

Intellectual Property Rights

The World Intellectual Property Organization (WIPO) has highlighted India's exceptional performance in its 2024 **World Intellectual Property Indicators (WIPI)** report, showcasing India as a rising leader in patents, trademarks, and industrial designs.

What are Intellectual Property Rights (IPR)?

- **Definition:** Intellectual Property Rights (IPR) protect creations of the human mind, including innovations, literary works, designs, and symbols.
- **Objectives:**
 - Promote innovation by granting creators exclusive rights.
 - Encourage fair competition while balancing public interest.
 - Protect traditional knowledge and cultural heritage.

Types of IPR:

- **Patents:** Protection for inventions meeting novelty, non-obviousness, and industrial applicability.
- **Copyrights:** Rights over artistic, literary, and creative works (e.g., books, music, software).
- **Trademarks:** Distinctive signs or symbols identifying goods/services.
- **Industrial Designs:** Aesthetic and functional designs of products.
- **Geographical Indications:** Protection for products linked to specific regions (e.g., Darjeeling Tea).
- **Trade Secrets:** Confidential business information protected against unauthorized use.

International Conventions:

- **Paris Convention (1883):** Protects industrial property internationally.
- **Berne Convention (1886):** Governs international copyright protection.
- **Patent Cooperation Treaty (1970):** Simplifies global patent application processes.
- **Budapest Treaty:** Ensures recognition of microorganism deposits in patent procedures.
- **Marrakesh Treaty:** Facilitates access to published works for visually impaired persons.

Laws Governing IPR in India:

- **Patents Act, 1970:** Governs patent filings and protection.
- **Designs Act, 2000:** Protects industrial designs.
- **Trademarks Act, 1999:** Regulates trademark registration.
- **Geographical Indications Act, 1999:** Protects GIs specific to regions.
- **Copyright Act, 1957:** Ensures protection of creative works.
- **CIPAM (Cell for IPR Promotion and Management):** Implements National IPR Policy.

India's Performance in WIPO 2024 Intellectual Property Report:

- **Patent Growth:**
 - India ranked **6th globally** with **64,480 filings** (+15.7% growth in 2023).
 - **55.2% of filings by residents**, reflecting a shift towards local innovation.
- **Trademark Filings:**
 - India ranked **4th globally**, with a **6.1% increase** in 2023.
 - **90% filings by residents**, highlighting domestic brand awareness.
- **Industrial Designs:**
 - **36.4% growth** in applications, emphasizing product innovation.
- **Patent-to-GDP Ratio:**
 - Improved from **144 (2013)** to **381 (2023)**, reflecting an innovation-driven economy.

Advantages of IPR:

- **Promotes Innovation:** IPR incentivizes creators and inventors by offering exclusive rights, motivating them to invest in developing new ideas, products, and technologies.
- **Economic Growth:** Licensing and commercialization of IPR assets generate revenue, contributing to the national and global economy.
- **Encourages Fair Competition:** Protects intellectual creations, ensuring businesses maintain unique identities and build trust in the marketplace.
- **Supports Research:** Allows researchers access to patented information, fostering further development and innovation in technology and science.
- **Cultural Preservation:** Safeguards traditional knowledge and practices, ensuring they are credited and economically benefit indigenous communities.

Government Initiatives:

- **National IPR Policy, 2016:** A comprehensive framework to streamline IPR laws and procedures, making them accessible and efficient.
- **KAPILA Program:** Focuses on creating awareness among students and faculty about IP filing processes and their benefits.
- **Startup India:** Encourages startups to innovate by providing IP support and reducing associated costs for filing patents and trademarks.
- **Atal Innovation Mission (AIM):** Promotes problem-solving skills and entrepreneurship through initiatives like Tinkering Labs and Incubation Centers.
- **Digital Modernization:** Enhances IP processes by digitizing filings, reducing processing times, and improving transparency.
- **SPRIHA Program:** Strengthens academia's role in IP awareness and research by integrating IPR education into higher learning institutions.

Issues and Disadvantages:

- **Cost Barrier:** High registration and enforcement costs deter small businesses and individuals from seeking IP protection.

- **Evergreening**: Companies misuse patents to extend monopoly rights, especially in pharmaceuticals, affecting accessibility to affordable drugs.
- **Piracy**: Despite legal protections, unauthorized use or copying of IP continues, harming the original creator's financial interests.
- **Global Inequities**: Differences in IPR laws across countries create challenges for innovators to secure consistent protection worldwide.
- **Limited Awareness**: Lack of knowledge about IPR, especially in rural areas and MSMEs, results in underutilization of IP protection benefits.

Conclusion:

India's performance in WIPO's 2024 report cements its position as a global innovation hub, reflecting a mature IP ecosystem and effective government support. Continued reforms, education, and enforcement are essential to sustain this momentum and leverage IPR for economic growth.