



India Grants Record Patents in 2023-34

For Prelims: India Grants Record Patents in 2023-34, Indian Patent Office (IPO), [World Intellectual Property Organization \(WIPO\)](#), [Patent Cooperation Treaty \(PCT\)](#), Patents Act, 1970.

For Mains: India Grants Record Patents in 2023-34, Government policies and interventions for development in various sectors and issues arising out of their design and implementation.

[Source: PIB](#)

Why in News?

Recently, the **Indian Patent Office (IPO)** has granted the **highest number of 41,010 patents** till November 2023.

- In 2013-14 fiscal year, 4,227 patents were granted. According to a [World Intellectual Property Organization \(WIPO\)](#) report, patent applications by Indians grew 31.6% in 2022, extending an 11-year run of growth unmatched by any other country among the top 10 filers.
- The surge in patent grants in India reflects the **country's progress in innovation, technology, and competitiveness**. It also impacts the society, economy, and the youth by addressing challenges, creating opportunities, and nurturing talent.

Note: The IPO, governed by the Office of Controller General of Patents, Designs and TradeMarks (CGPDTM), Ministry of Commerce and Industry, is responsible for administering and regulating patents, designs, and geographical indications in India.

What is a Patent?

- **About:**
 - A Patent is a **statutory right for an invention granted for a limited period of time to the patentee** by the Government, in exchange of **full disclosure of his invention** for excluding others, from making, using, selling, importing the patented product or process for producing that product for those purposes without his consent.
 - The patent system in India is governed by the **Patents Act, 1970** as amended by the Patents (Amendment) Act, 2005 and the Patents Rules, 2003.
 - The Patent Rules are regularly amended in consonance with the changing **environment, most recent being Patents (Amendment) Rules, 2021.**
- **Term of a Patent:**
 - The term of every patent granted is 20 years from the date of filing of application.
 - However, for applications filed under the national phase under [Patent Cooperation Treaty \(PCT\)](#), the term of patent will be 20 years from the international filing date **accorded under PCT.**

- PCT is an international treaty with more than 150 Contracting States, making it possible to seek **patent protection for an invention simultaneously in each of a large number of countries** by filing an international patent application.
- Such an application may be filed by anyone who is a national or resident of a PCT Contracting State, and generally be filed with the national patent office of the Contracting State or at the applicant's option, with the International Bureau of WIPO in Geneva.

▪ **Criteria of Patentability:**

- An invention is patentable **subject matter if it meets the following criteria**,
 - It should be novel.
 - It should have inventive steps or it must be non-obvious
 - It should be capable of Industrial application.
 - It should not attract the provisions of section 3 and 4 of the Patents Act 1970.

▪ **Scope of Patent Protection:**

- Patent protection is a territorial right and therefore it is effective only within the territory of India. There is no concept of global patent.
- However, filing an application in India enables the applicant to file a **corresponding application for the same invention** in convention countries or under PCT, within or before expiry of twelve months from the filing date in India.

▪ **Patents Act, 1970:**

- This principal law for patenting system in India came into force in the year 1972. It replaced the Indian Patents and Designs Act 1911.
- The Act was amended by the Patents (Amendment) Act, 2005, wherein product patent was extended to all fields of technology including food, drugs, chemicals and microorganisms.
- After the amendment, the provisions relating to Exclusive Marketing Rights (EMRs) have been repealed, and a provision for enabling grant of compulsory license has been introduced. The provisions relating to pre-grant and post-grant opposition have also been introduced.

What are the Treaties and Conventions related to Patent and Intellectual Property Rights?

▪ **Global:**

- India is a member of the [World Trade Organisation](#) and committed to the Agreement on **Trade Related Aspects of Intellectual Property (TRIPS Agreement)**.
- India is also a member of World Intellectual Property Organization (WIPO), a body responsible for the promotion of the protection of intellectual property rights throughout the world.
- India is also **a member of the following important WIPO-administered International Treaties** and Conventions relating to IPRs:
 - Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure
 - Paris Convention for the Protection of Industrial Property
 - Convention Establishing the World Intellectual Property Organization
 - Berne Convention for the Protection of Literary and Artistic Works
 - [Patent Cooperation Treaty](#)

▪ **National:**

- [National Intellectual Property Rights \(IPR\) Policy 2016:](#)
 - The National Intellectual Property Rights (IPR) Policy 2016 was adopted in May 2016 as a vision document to guide future development of IPRs in the country.
 - Its clarion call is "Creative India; Innovative India".
 - It sets in place an institutional mechanism for implementation, monitoring and review.
 - It aims to incorporate and adapt global best practices to the Indian scenario.

Way Forward

- It is important to bolster the innovation ecosystem. This involves increasing investments in research and development while establishing and supporting innovation hubs and incubation centers.
- Simplifying patent procedures and enhancing the capacity of the Indian Patent Office are equally pivotal to **encourage innovators to seek protection** for their groundbreaking ideas.
- Empowering innovators, especially the youth, through education on IPR and conducting training programs can demystify the patent filing process, fostering a culture of innovation and protection.

UPSC Civil Services Examination, Previous Year Questions (PYQs)

Prelims

Q. With reference to the 'National Intellectual Property Rights Policy', consider the following statements: **(2017)**

1. It reiterates India's commitment to the Doha Development Agenda and the TRIPS Agreement.
2. Department of Industrial Policy and Promotion is the nodal agency for regulating intellectual property rights in India.

Which of the above statements is/are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

Ans: (c)

Exp:

- The National Intellectual Property Rights (IPR) Policy recognizes that India has a well-established TRIPS compliant legislative, administrative and judicial framework to safeguard IPRs, which meets its international obligations while utilizing the flexibilities provided in the international regime to address its developmental concerns. It reiterates India's commitment to the Doha Development Agenda and the TRIPS Agreement. Hence, statement 1 is correct.
- The DIPP (now DPIIT i.e. Department for Promotion of Industry and Internal Trade) is recognised as the nodal department to coordinate, guide and oversee implementation and future development of IPRs in India. DIPP comes under the Ministry of Commerce and Industry. Hence, statement 2 is correct.
- Therefore, option (c) is the correct answer.

Q. Consider the following statements: **(2019)**

1. According to the Indian Patents Act, a biological process to create a seed can be patented in India.
2. In India, there is no Intellectual Property Appellate Board.
3. Plant varieties are not eligible to be patented in India.

Which of the statements given above is/are correct?

- (a) 1 and 3 only
- (b) 2 and 3 only
- (c) 3 only
- (d) 1, 2 and 3

Ans: (c)

Exp:

- Section 3(j) of Indian Patent Act, excludes from patentability "plants and animals in whole or in any

part thereof other than microorganisms, including seeds, varieties, and species, and essentially biological processes for production or propagation of plants and animals". Hence, statement 1 is not correct.

- The Intellectual Property Appellate Board (IPAB) was constituted in 2003 by the Government of India to hear and resolve the appeals against the decisions of the registrar under the Indian Trademarks Act, 1999 and the Geographical Indications of Goods (Registration and Protection) Act, 1999. Hence, statement 2 is not correct.
- Plant variety protection provides legal protection of a plant variety to a breeder in the form of Plant Breeder's Rights (PBRs). In India, the Protection of Plant Varieties and Farmers' Rights (PPVFR) Act, 2001, is a sui generis system that aims to provide for the establishment of an effective system for the protection of plant varieties and the rights of plant breeders and farmers. A sui generis system is an alternative to the patent system. Hence, statement 3 is correct.
- Therefore, option (c) is the correct answer.

Mains

Q. In a globalized world, Intellectual Property Rights assume significance and are a source of litigation. Broadly distinguish between the terms—Copyrights, Patents and Trade Secrets. **(2014)**

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