND ADJUDICATION OF IPRs**

**NEED FOR REDUCING PENDENCY AND STRENGTHENING INSTITUTIONAL MECHANISM**
Streamlining IP Procurement & Prosecution - Transparency & Efficiency by Digitization, modernization and integration of the intellectual property offices in the country.

**NEED FOR AUGMENTING INTERNATIONAL COLLABORATIONS AND UNDERSTANDING BEST PRACTICES IN THE FIELD**

This single umbrella approach will help leverage linkages between various IP offices. The proposed Cell for IPR Promotion and Management (CIPAM) to be constituted under the aegis of DIPP, would be an important connection with the inventors and innovators.

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Reforms in the Indian IPR Regime

- **Digitization of IP System and Offices:** Switching to electronic filing & processing; incentivizing e-filings; implementation of electronic mode of communication

- **Manpower Augmentation:**

<table>
<thead>
<tr>
<th></th>
<th>31/03/2015</th>
<th>31/10/2020</th>
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<tbody>
<tr>
<td><strong>Patents</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Examiners</td>
<td>183</td>
<td>619</td>
</tr>
<tr>
<td>Controllers</td>
<td>89</td>
<td>245</td>
</tr>
<tr>
<td><strong>Trademarks</strong></td>
<td></td>
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<tr>
<td>Examiners  &amp; Senior Examiners</td>
<td>65</td>
<td>159</td>
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<tr>
<td>Registrars</td>
<td>13</td>
<td>15</td>
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- **Promotion IP Education:**
  Four new NIDs (National Institute of Design) have been set-up and all NIDs have been given INI (Institute of National Importance) status. Inclusion of IPR content in NCERT curriculum

- **Establishment of CIPAM:**
  Established as a professional body under the aegis of the DPIIT to ensure focused action on issues related to IPRs and address the objectives of the policy.

- **International Collaborations:**
  Harmonising India’s IP system with International agreements and classification model. Executing MoUs on IP Cooperation for sharing of best practices and exchange of information with IP administration of countries like Japan, US, Denmark, Sweden etc.
Focus Sectors

- Initiatives for Startups
  - Reimbursement for fee to be paid to facilitators while filing their patent and trademark applications.
  - 510 patent facilitators and 392 trademark facilitators empanelled by Indian IP office.
  - Nearly 5000 patent applications and 12000 Trademark applications filed under the scheme.
  - Expedited examination facility provided.

- Initiatives for MSMEs
  - To promote innovation at grassroots level, facilities for expedited examination is provided to MSMEs.
  - Additionally, filing and processing fees for patent applications by small entities has been further reduced by 80% as compared to large entities.
  - DPIIT in collaboration with the Ministry of Micro, Small and Medium Enterprises (MSMEs) has organised intensive IPR training for MSME Officers pan India; they can, in turn, provide IPR related services to MSMEs. Over 190 awareness programmes have been conducted for various MSME’s clusters.

*India came out with a new policy on intellectual property rights (IPR) which has radically improved the IPR. It’s probably one of the best IPR regimes, we have benchmarked it against USA and Japan now*
# IPR Reform: Before & After

<table>
<thead>
<tr>
<th>CATEGORY</th>
<th>BEFORE REFORM</th>
<th>AFTER REFORM</th>
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<tbody>
<tr>
<td>Institutional</td>
<td>● Backlogs</td>
<td>● Backlogs reduced</td>
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<tr>
<td>Mechanism</td>
<td>● Lack of Manpower</td>
<td>● Process Digitized</td>
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<td></td>
<td>● Physical filings</td>
<td>● Manpower Augmentation</td>
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<tr>
<td>Compliance</td>
<td>● Procedural Complications</td>
<td>● Simplification of Form-27</td>
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<td>and process</td>
<td>● Excessive Forms &amp; Compliances issue</td>
<td>● One Form-30 in Patents, where no other Form is applicable.</td>
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<td>● Simplification of Trademark Forms, reduced from 74 to 8 Forms.</td>
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<tr>
<td>Fee</td>
<td>● High fee for Small Key players such as Small Entity (MSME)</td>
<td>● Official fee for Start-ups reduced by 80%.</td>
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<td>● No concept of Start-up in Patents</td>
<td>● In Patents, official fee for Small Entity is now equivalent to the fee payable by Start-ups and Natural Persons.</td>
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<td>● Reduced fee structure for the registration of an authorized user of a registered geographical indication</td>
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<td>Examination</td>
<td>● Slow Registration Process &amp; Examination Proceedings</td>
<td>● Facilities for Expedited Examinations are now available to Startups, SMEs, Female applicants, Government Departments, Govt. institutions, applicants under PPH and those applicants who choose Indian IP Office as International Search Authority</td>
</tr>
<tr>
<td></td>
<td>● No concept of Expedited Examination</td>
<td>● Reduced Pendency</td>
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The period of examination of new trademark applications has reduced from 13 months to less than 30 days and trademark is being registered in about 6 months, if there is no objection or opposition filed, as compared to 3-5 years required earlier.

Examination of Patent applications has increased more than two folds in 2019-20 vis-à-vis 2016-17. Time required for Patent examination has reduced from average 72 months in 2015 to 12-30 months at present, depending upon technology fields. The fastest granted patent is the one which was granted in 41 days after filing a request for expedited examination.
India’s rank in the Global Innovation Index has improved from the 81st rank in 2015 to 48th rank in 2020.
The Indian Express

Gujarat: State varsities to have courses in IPR, start-up

The course is to be preceded by an online IPR certificate course for ... Trade (DPIIT) and the AICTE Training and Learning (ATAL) Academy ...

Sep 10, 2020

THE WEEK

IPR filings from start-ups have nearly doubled in 5 yrs.

Noting that India still has a long way to go in IPRs, NASSCOM-CoE, Gurgaon, head Suddharth ...

the need for start-ups to work ...


Mondaq News Alerts

Dynamic Injunctions To Tackle Digital Piracy In India ...

A dynamic injunction allows a right-holder to approach the courts to extend the main injunction order against all mirror websites providing access ...

2 weeks ago

"The IP Dialogue is an opportunity for the US and Indian governments to come together to discuss an issue critical to our bilateral relationship," Biswal said.

Mondaq News Alerts

New Indian Patent Rules Offer Benefits To Startups And Small ...

Earlier this year, the Scheme for Facilitating Startups Intellectual Property Protection (SIPP) that was initially launched as a pilot project to assist ...

1 month ago

Economic Times

Govt eases rules for patents filed by women, govt departments, patent protection abroad

... draft guidelines for the protection of IPR in academic institutions. ... The Department for Promotion of Industry and Internal Trade (DPIIT) has ...

Zee Business

Patents (Amendment) Rules, 2020 - Ease of Doing Business for innovators: Filing of Form 27 now streamlined

If the priority document is available in WIPO's digital library, the applicant would not be required to submit the same in the Indian Patent Office.

Oct 28, 2020
DEPARTMENT FOR PROMOTION OF INDUSTRY AND INTERNAL TRADE
MINISTRY OF COMMERCE AND INDUSTRY
GOVERNMENT OF INDIA