



## **Intellectual Property Rights**

## Intellectual Property Rights

### What Are IPRs?

- ❑ The rights given to persons over the creations of their minds
- ❑ Copyright, Patent, trademark, Geographical Indications, Industrial Design, trade secrets are the standard ways to protect IP
- ❑ Outlined in **Article 27 of the Universal Declaration of Human Rights**

### Need

- ❑ Foster innovation and creativity
- ❑ Attract foreign investment
- ❑ Ensure ease of doing business
- ❑ Ensure public health
- ❑ Facilitate the transfer of technology
- ❑ Spur economic growth
- ❑ Create new jobs and industries
- ❑ Enhances the quality and enjoyment of life

### India and IPR

- ❑ India is committed to the **WTO's TRIPS Agreement**
- ❑ India is a member of **WIPO-administered International Treaties and Conventions relating to IPRs**
- ❑ **National IPR policy** was enacted in 2016 with tagline **Creative India, Innovative India**
- ❑ **DIPP** is the nodal department to overview **IPR** related issues in India
- ❑ **CIPAM** is the single point of reference for implementation of the objectives of the National IPR Policy

### Objectives of National IPR Policy

- ❑ IPR Awareness: outreach and promotion
- ❑ Generation of IPRs
- ❑ Strengthen legal and legislative framework
- ❑ Strengthen IPR administration and management
- ❑ Commercialization of IPRs
- ❑ Strengthen enforcement and adjudication
- ❑ Human capital development

### Achievements Under New IPR Regime

- ❑ Improved ranking in Global Innovation Index from 81 in 2015 to 52 in 2019
- ❑ Strengthening of institutional mechanism
- ❑ Clearing backlog/reducing pendency in IP applications
- ❑ Increase in Patent and Trademark filings
- ❑ IPR awareness
- ❑ Technology and Innovation Support Centres (TISCs)

### Issues in India's IPR Regime

- ❑ **Section 3(d) of the Indian Patent Act** acts as a deterrent for pharma companies to file IPRs
- ❑ **Compulsory licencing** problematic for foreign investors
- ❑ **Data Exclusivity** law demanded by MNCs
- ❑ Weak enforcement of the Copyright Act. Widespread **piracy of copyrighted materials**.
- ❑ Alleged violations of IPR by India. India continues to remain on USTR's '**Priority Watch List**'.

### Way Forward

- ❑ Need for an efficient and equitable intellectual property system
- ❑ Promoting innovations in schools. Rebooting academic curricula
- ❑ Need for a proper resolution mechanism for IPR related issues
- ❑ Success **Make in India** and **Start up India** depends on the boost of innovation ecosystem with better IPR safeguardings

### Conclusion

- ❑ Government's effort to strengthen National IPR policy, IP appellate tribunal, e-governance and commitment to abide by the TRIPS agreement of WTO will help in improving perception of India globally

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