



## India Grants Record Patents

**For Prelims:** [India Grants Record Patents](#) in 2024, [Indian Patent Office \(IPO\)](#), [World Intellectual Property Organization \(WIPO\)](#), [Patent Cooperation Treaty \(PCT\)](#), [Patents Act, 1970](#).

**For Mains:** [India Grants Record Patents in 2024](#), Government policies and interventions for development in various sectors and issues arising out of their design and implementation.

[Source: HT](#)

### Why in News?

Recently, the Union Minister of **Commerce and Industry** highlighted that India issued around **one lakh patents in 2024**, reflecting the **significant increase** in patent approval.

### What is a Patent?

#### ▪ About:

- A **patent** is a legal right to an invention given to a person or entity without interference from others who wish to replicate, use, or sell it.
- Patent protection is a **territorial right and therefore it is effective only within the territory of India**. There is **no concept of global patent**.
- The patent system in India is governed by the [Patents Act, 1970](#) with patent rules being regularly amended in consonance with the changing environment, the most recent being [Patents \(Amendment\) Rules, 2024](#).

#### ▪ Criteria of Patentability: An invention is patentable subject matter if it is novel, non-obvious, and capable of industrial application.

- Additionally, it **should not attract the provisions of section 3 and 4 of the Patents Act 1970**.

#### ▪ 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- After the amendment, the provisions relating to Exclusive Marketing Rights (EMRs) have been repealed, and a **provision for enabling grant of compulsory license** has been introduced.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.

#### ▪ Key Changes Under [Patents \(Amendment\) Rules, 2024](#):

- **Reduced timeline for filing a Request for Examination (RFE):** From 48 months to 31 months from the priority date.
- **Introduction of 'Certificate of Inventorship':** Acknowledge inventors' contributions by identifying them for their patented inventions.
- **Frequency of filing statements:** Reduced from once a financial year to once every three

financial years.

- **Amendments in Pre-grant and Post-grant Opposition Procedures:** Time frame for submission of recommendations by an Opposition Board and the response time for applicants have been adjusted.

## Note

- In the [Global Innovation Index \(GII\) 2023](#) rankings by WIPO, **India secured the 40th position** out of 132 countries. This marks an improvement from the 46th position in 2021 and the 81st rank in 2015.
- According to the study released by the World Intellectual Property Organisation, India **sees record 31.6% rise in patent applications** in 2022; **ahead of China, U.K.**

## Section 3 and 4 of Patents Act, 1970

- **Under Section 3**, frivolous claims, **inventions against natural laws**, those contrary to public order or morality, discoveries of scientific principles or abstract theories, discoveries of natural living or non-living substances, etc are not considered inventions.
- **Section 4 pertains to Inventions** relating to atomic energy that are not patentable. According to Section 4, no patent shall be granted in respect of an invention relating to atomic energy falling within sub-section (1) of section 20 of the [Atomic Energy Act, 1962](#).

## What is the Significance of Granting Patents?

- **Encouraging Innovation and Research: Granting exclusive rights through patents incentivizes innovation.**
- **Attracting Foreign Direct Investment (FDI):** Countries with robust intellectual property protection regimes tend to attract more [FDI](#). A well-protected IP environment provides confidence to foreign investors that their innovations will be safeguarded, encouraging them to invest in India.
- **Creating a Knowledge-Based Economy:** Protection of [copyrights and trademarks](#) encourages the creation and commercialization of intellectual assets in fields such as literature, arts, music, and branding contributing to the development of a knowledge-based economy.

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# 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

## What are the Challenges in the Patenting System?

- **Lengthy Approval Process:** Patent offices can **take months or even years** to examine applications. This can be problematic for inventors waiting to secure their rights.
- **Backlog of Patent Applications:** Patent offices often deal with a **high volume of applications, leading to a backlog that can further extend approval times.**

- **Limited Awareness & Education:** Many inventors, especially small businesses and individuals, **lack sufficient knowledge** about patents and the process. This can hinder their ability to effectively protect their inventions.
- **Resource Constraints:** The patenting process can be **expensive, involving patent attorney fees**, application fees, and potential maintenance fees. This can be a barrier for inventors with limited resources.
- **Stringent Patentability Criteria:** India has **specific provisions under Section 3** of the Patents Act that exclude certain inventions from patentability. This can be a hurdle for innovations in these areas.
- **Enforcement Issues:** Even with a patent, **enforcing patentee rights against infringers can be costly** and time-consuming, requiring legal action.
- **Biopiracy & Traditional Knowledge Issues:** Ensuring fair access to genetic resources and protecting traditional knowledge associated with them can be complex issues in the patent system.

### What are Steps Needed to Improve the Patenting System?

- **Simplifying Procedure: Streamline application process with online filing and user-friendly interfaces.**
  - Offer clear and accessible guidelines for patent drafting and prosecution.
- **Simplify Approval Process: Increase manpower and resources** in patent offices for faster examination.
  - Offer expedited examination options for critical inventions.
- **Clearing Backlog: Clear the backlog** through efficient case management and disposal strategies.
- **Creating Awareness: [Integrate intellectual property \(IP\)](#) education in academic **curriculums (STEM fields)**.**
  - Establish IP support centers and pro bono legal services for small businesses.
- **Provision of Subsidies: Introduce government subsidies and fee reductions for individual inventors and startups.**
  - **Promote patent pools** and collaborative research to share costs.
- **Relaxing Patentability Criteria: Review and harmonise patentability criteria with international standards.**
  - **Offer pre-filing consultations** to assess invention's patentability.
- **Strengthen Legal Mechanism: Strengthen IP enforcement mechanisms, including specialised courts and faster adjudication.**
  - **[Promote alternative dispute resolution \(ADR\)](#)** for cost-effective enforcement.
- **Protecting Traditional Knowledge: Implement stricter regulations and effective enforcement against biopiracy.**
  - Develop a **national database** of traditional knowledge for better protection.

#### **Drishti Mains Question:**

Q. Discuss the potential socio-economic benefits of an increased number of patents granted in India and suggest strategies to effectively harness these benefits for societal advancement.

## UPSC Civil Services Examination, Previous Year Question (PYQ)

### **Prelims:**

**Q. What is/are the recent policy initiative(s) of Government of India to promote the growth of manufacturing sector? (2012)**

1. Setting up of National Investment and Manufacturing Zones
2. Providing the benefit of 'single window clearance'
3. Establishing the Technology Acquisition and Development Fund

**Select the correct answer using the codes given below:**

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

**Ans: (d)**

**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)**

**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)**

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### **Mains:**

**Q. How is the Government of India protecting traditional knowledge of medicine from patenting by pharmaceutical companies. (2019)**

**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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