



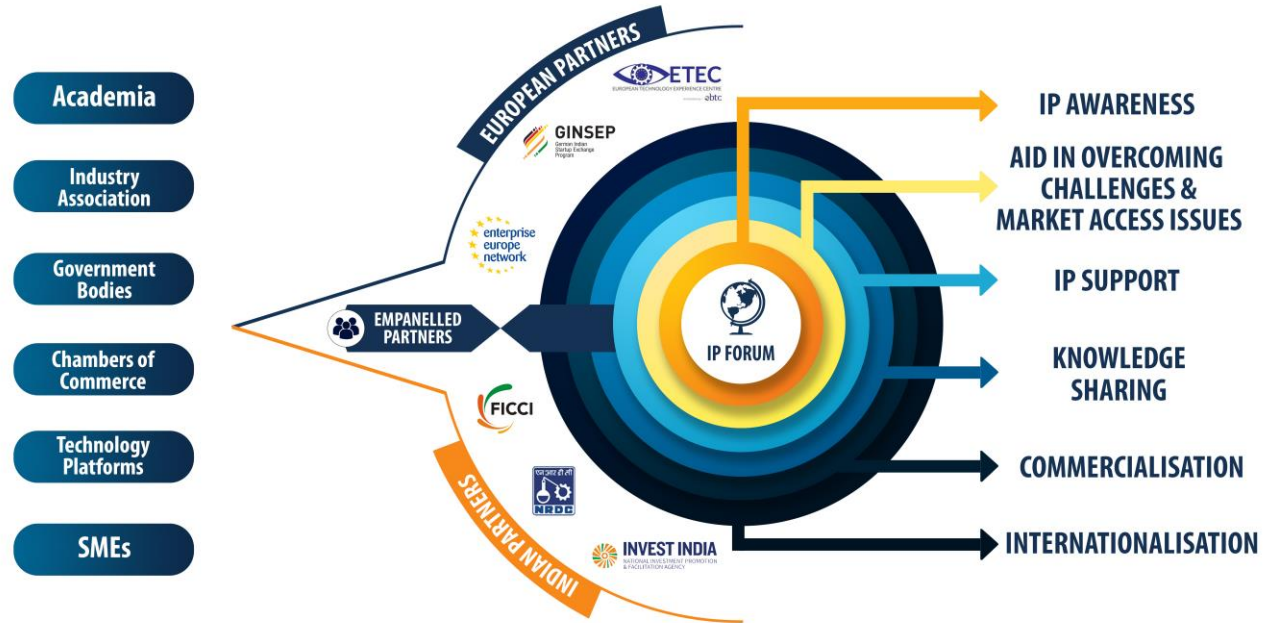
European Business &  
Technology Centre

Enabling Europe-India  
Collaborations

## INDIAN IP ECOSYSTEM

December 10, 2020  
New Delhi

# EUROPE INDIA IP FORUM



# IPR PROTECTION IN INDIA HIGHLIGHTS



Constantly improving **IP protection system**



**Legal framework** & independence of judiciary



Judiciary generally **pro-IP protection**



**No bias** against **foreign IP owners**



**Criminal and border control** remedies

# THE INDIAN IP ECOSYSTEM

## OVERVIEW

### Indian Patent Offices

Kolkata, Delhi, Chennai, Mumbai

### IP Laws & rules

Patent Act & Rules (2020)  
Trade Mark Act & Rules (2017)  
Design Act & Rules (2019-Draft)  
Copyright Act & Rules (2019-Draft)



### Judicial & Enforcement

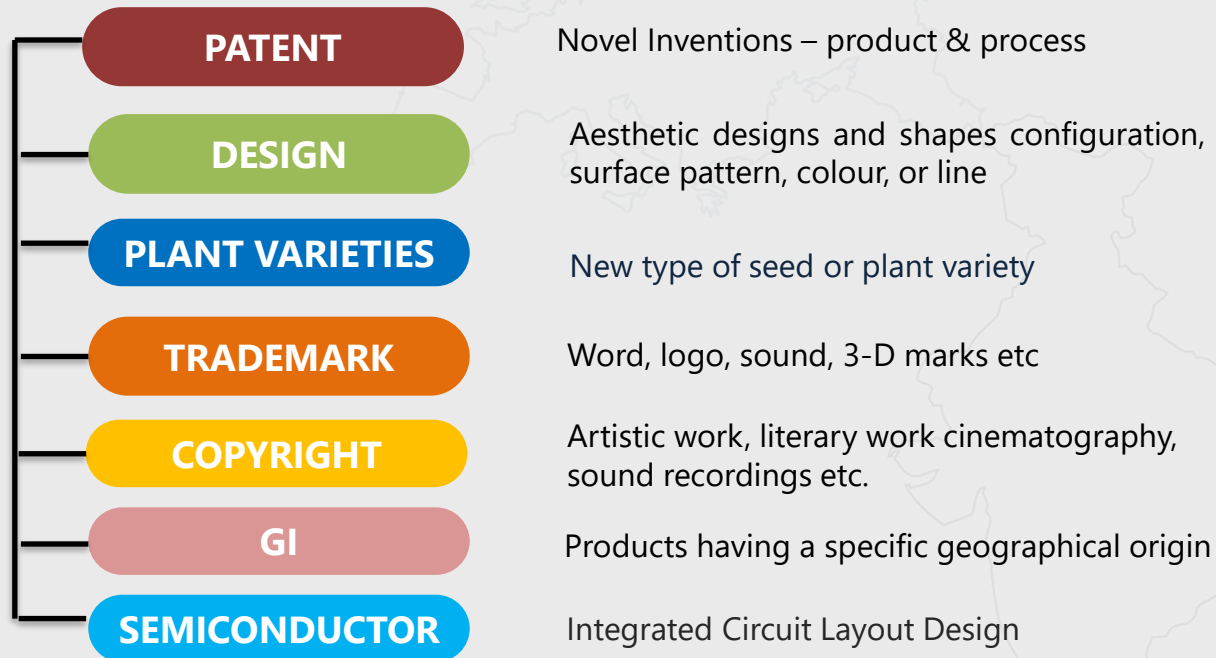
Intellectual Property Appellate Board (IPAB)  
DC, HC, SC & Commercial Courts

### International Treaties

Paris Convention  
Patent Cooperation Treaty (PCT)  
Berne Convention  
Madrid Protocol

# IPR PROTECTED IN INDIA

## OVERVIEW



# DEVELOPMENTS IN THE INDIAN PATENT OFFICE

## KEY AREAS



### Use of Technology

Hearings through **VC, E-filing module** .  
E-Communication,  
Improvements in **(InPASS)**"  
incorporation of **IA**  
in patent Processing



### Higher manpower

Increase of **41.46%**  
in examined applications and  
**17.15% more granted patents in 2019** due to increase in manpower\*.



### Faster processing

Decrease in processing **time** of patent applications from 36 months in 2019 to **12-16 months by March 2021**\*1



### International cooperation

Accession to **NICE & Vienna Agreement** (TM) and **Locarno Agreement** (D) in 2019



### Amendment of Rules

Amendments to **Patent Rules** in 2020, Draft amendments to **Design Act & Rules, Copyright Act & Rules** In 2019 .

\* IPO annual report 2019

\*1 Press Information Bureau Government of India from New Delhi, 21st November 2019

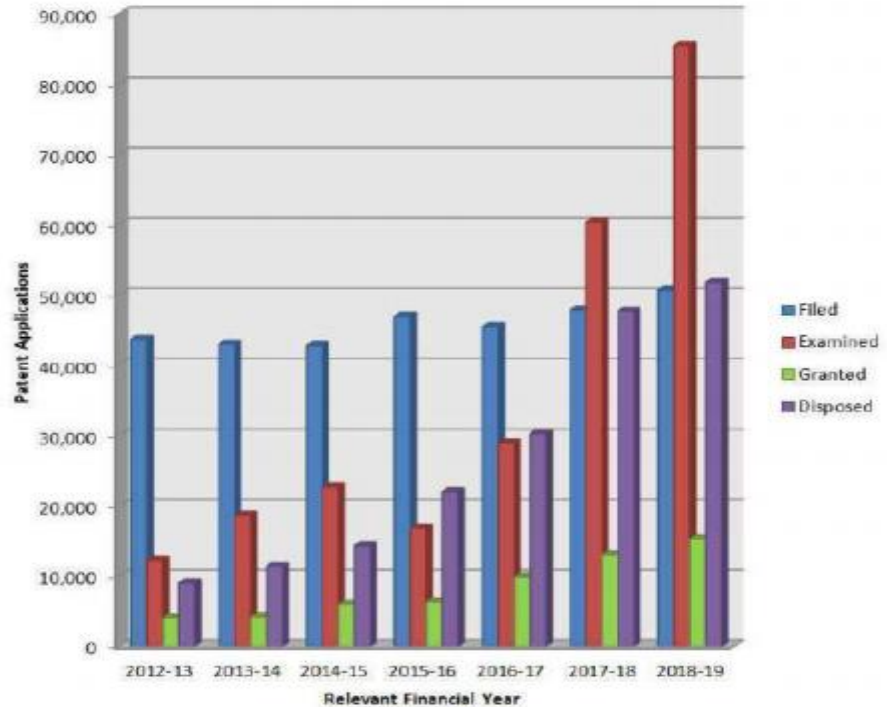
# TRENDS IN IPR APPLICATIONS

## PATENTS

Patent filing in 2019: 50,659 applications  
Resident filing : 33.6%\*  
Increase in filings by foreign applicants  
by **4.2 %**\*

\* Annual Report IPO 2019

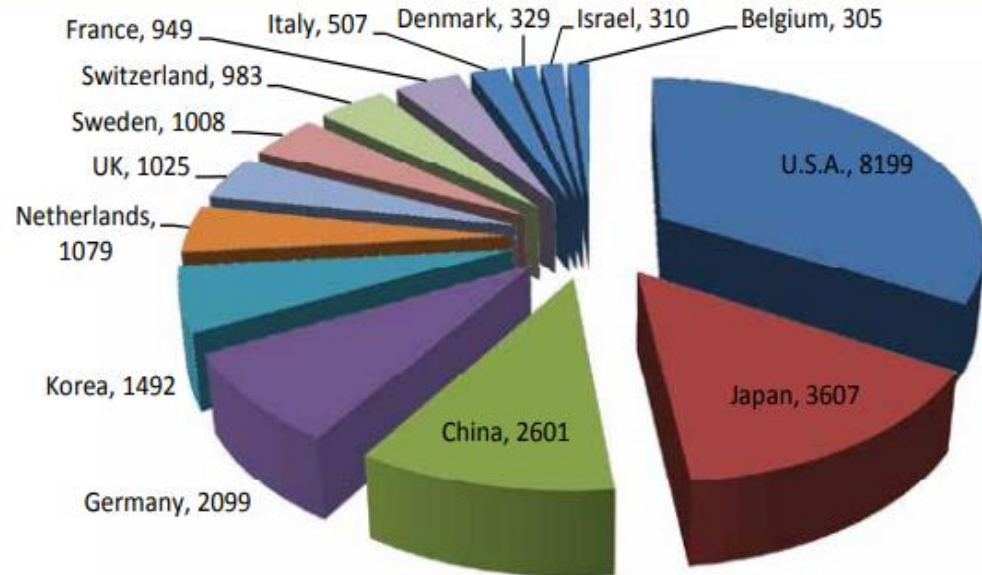
### Patent Trends (National)



Source: Sagacious IP

# TRENDS IN IPR APPLICATIONS

## FOREIGN APPLICANTS

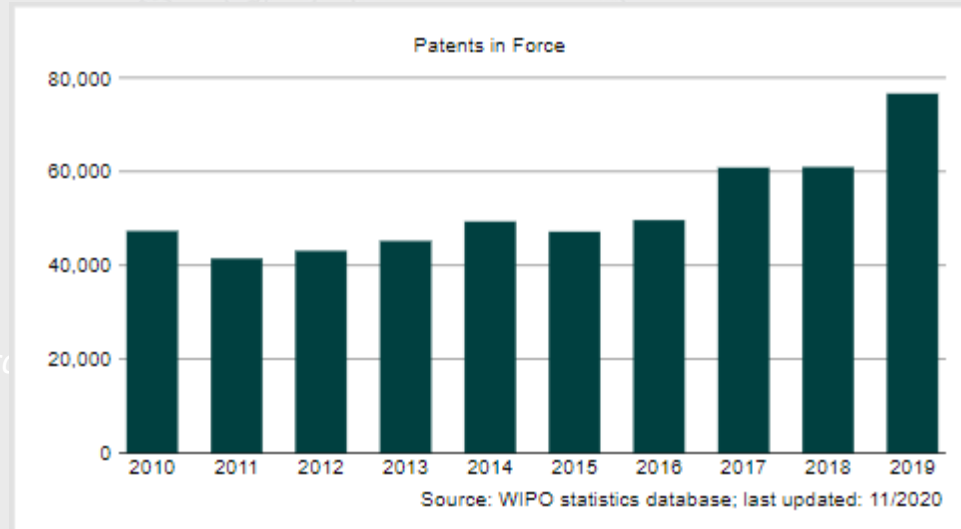


Source: Annual Report IPO 2019



# TRENDS IN IPR APPLICATIONS

## PATENTS IN FORCE



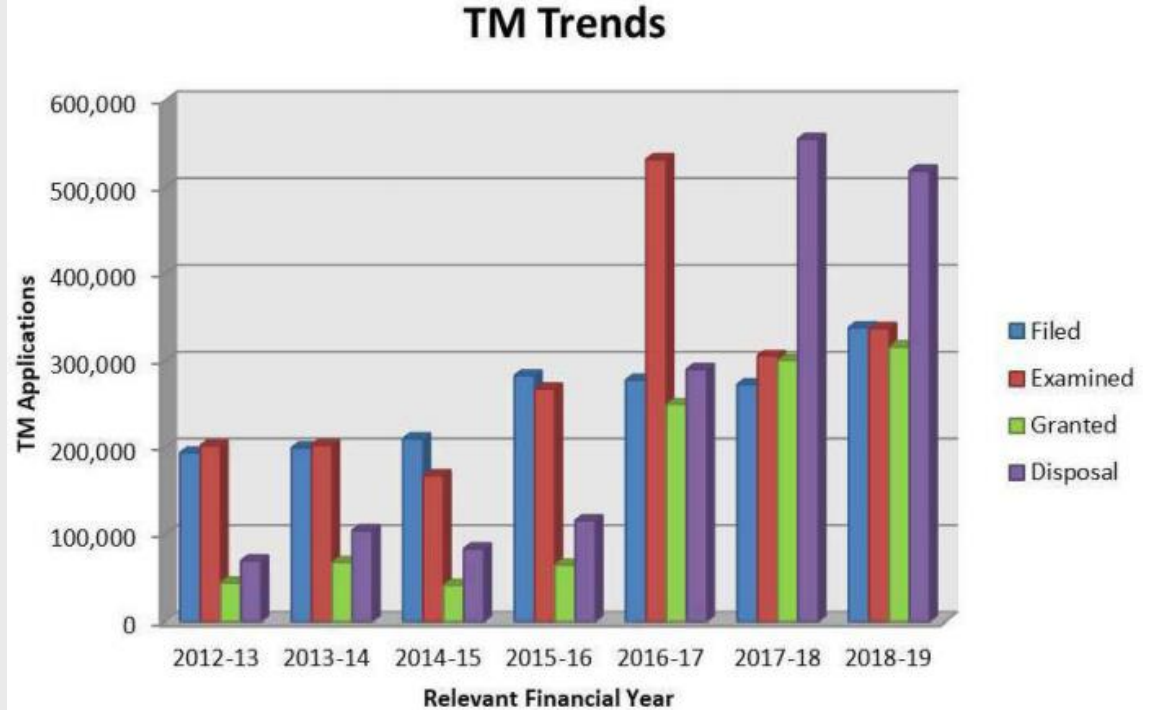
Source: WIPO Statistics 2019

In 2019 there were **64,686 patents in force\***

\* Annual Report IPO 2019

# TRENDS IN IPR APPLICATIONS

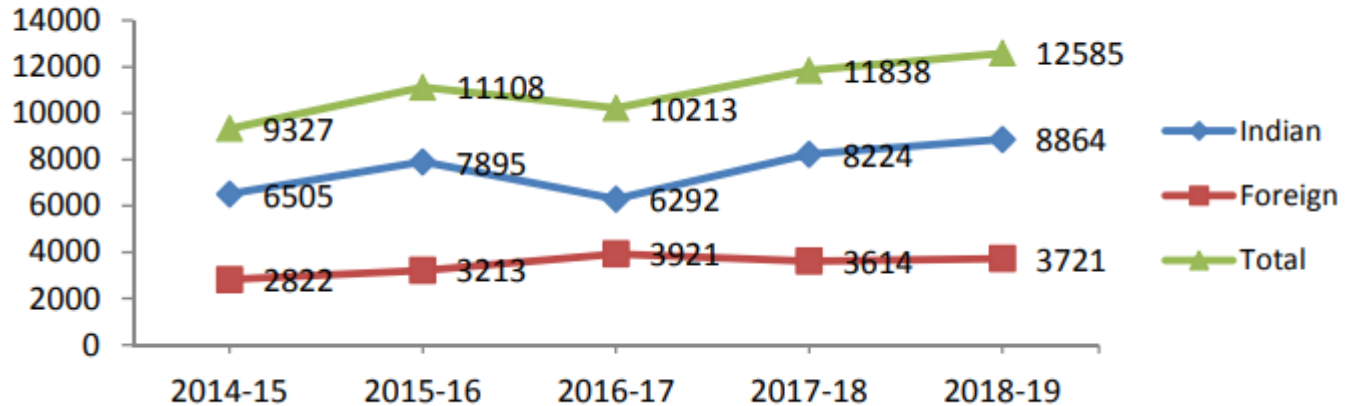
## TRADEMARKS



Source: Sagacious IP

# TRENDS IN IPR APPLICATIONS

## DESIGNS



Source: Annual Report IPO 2019

# ENFORCEMENT

## OVERVIEW

- **Civil action for enforcement of all Intellectual Property Rights**
  - Permanent & Interim Injunction;
  - Damages;
  - Accounts and handing over of profits;
  - Sealing of infringing material/accounts;
  - Delivery up of goods/packing material/dies/plates for destruction.
- **Criminal action for infringement of trademarks, copyright, GI, Plant Variety and Semiconductor Integrated Circuits Layout Design**
  - Registration of First Information Report (FIR); or
  - Filing of a Criminal Complaint before
- **Border Control Measures for Enforcement of IPR**
- **Intellectual Property Rights (Imported Goods) Enforcement Rules, 2007**

# CHALLENGES IN PRESENT ECOSYSTEM

Backlog at courts and **slow judicial enforcement** system;

Possibility of **compulsory license** if the patent is not worked;

No provision in Indian law **for unfair commercial use and data exclusivity**;



No codified trade secret law;



Scope of **patentable inventions** in regard to specific technology sectors;



No legislation dealing specifically with **counterfeiting and piracy**.



**Thank you for your attention!**

Hana Onderkova  
Head IP  
EBTC  
[onderkova@ebtc.eu](mailto:onderkova@ebtc.eu)