



Perspective: Intellectual Property Rights

For Prelims: [World Intellectual Property Organization's \(WIPO\)](#), Patent Criteria in India, [National IPR Policy](#), [National \(IP\) Awareness Mission \(NIPAM\)](#), [Kalam Program for Intellectual Property Literacy and Awareness Campaign \(KAPILA\)](#)

For Mains: Issues relating to Intellectual Property Rights, Role and Importance of a Strong IPR Ecosystem, India's Current Scenario, Improvement in Women's Participation

Why in News?

In 2000, the [World Intellectual Property Organization's \(WIPO\)](#) designated 26th April - the day on which the WIPO Convention came into force in 1970 - as **World Intellectual Property Day**, with the aim of increasing general awareness and understanding of IP.

- The **theme of World Intellectual Property 2023**, is **“Women and IP: Accelerating Innovation and Creativity”**.

Note: According to **WIPO data released in March 2023**, it is estimated that in 2022 **only 16.2% of inventors named in international patent applications** were women. While **numbers are rising, progress is slow**.

What is Intellectual Property?

- **About:**
 - [Intellectual property](#) is the **most valuable asset in the modern age**, rewarding as it does the technological innovation that drives human progress. It also helps the global art scene to flourish.
 - Essentially **Intellectual property refers to the creations of the mind**. That includes inventions of all kinds, literary and scientific, artistic works, designs and many other things.
 - They can also refer to individuals whose reputation itself commands commercial advantage and profit.
- **IP Rights:**
 - The WIPO sets down the rules to confer certain exclusive rights to the inventors or creators of that property so that they **can reap commercial benefits from their creative efforts or reputation**.
 - It is a **form of legal protection in the form of Intellectual Property Rights (IPR) given to individuals** or companies for their creative and innovative works.
 - These rights are outlined in **Article 27 of the [Universal Declaration of Human Rights](#)**.
 - These legal protections **allow the creators to control the use of their work and**

prevent others from using or reproducing them without permission.

▪ **Types:**

- The **main types of IP include** [patents](#) for inventions, [trademarks](#) for branding, [copyrights](#) for artistic and literary works, trade secrets for confidential business information, and industrial designs for product appearance.

▪ **India and IPR:**

- 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 WIPO, a body responsible for the promotion of the protection of intellectual property rights throughout the world.**
- The [National Intellectual Property Rights \(IPR\) Policy 2016](#) was adopted in May 2016 as a vision document to guide the future development of IPRs in the country.
 - Its clarion call is **“Creative India; Innovative India”**.

What are Patent Criteria in India?

▪ **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, or importing the patented product** or process for producing that product for those purposes without his consent.

▪ **Term:**

- The **term of every patent granted is 20 years from the date of filing of the application.**
 - However, for applications filed under the national **phase under [Patent Cooperation Treaty \(PCT\)](#)**, the term of the patent will be 20 years from the international filing date accorded under PCT.

What is the Role and Importance of a Strong IPR Ecosystem?

- **Incentivizing Innovation:** A strong IPR ecosystem provides legal protection and rewards for creators' innovations. This incentivizes individuals and businesses to invest in research and development, fostering a culture of continuous innovation. As a result, the nation can advance technologically and economically.
- **Collaboration and Knowledge Sharing:** The collaboration of different creatives brings their knowledge and skills together. A robust IPR system encourages collaboration by ensuring that the intellectual property of each participant is protected.
 - This **leads to knowledge sharing, technology transfer, and cooperation among industries** and institutions, contributing to overall progress.
- **Government Support and Legal Platform:** The government plays a crucial role by providing a legal platform and enacting laws that protect intellectual property rights.
 - This support **creates an environment of certainty and security for creators and innovators**, enabling them to focus on their work without the fear of unauthorized use or infringement.
- **Responsible Use and Benefit Sharing:** It ensures responsible use of intellectual property rights and fair benefit sharing between creators and society. A robust IPR ecosystem ensures that creators use their intellectual property rights responsibly, balancing their rights with the interests of society.
 - It also **ensures that the benefits derived from innovations are shared equitably**, fostering a sense of fairness and societal progress.
- **Economic Growth and Competitiveness:** A strong IPR ecosystem attracts investments and promotes economic growth. It encourages businesses to develop and protect their intellectual assets, enhancing their competitiveness in domestic and international markets. This leads to job creation, increased exports, and overall economic advancement.
- **International Relations and Trade:** Nations with a robust IPR system are more likely to have favourable trade relations. Compliance with international standards of intellectual property

protection enhances a nation's reputation, facilitating trade negotiations, and promoting the export of innovative products and services.

- **Public Health and Safety:** Strong IPR protection in areas like [pharmaceuticals](#) ensures that innovators and manufacturers are incentivized to develop new medicines and technologies. This contributes to [public health and safety](#) by promoting the creation and availability of life-saving treatments and products.

What is India's Current Scenario?

- **Initiatives:**
 - India has **made significant changes to its IPR laws since 1999**, and with recent implementations like the [National IPR Policy](#), [National \(IP\) Awareness Mission \(NIPAM\)](#), [Kalam Program for Intellectual Property Literacy and Awareness Campaign \(KAPILA\)](#), and as a result of certain procedural simplifications, **has further strengthened the IP regime.**
- **Rank in Global Innovation Index (GII):**
 - India was **ranked 40th position out of 132 in the [Global Innovation Index \(GII\) 2022 rankings](#)** released by WIPO.
 - India was **ranked 46th position in 2021, and 81st rank in 2015.**
- **Other Related Visions:**
 - India is **rapidly progressing towards becoming Asia's Innovation Hub** and aspires to **become a global manufacturing hub.**
 - The Prime Minister has **set a deadline for India to become a [developed nation by 2047.](#)**

How Women's Participation can be Improved in this Regard?

- **Education and Awareness:** Promote [STEM \(Science, Technology, Engineering, and Mathematics\)](#) education for girls and women from an early age. Encourage their participation in relevant academic programs, workshops, and training sessions to enhance their knowledge and skills in innovation and IP.
- **Mentorship and Role Models:** Establish mentorship programs that connect women innovators with experienced professionals in their field. Encourage successful women innovators to serve as role models and inspire aspiring innovators to pursue their ideas and protect their IP.
- **Networking and Collaboration:** Facilitate networking opportunities and platforms where women innovators can connect, collaborate, and share their experiences. Establish communities, forums, and support networks specifically focused on women in innovation and IP.
- **Funding and Resources:** Provide access to funding opportunities, grants, and resources that specifically target women innovators. Create initiatives and investment funds dedicated to supporting women-led startups and innovations.
- **IP Training and Support:** Offer specialized training programs and workshops on IP rights, including patents, trademarks, and copyrights, specifically tailored for women innovators.
 - Provide guidance and support in navigating the IP system, including assistance with filing applications and understanding licensing options.
- **Cultural Shift and Stereotype Breakdown:** Challenge societal stereotypes and biases that hinder women's participation in innovation and IP. Promote inclusivity, diversity, and equal opportunities in all aspects of the innovation ecosystem.

Conclusion

Traditional approaches may no longer be effective or efficient in tackling the challenges which are in the way, especially considering the large population size of a country like India. Out-of-the-box thinking and technology interventions are seen as crucial in finding rapid and scalable solutions.

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)**