



Mains Practice Question

Q. What are the key features of the National Intellectual Property Rights (IPR) Policy 2016? While mentioning achievements under the new IPR policy, also discuss issues related to it. (250 words)

06 Jul, 2022 GS Paper 3 Economy

Approach

- Define the meaning of Intellectual Property Rights and why a country needs to have a good IPR regime
- Enumerate the main features of the National Intellectual Property Rights (IPR) Policy of 2016
- Mention its achievements and issues persisting in the National Intellectual Property Rights regime

Introduction

Intellectual property rights are the rights given to persons over the creations of their minds. They allow creators, or owners, of patents, trademarks or copyrighted works to benefit from their own work or investment in a creation. If a country wishes to promote innovation and indigenous creativity, it needs to have a strong IPR regime. India was found lacking on this account for many years hence, the government came up with IPR policy 2016.

Body

- The salient features of the National Intellectual Property Rights (IPR) Policy 2016 are as follows:
 - It encompasses and brings all IPRs to a single platform.
 - By aiming to incorporate and adapt global best practices in the Indian scenario, it sets in place an institutional mechanism for implementation, monitoring, and review.
 - It suggested making the department of industrial policy and promotion (DIPP), the nodal agency for all IPR issues.
 - The 'Cell for IPR Promotion & Management (CIPAM)', set up under the aegis of DIPP, is to be the single point of reference for the implementation of the objectives of the National IPR Policy.
 - Films, music, industrial drawings will be all covered by copyright.
 - The Policy also seeks to facilitate domestic IPR filings, for the entire value chain from IPR generation to commercialization.
- The policy has many achievements to its credit since it has been implemented, which are as follows:
 - Improvement in Global Innovation Index Ranking from 81st in 2015 to 52nd place in 2019.
 - Strengthened institutional mechanism and Increase in Patent and Trademark Filings, Clearing Backlog/ Reducing Pendency in IP applications. In conjunction with WIPO, TISCs have been established in various institutions across different states.
- Most certainly, the national IPR policy was also intended to create a robust IP regime as a critical step towards a stronger and more competitive economy, however, there are still many issues that need to be resolved. These issues are as follows:
 - Section 3(d) of the Indian Patent Act 1970 (as amended in 2005) does not allow evergreening of patents which have been a cause of concern to the pharma companies. For example- On the basis of this clause patent for Novartis' drug Glivec was rejected by the

Indian Patent Office.

- **Issue of Compulsory licensing (CL):** CL is problematic for foreign investors who bring technology as they are concerned about the misuse of CL to replicate their products.
- **Data Exclusivity:** Foreign investors and 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.

Conclusion

Enforcement of the Copyright act is weak, and piracy of copyrighted materials is widespread. India has made a number of changes in its IPR regime to increase efficiency and the culture of innovation is taking center stage in the country. Still, India needs more reforms and better implementation of existing rules for creating a conducive environment for research and development in the country.

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