



## National Intellectual Property Awareness Mission (NIPAM)

**For Prelims:** NIPAM, IPR, International Treaties, National Initiatives

**For Mains:** NIPAM, Need for IPR, Treaties, Regulating IPR, National Initiatives

### Why in News?

**National Intellectual Property Awareness Mission (NIPAM)**, launched in 2021, has achieved the target of imparting [Intellectual Property \(IP\)](#) awareness and basic training to 1 million students.

- The target has been achieved **ahead of the deadline which was 15 August 2022.**

### What is the National Intellectual Property Awareness Mission (NIPAM)?

#### ▪ About:

- The pan-India mission aims to provide **awareness on intellectual property and its rights to 1 million students.**
- It aims to **inculcate the spirit of creativity and innovation** to students of higher education (classes 8 to 12) and ignite and inspire the students of college/Universities to innovate and protect their creations.

#### ▪ Implementing Agency:

- The program is being implemented by the **Intellectual Property Office**, the Office of Controller General of Patents, Designs and Trade Marks (CGPDTM), **Ministry of Commerce and Industry.**

#### ▪ Target Achieved:

- **During the period 08 December 2021 to 31<sup>st</sup> July 2022, the following milestones were achieved:**
  - No. of participants (students/faculty) trained on IP: 10,05,272
  - Educational institutes covered: 3,662
  - Geographical coverage: 28 states and 7 Union Territories

### What are Intellectual Property Rights?

#### ▪ About:

- **Intellectual property rights (IPR)** are the rights given to persons over the **creation of their minds:**
  - Inventions, literary and artistic works, and symbols, names and images used in commerce.
  - 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 \(WIPO\)](#).

▪ **Types of IPR:**

◦ [Copyrights:](#)

- The rights of authors of **literary and artistic works** (such as books and other writings, musical compositions, paintings, sculpture, computer programs and films) **are protected by copyright**, for a minimum period of **50 years after the death of the author**.

◦ **Industrial property:**

- **Protection of distinctive signs, in particular trademarks and geographical indications:**

- Trademarks
- Geographical Indications (GIs)

- **Industrial designs and trade secrets:**

- Other types of industrial property are protected primarily to stimulate innovation, design and the creation of technology.

▪ **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 Treaties and Conventions related to IPR?

▪ **Global:**

- 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 **World Intellectual Property Organization (WIPO)**, 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**
- **Paris Convention for the Protection of Industrial Property**
- Convention Establishing the **World Intellectual Property Organization**
- **Berne Convention for the Protection of Literary and Artistic Works**
- [Patent Cooperation Treaty](#)

▪ **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**.

- [National Intellectual Property Rights \(IPR\) Policy 2016:](#)

- **The National Intellectual Property Rights (IPR) Policy 2016** was adopted in May 2016 as a vision document to guide future development of IPRs in the country.
- Its clarion call is “**Creative India; Innovative India**”.
- It sets in place an **institutional mechanism** for implementation, monitoring and review.
- It aims to incorporate and adapt global best practices to the Indian scenario.

## UPSC Civil Services Examination, Previous Year Questions (PYQs)

### Prelims

**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)**

**Exp:**

- The **National Intellectual Property Rights (IPR) Policy** recognizes that India has a well-established TRIPS compliant legislative, administrative and judicial framework to safeguard IPRs, which meets its international obligations while utilizing the flexibilities provided in the international regime to address its developmental concerns. **It reiterates India’s commitment to the Doha Development Agenda and the TRIPS Agreement. Hence, statement 1 is correct.**
- The **DIPP (now DPIIT i.e. Department for Promotion of Industry and Internal Trade)** is recognised as the nodal department to coordinate, guide and oversee implementation and future development of IPRs in India. DIPP comes under the Ministry of Commerce and Industry. **Hence, statement 2 is correct.**
- **Therefore, option (c) is the correct answer.**

**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)**

**Exp:**

- **Section 3(J) of Indian Patent Act, excludes from patentability “plants and animals in whole or in any part thereof other than microorganisms, including seeds, varieties, and species,**

and essentially biological processes for production or propagation of plants and animals”. **Hence, statement 1 is not correct.**

- The **Intellectual Property Appellate Board (IPAB) was constituted in 2003** by the Government of India to hear and resolve the appeals against the decisions of the registrar under the Indian Trademarks Act, 1999 and the Geographical Indications of Goods (Registration and Protection) Act, 1999. **Hence, statement 2 is not correct.**
- **Plant variety protection provides legal protection of a plant variety to a breeder in the form of Plant Breeder’s Rights (PBRs).** In India, the Protection of Plant Varieties and Farmers’ Rights (PPVFR) Act, 2001, is a sui generis system that aims to provide for the establishment of an effective system for the protection of plant varieties and the rights of plant breeders and farmers. A sui generis system is an alternative to the patent system. **Hence, statement 3 is correct.**
- **Therefore, option (c) is the correct answer.**

### **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)**

**Source: PIB**

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