



IPR Protection in India

Structure of the Presentation

- An Overview -The IP Laws of India & its TRIPS Compliance
- The IP Offices in India
- Nodal Agencies & Facilitation agencies
- The Road Ahead

An Overview -The IP Laws of India & its TRIPS Compliance



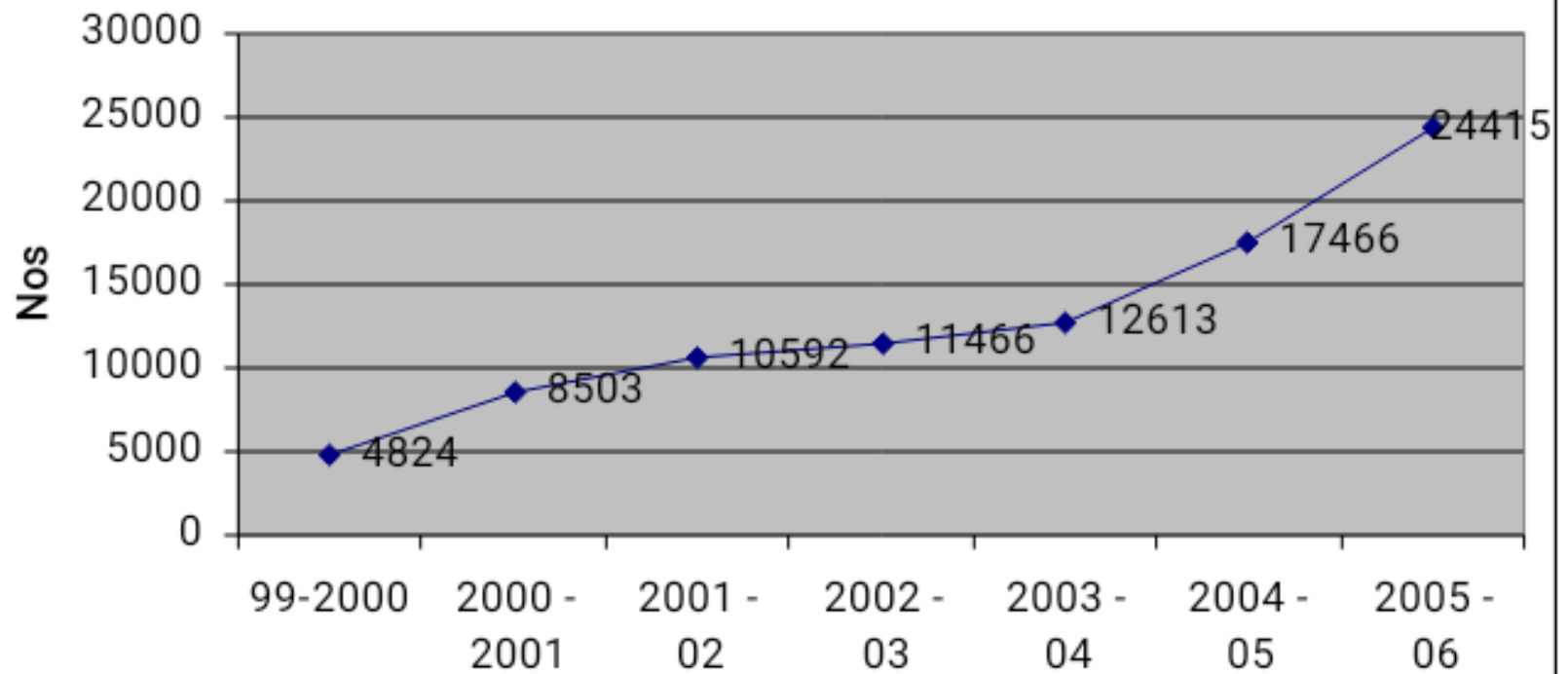
An Overview

- India is a signatory of TRIPs in the Uruguay Round agreement of 1995. It is now bound to amend her existing laws in order to make it to make it TRIPs-compliant.
- The government has initiated action to bring in the requisite changes. In the last few years, India has enacted fully TRIPs-compliant Trademarks Act, Copyright Act, Designs Registration Act, Geographical Indications Act and Protection of Layouts for Integrated Circuits Act. A novel Plant Varieties Protection and Farmers Rights Act 2001 and the Bio-diversity Act 2002 are also in Place.

PATENTS

- As on date, India is fully in compliance with its international obligations under the TRIPs Agreement.
- **The Patents Act 1970 has undergone three amendments – 1999, 2002 & 2005.**
- **The III Amendment in 2005 has major implications on the following:**
 - Introduction of product patent protection for food, pharmaceutical and chemical inventions.
 - Examination The “mail box” applications, from January 01, 2005

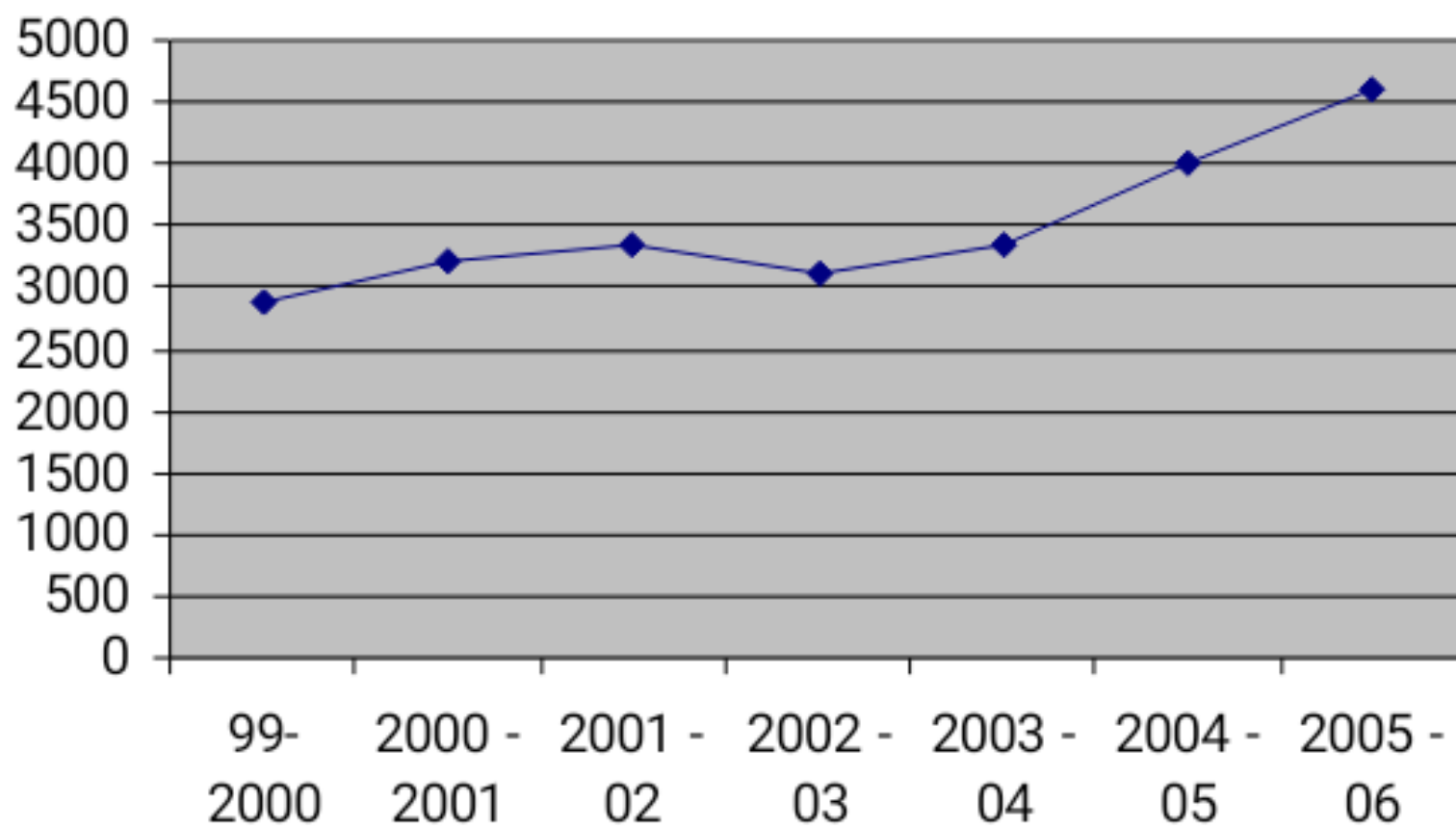
PATENTS FILED IN INDIA



DESIGNS

- The existing legislation on industrial designs in India is contained in the New Designs Act, 2000 India had achieved a mature status in the field of industrial designs and in view of globalization of the economy. The present legislation is aligned in view of the changed technical and commercial scenario and made to conform to international trends in design administration.

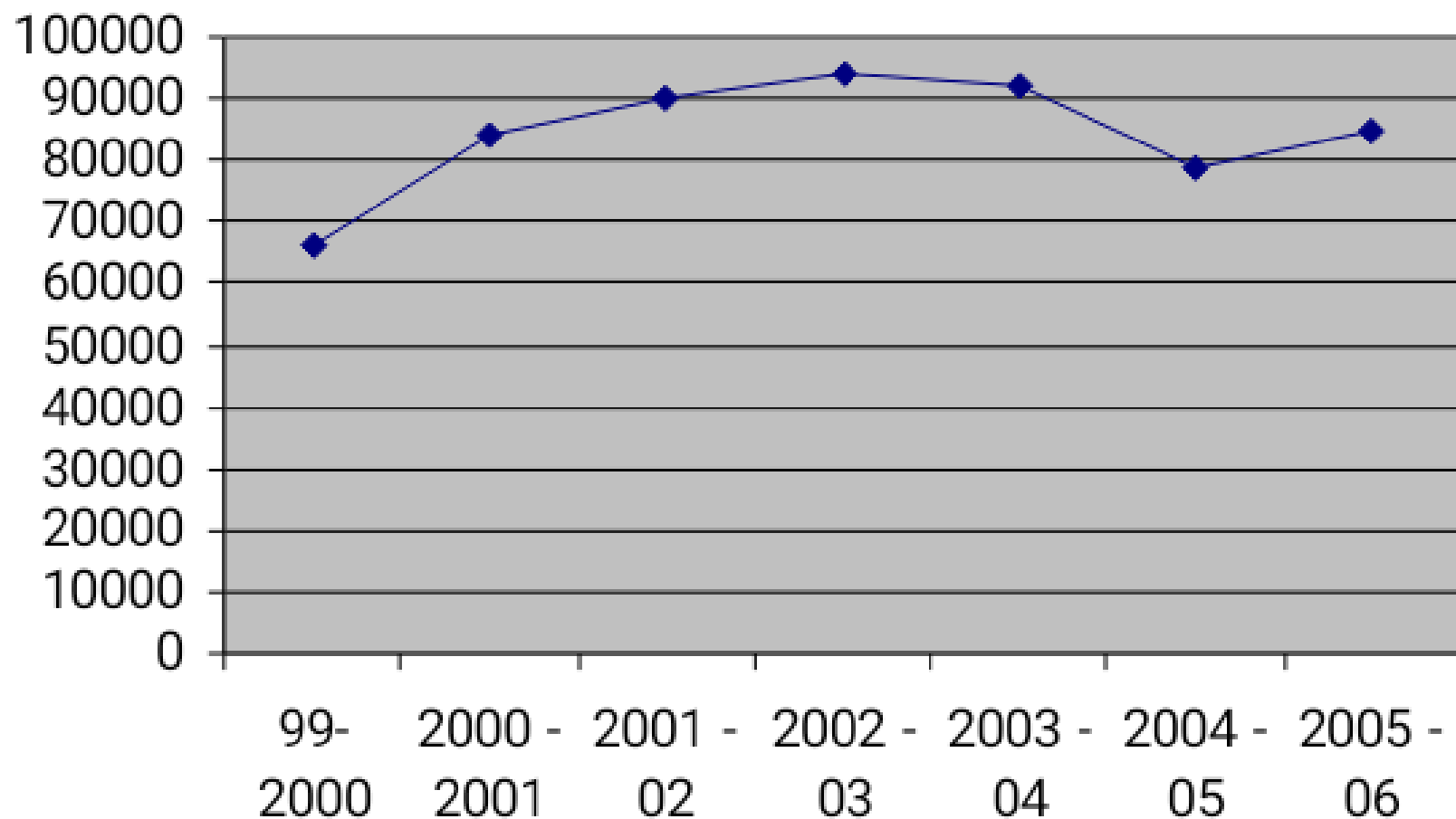
DESIGN IPRs filed in India



TRADEMARKS

- India affords full protection to trade marks under the Trade Marks and Merchandise Act. The Indian law of trademarks is protected by the Trade & Merchandise Marks Act, 1958. A new statute i.e. the Trade Mark Act, 1999 has been enacted in India to bring it in conformity with the TRIPs Agreement, to which India is a signatory. Indian Trademarks Act, 1999, came into force on September 15, 2003.
- India has made a step towards fulfilling its international obligations. Consequently, the Indian trademark law has now become fully compatible with the International standards laid down in the TRIPs Agreement. The New Act primarily consolidates and amends the old Trade & Merchandise Marks Act, 1958 and provides for better protection of goods and services

Trademark applications filed in India



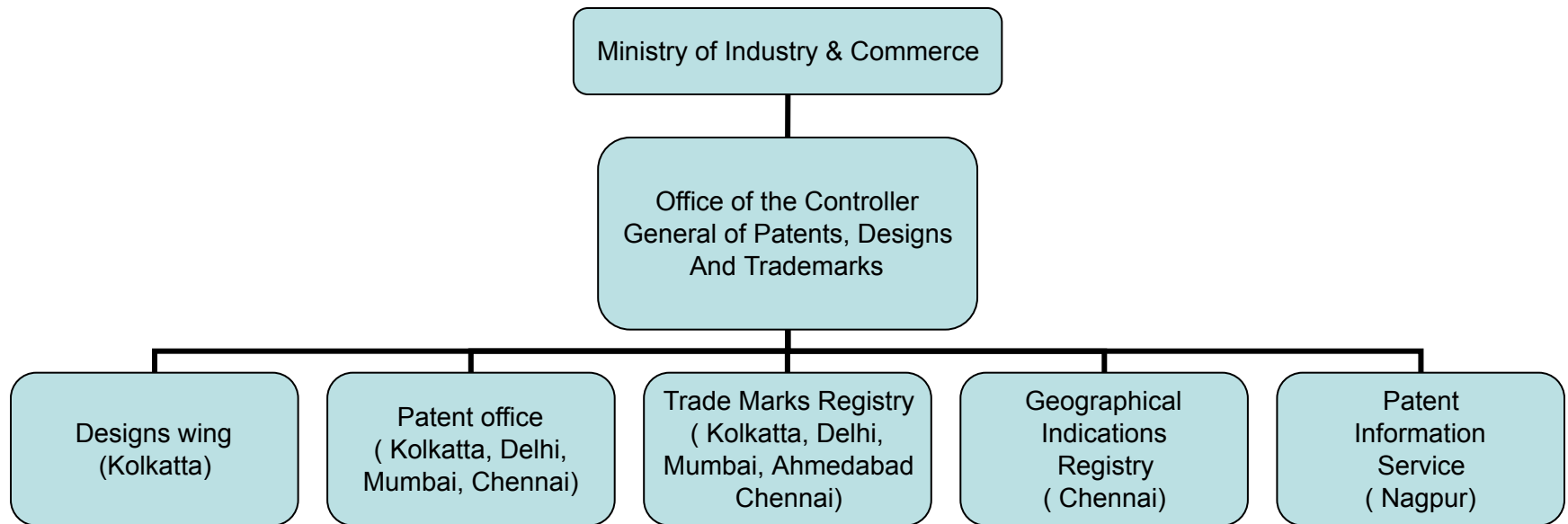
GEOGRAPHICAL INDICATIONS

- India, as a member of the World Trade Organization, enacted the Geographical Indications of Goods (Registration & Protection) Act, 1999 has come into force with effect from 15th September 2003. The source of Geographical origin of the biological material used in invention is required to be disclosed in the specification

COPYRIGHTS

- India has a very strong and comprehensive copyright law based on Indian Copyright Act. 1957 which was amended in 1981, 1984, 1992, 1994 and 1999 (w.e.f. January 15, 2000). The amendment in 1994 were a response to technological changes in the means of Communications like broadcasting and telecasting and the emergence of new technology like computer software.
- The 1999 amendments have made the Copyright Act fully compatible with Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement. & fully reflects Berne Convention. The amended law has made provisions for the first time, to protect performers' rights as envisaged in the Rome Convention. With these amendments the Indian Copyright law has become one of the most modern copyright laws in the world.

Organization Structure – IP Offices



IP Building at New Delhi



**IP Building at New
Delhi**



IP Buildings at Kolkata, Delhi and
Chennai

Nodal Agencies for IPR facilitation in India

- **TIFAC Patent facilitation Cell**

www.indiapatents.org.in

- **CII - Andhra Pradesh Technology Development & Promotion Center**

www.aptdc.com/ www.apipr.org

- **National Research Development Corporation**

www.nrdcindia.com



The Road Ahead

- Further IP Protection Portfolios – Data Protection, Utility Patents, Trade Secrets
- New Modernization initiatives in IP Offices
- Increased nos of IP Professionals
- Increased nos of IPR filings in India

