



Intellectual Property Rights Policy Management Framework

For Prelims: Intellectual Property Rights Policy Management framework, [National IPR \(Intellectual Property Rights\) Policy 2016](#), [Geographical Tag](#), [Copyrights](#), [Universal Declaration of Human Rights](#).

For Mains: Intellectual Property Rights, Need and Challenges.

Source: [PIB](#)

Why in News?

Recently, the Ministry of Commerce and Industry, Government of India, has informed the Rajya Sabha about the **Intellectual Property Rights Policy Management (IPRPM)** Framework.

What is IPRPM Framework?

- **About:**
 - The framework was launched in the form of [National IPR \(Intellectual Property Rights\) Policy 2016](#) encompassing all **IPRs into a single vision document** setting in place an institutional mechanism for implementation, monitoring and review of IP laws.
- **Types of IPR Covered under the Framework:**

Right Area	Legal provision	Subject	Term of Protection
Patent	Patent Act, 1970 & Patent Rules, 2003 amended in 2014, 2016, 2017, 2019, 2020 and 2021.	Must qualify requirements of being novel, Inventive and having industrial utility	20 years
Trademarks	Trademark Act 1999 & Trademark Rules 2017	Protects brand name , logo, design for a business or commercial enterprise	10 years; renewed for 10 years on payment of additional fees
Designs	Designs Act 2000 & Designs (Amendment) Rules 2021	New or original designs (ornamental / visual appearance discernible to the human eye) which can be replicated	10 + 5 years

		industrially	
<u>Copyrights</u>	Copyrights Act 1957 & Copyrights Rules 2013 amended in 2021.	Creative, artistic, literary, Musical and audio-visual works	Authors -Lifetime+ 60 years; Producers - 60 years Performers - 50 years;
<u>Geographical Indications</u>	Geographical Indications Act 1999 & GI Rules 2002 amended in 2020.	Goods bearing unique characteristics due to geographical linkage - agricultural goods, natural goods, manufactured goods, handicrafts and foodstuff	10 years, Renewed for 10 years on payment of additional fees
Semiconductor Integrated Circuits Layout Design	Semiconductor or Integrated Circuits Layout Design Act 2000 & Rules 2001	A layout of transistors and other circuitry elements including lead wires connecting such elements and expressed in any manner in semiconductor integrated circuits.	10 Years.
Trade Secret	Common Law approach covered through IPC, Contract Act, IP Act and Copyright	Confidential information having commercial value	Till the time confidentiality is safeguarded.
Plant Varieties	<u>Protection of Plant Varieties and Farmers Rights Act (PPVFR), 2001</u>	Traditional varieties and landraces, all developed varieties (non-traditional and non-landrace) in trade/use for older than 1 year and not older than 15 years or 18 years (in case of trees and vines), and new plant varieties.	6-10 years.

▪ **Objective:**

- **IPR Awareness:** Outreach and promotion are important to create public awareness about the economic, social and cultural benefits of IPRs among all sections of society.
- **Generation of IPRs:** To stimulate the generation of IPRs.
- **Legal and Legislative Framework:** To have strong and effective IPR laws, which balance the interests of rights owners with larger public interest.
- **Administration and Management:** To modernize and strengthen service oriented IPR administration.
- **Commercialisation of IPRs:** Get value for IPRs through commercialisation.
- **Enforcement and Adjudication:** To strengthen the enforcement and adjudicatory mechanisms for combating IPR infringements.
- **Human Capital Development:** To strengthen and expand human resources, institutions and capacities for teaching, training, research and skill building in IPRs.

▪ **Initiatives under IPR Policy:**

- **National Intellectual Property Awareness Mission (NIPAM):** It is a flagship program to impart IP awareness and basic training in educational institutes
- **National Intellectual Property (IP) Awards:** These are conferred every year to

- recognize and **reward the top achievers comprising individuals**, institutions, organizations and enterprises, for their IP creations and commercialization.
- **Scheme for Facilitating Start-Ups Intellectual Property Protection (SIPP)**: It encourages **filling of Patent applications** by Startups.
- **Patent Facilitation Programme**: It aims to scout patentable inventions and provide full financial, technical and **legal support in filing and obtaining patents**.

What are Intellectual Property Rights?

▪ About:

- IPR are the rights given to **persons over the creation of their minds**. They usually give the creator an exclusive right over the **use of his/her creation for a certain period of time**.
- These rights are outlined in **Article 27 of the [Universal Declaration of Human Rights](#)**, which provides for the right to benefit from the protection of moral and material interests resulting from authorship of scientific, literary or artistic productions.
- The importance of intellectual property was first recognized in the **[Paris Convention for the Protection of Industrial Property \(1883\)](#)** and the **Berne Convention for the Protection of Literary and Artistic Works (1886)**.
- Both treaties are administered by the **[World Intellectual Property Organization \(WIPO\)](#)**.

▪ Need for IPR:

- **Encourages Innovation:**
 - The legal protection of **new creations encourages** the commitment of additional resources for further innovation.
- **Economic Growth:**
 - The promotion and protection of intellectual property **spurs [economic growth](#)**, creates new jobs and industries and enhances the quality and enjoyment of life.
- **Safeguard the Rights of Creators:**
 - IPR is required to **safeguard creators and other producers** of their intellectual commodity, goods and services by granting them certain time-limited rights to control the use made of the manufactured goods.
- **Ease of Doing Business:**
 - It promotes innovation and creativity and ensures ease of doing business.
- **Transfer of Technology:**
 - It facilitates the transfer of technology in the form of foreign direct investment, joint ventures and licensing.

What are the Issues Related to IPR Regime?

- **Patent-Friendliness Over Public Health:** The National IPR Policy recognizes the contribution of the Indian pharmaceutical sector in providing affordable medicines globally. However, **India's patent establishment has prioritized patent-friendliness** over public health and national interest in the pharmaceutical sector.
- **Data Exclusivity:** Foreign investors and **[Multi-National Corporations \(MNCs\)](#)** allege that Indian law does not protect against unfair commercial use of test data or other data submitted to the government during the application for market approval of pharmaceutical or agro-chemical products. For this, they demand a data exclusivity law.
- **Resulting in Anti-Competitive Market:** The Patents Act has **four stakeholders**: society, government, patentees, and their competitors, and interpreting and enforcing the act to only benefit patentees undermines the rights of other stakeholders and leads to anti-competitive market outcomes.

What are the Treaties and Conventions related to IPR?

▪ Global:

- India is a member of the **[WTO \(World Trade Organization\)](#)** and committed to the **Agreement on [TRIPS \(Trade Related Aspects of Intellectual Property Rights\)](#) Agreement**.

- India is also a member of [WIPO \(World Intellectual Property Organisation\)](#), 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 (adopted in 1977)
 - Paris Convention for the Protection of Industrial Property (adopted in 1883).
 - Convention Establishing the World Intellectual Property Organization (adopted in 1967).
 - Berne Convention for the Protection of Literary and Artistic Works (Adopted in 1886).
 - [Patent Cooperation Treaty](#) (Adopted in 1970).
- **National:**
 - [Indian Patent 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.

Way Forward

- India, as a developing country, has often faced challenges in **striking a balance between providing access to essential goods** like medicines and incentivizing innovation through patents.
- India can involve adopting measures that **encourage innovation while ensuring access to affordable healthcare** and other essential goods.
- As technology and business models continue to evolve, **it is essential to regularly review and update the IPR laws** to remain relevant and effective.
- Flexibility in the IPR regime is necessary to address emerging challenges such as those posed by digital technologies.

UPSC Civil Services Examination, Previous Year Questions (PYQs)

Prelims

Q1. 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)

Q2. 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)

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)**

PDF Reference URL: <https://www.drishtiias.com/printpdf/intellectual-property-rights-policy-management-framework>

