



SC/ST Act to Include Intellectual Property

[Source: IE](#)

In the ***Principal Secretary Government of Maharashtra v. Kshipra Kamlesh Uke Case, 2024***, the [Supreme Court](#) upholds the [Bombay High Court](#)'s ruling, expanding the definition of “property” in the [Scheduled Castes and Scheduled Tribes \(Prevention of Atrocities\) Act, 1989](#) to include [intellectual property](#).

- The aggrieved sought compensation for the theft of their **research data, laptops, and intellectual property** under the provisions of the **SC/ST Act, 1989**.
- The **Bombay High Court** ruled that the term “property” should be interpreted broadly to include **intellectual property** such as **data, electronic material, and intellectual rights**, whether **tangible or intangible**.
- [Patents, copyrights](#), and [designs](#), are property, even though they lack physical existence, and are capable of being valued for **compensation under the SC/ST Act, 1989**.
- The SC/ST Act, 1989 defines **specific offenses** against SC/ST members, including **physical violence, harassment, and social discrimination**.
 - The SC/ST Act, 1989, **does not allow** [anticipatory bail](#), unless a **prima facie case** is made against the accused.
 - It mandates **special courts for swift trials** and **SC/ST Protection Cells** at the state level, led by **senior police officers**, to oversee its implementation.

INTELLECTUAL PROPERTY RIGHTS (IPRs)

IP refers to intangible assets owned/legally protected by an individual/company from outside use or implementation without consent.



NEED FOR IPR

- Encourages Innovation
- Economic growth
- Safeguard rights of creators
- Enhances ease of doing business



RELATED CONVENTIONS/TREATIES (INDIA SIGNATORY TO ALL)

- WIPO Administered (first recognised IPR under):
 - Paris Convention for the Protection of Industrial Property 1883 (Patents, Industrial Designs)
 - Berne Convention for the Protection of Literary and Artistic Works 1886 (Copyrights)
- WTO - TRIPS Agreement:
 - Ensures adequate standard of protection
 - Argues for incentives for technology transfer to developing countries
- Budapest Treaty 1977:
 - International recognition of the deposit of micro-organisms for the purposes of patent procedure
- Marrakesh VIP Treaty 2016:
 - Facilitate access to published works by visually impaired persons and persons with print disabilities
- IPR also outlined in Article 27 (Universal Declaration of Human Rights)



INDIA AND IPRS - INITIATIVES

- National IPR Policy 2016:
 - Motto: "Creative India; Innovative India"
 - Compliant with TRIPS Agreement
 - Brings all IPRs to single platform
 - Nodal Dept - Department of Industrial Policy & Promotion (Ministry of Commerce)
- National (IP) Awareness Mission (NIPAM)
- Kalam Program for Intellectual Property Literacy and Awareness Campaign (KAPILA)

World Intellectual Property Day: 26th April

Intellectual Property	Protection	Law in India	Duration
Copyright	Expression of Ideas	Copyright Act 1957	Variable
Patent	Inventions- New Processes, Machines, etc.	Indian Patent Act 1970	20 years Generally
Trademarks	Sign to distinguish business goods or services	Trade Marks Act 1999	Can last Indefinitely
Trade Secrets	Confidential Business Information	Protected without Registration	Unlimited time
Geographical Indication (GI)	Sign used on specific geographical origin and possess qualities due to site of origin	Geographical Indications of Goods (R & P) Act, 1999	10 years (Renewable)
Industrial Design	Ornamental or aesthetic aspect of an article	Design Act, 2000	10 years

