



उद्योग संवर्धन और आंतरिक व्यापार विभाग  
DEPARTMENT FOR  
**PROMOTION OF INDUSTRY  
AND INTERNAL TRADE**

January 2021

# IPR Reforms

—  
Evolution of the Indian IPR Regime





“

*In the era where  
knowledge is power,  
innovation is the  
driver of growth.*

”

- Hon'ble Prime Minister  
Narendra Modi

# Need for the Reform

The past decade presented India with the challenge to scale up the process of IP creation and to capture value from the scientific and technological creations to catapult the country into the league of most innovative and developed nations. To address this challenge, an IPR think tank was constituted that conducted intensive stakeholder consultation with nearly 300 organisations and individuals as also 31 departments of the Government of India. These efforts led to formulating the National IPR Policy of India; the need for the same was recognised in context with the following reasons:

## LACK OF IP EDUCATION

Indian researchers/innovators needed to be made aware of basic precautions that are to be exercised. IP Education was needed to be ramped up across the country, and the feasibility of introducing this in schools had to be explored.

## DEARTH OF INCENTIVES FOR GENERATION OF IPRs

Incentives were needed to encourage the MSMEs, startups, talented scientists and engineers to create IP.

## NEED FOR FACILITATING GRASSROOT INNOVATIONS

## NEED FOR BETTER ENFORCEMENT AND ADJUDICATION OF IPRs

## NEED FOR REDUCING PENDING AND STRENGTHENING INSTITUTIONAL MECHANISM

Streamlining IP Procurement & Prosecution - Transparency & Efficiency by Digitization, modernization and integration of the intellectual property offices in the country.

## NEED FOR AUGMENTING INTERNATIONAL COLLABORATIONS AND UNDERSTANDING BEST PRACTICES IN THE FIELD

☞ This single umbrella approach will help leverage linkages between various IP offices. The proposed Cell for IPR Promotion and Management (CIPAM) to be constituted under the aegis of DIPP, would be an important connection with the inventors and innovators ☞

# NASSCOM®

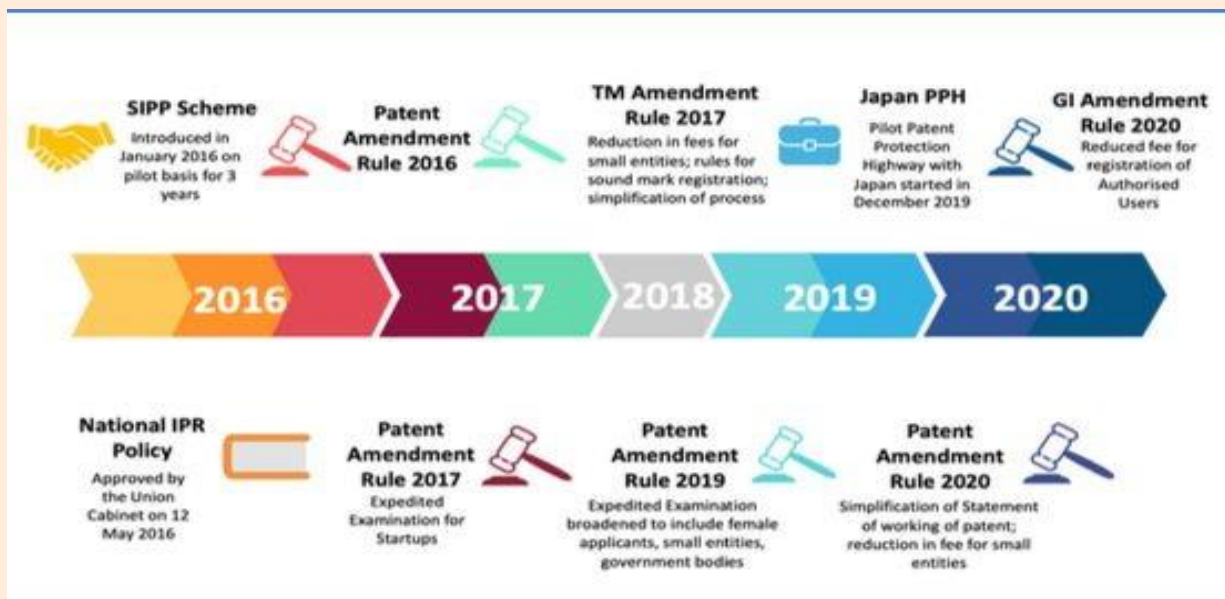


# Reforms in the Indian IPR Regime

- Digitization of IP System and Offices:**  
 Switching to electronic filing & processing; incentivizing e-filings; implementation of electronic mode of communication
- Manpower Augmentation:**

As on		31/03/2015	31/10/2020
Patents	Examiners	183	619
	Controllers	89	245
Trademarks	Examiners & Senior Examiners	65	159
	Registrars	13	15

- Promotion IP Education:**  
 Four new NIDs (National Institute of Design) have been set-up and all NIDs have been given INI (Institute of National Importance) status. Inclusion of IPR content in NCERT curriculum
- Establishment of CIPAM:**  
 Established as a professional body under the aegis of the DPIIT to ensure focused action on issues related to IPRs and address the objectives of the policy.
- International Collaborations:**  
 Harmonising India’s IP system with International agreements and classification model. Executing MoUs on IP Cooperation for sharing of best practices and exchange of information with IP administration of countries like Japan, US, Denmark, Sweden etc.



# Focus Sectors

## • Initiatives for Startups

- A Scheme for facilitating Startups Intellectual Property Protection extended up to 31st March, 2023.
- Reimbursement for fee to be paid to facilitators while filing their patent and trademark applications.
- 510 patent facilitators and 392 trademark facilitators empanelled by Indian IP office.
- Nearly 5000 patent applications and 12000 Trademark applications filed under the scheme.
- Expedited examination facility provided.

## • Initiatives for MSMEs

- To promote innovation at grassroots level, facilities for expedited examination is provided to MSMEs.
- Additionally, filing and processing fees for patent applications by small entities has been further reduced by 80% as compared to large entities.
- DPIIT in collaboration with the Ministry of Micro, Small and Medium Enterprises (MSMEs) has organised intensive IPR training for MSME Officers pan India; they can, in turn, provide IPR related services to MSMEs. Over 190 awareness programmes have been conducted for various MSME's clusters.



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**NITI Aayog**

“India came out with a new policy on intellectual property rights (IPR) which has radically improved the IPR. It's probably one of the best IPR regimes, we have benchmarked it against USA and Japan now”

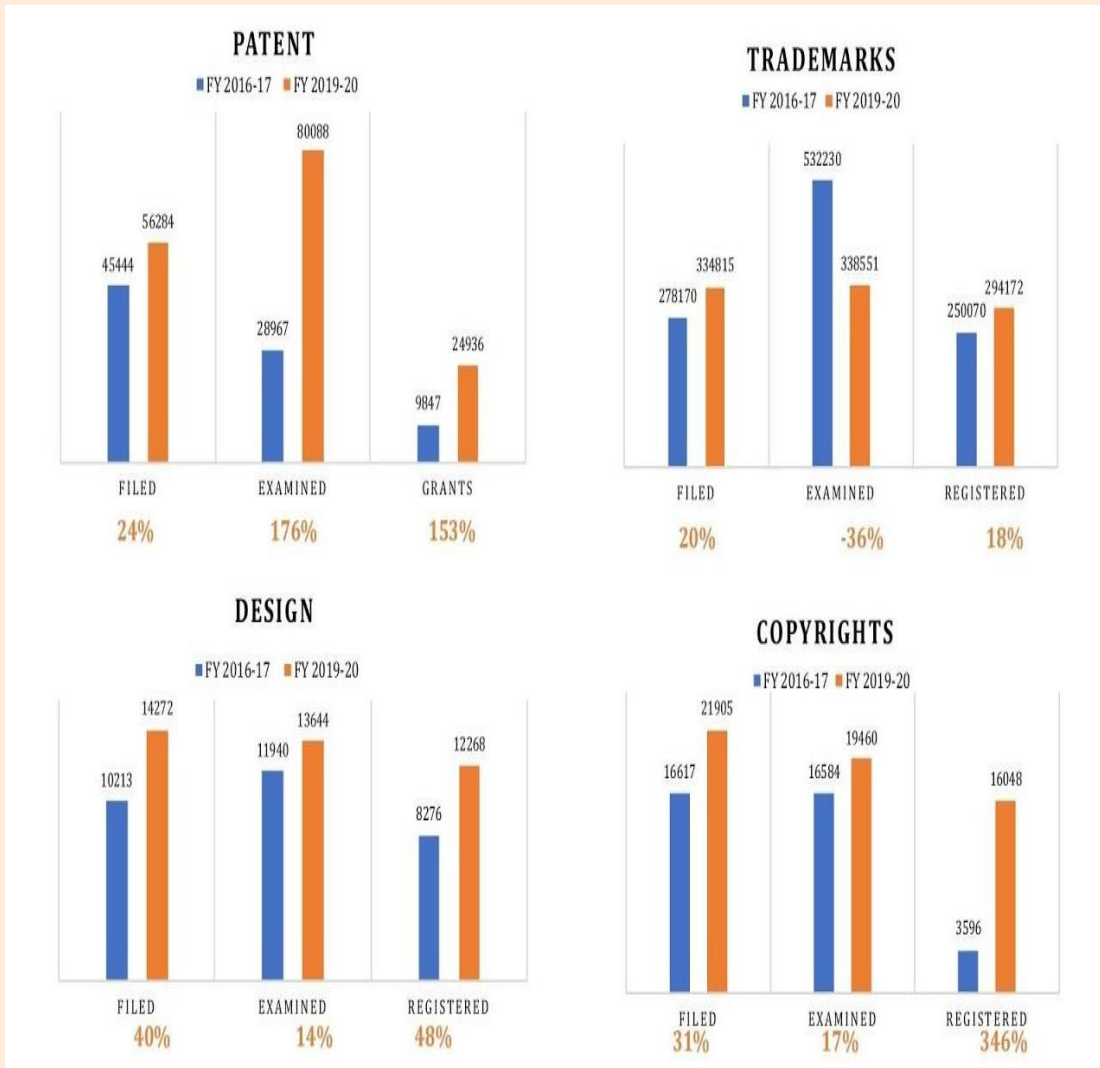


# IPR Reform: Before & After

CATEGORY	BEFORE REFORM	AFTER REFORM
<b>Institutional Mechanism</b>	<ul style="list-style-type: none"> <li>• Backlogs</li> <li>• Lack of Manpower</li> <li>• Physical filings</li> </ul>	<ul style="list-style-type: none"> <li>• Backlogs reduced</li> <li>• Process Digitized</li> <li>• Manpower Augmentation</li> </ul>
<b>Compliance and process</b>	<ul style="list-style-type: none"> <li>• Procedural Complications</li> <li>• Excessive Forms &amp; Compliances issue</li> </ul>	<ul style="list-style-type: none"> <li>• Simplification of Form-27</li> <li>• One Form-30 in Patents, where no other Form is applicable.</li> <li>• Simplification of Trademark Forms, reduced from 74 to 8 Forms.</li> </ul>
<b>Fee</b>	<ul style="list-style-type: none"> <li>• High fee for Small Key players such as Small Entity (MSME)</li> <li>• No concept of Start-up in Patents</li> </ul>	<ul style="list-style-type: none"> <li>• Official fee for Start-ups reduced by 80%.</li> <li>• In Patents, official fee for Small Entity is now equivalent to the fee payable by Start-ups and Natural Persons.</li> <li>• Reduced fee structure for the registration of an authorized user of a registered geographical indication</li> </ul>
<b>Examination</b>	<ul style="list-style-type: none"> <li>• Slow Registration Process &amp; Examination Proceedings</li> <li>• No concept of Expedited Examination</li> </ul>	<ul style="list-style-type: none"> <li>• Facilities for Expedited Examinations are now available to Startups, SMEs, Female applicants, Government Departments, Govt. institutions, applicants under PPH and those applicants who choose Indian IP Office as International Search Authority</li> <li>• Reduced Pendency</li> </ul>



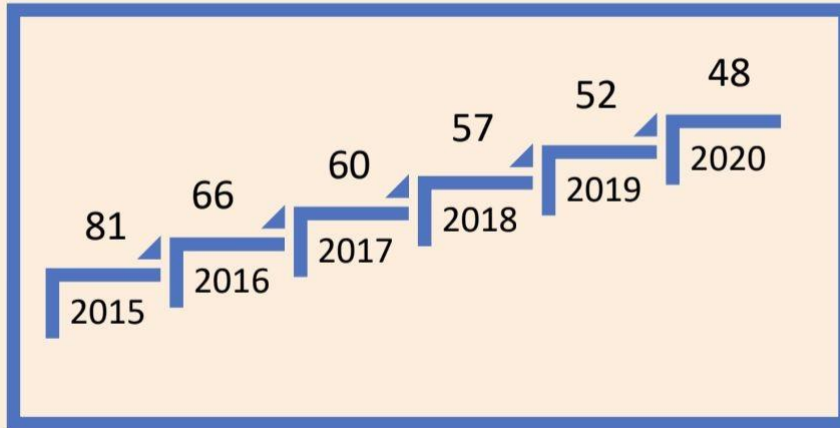
# Impact



- The period of examination of new trademark applications has reduced from 13 months to less than 30 days and trademark is being registered in about 6 months, if there is no objection or opposition filed, as compared to 3-5 years required earlier.
- Examination of Patent applications has increased more than two folds in 2019-20 vis-à-vis 2016-17. Time required for Patent examination has reduced from average 72 months in 2015 to 12-30 months at present, depending upon technology fields. The fastest granted patent is the one which was granted in 41 days after filing a request for expedited examination.



- India's rank in the Global Innovation Index has improved from the 81st rank in 2015 to 48th rank in 2020.



**EN** Entrackr  
**India among top 10 countries in intellectual property filings**  
With an increase in intellectual property (IP) filing activity in the world, ...  
Department of Promotion of Industries and Special Economic Zones



**"IPR protections also support the success of Digital India, Make-in-India and other cornerstone initiatives," Biswal, who previously served as Assistant Secretary of State for South and Central Asian Affairs in the US Department of State**


**The Indian Express**  
**Gujarat: State varsities to have courses in IPR, start-up**  
The course is to be preceded by an online IPR certificate course for ...  
Trade (DPIIT) and the AICTE Training and Learning (ATAL) Academy ...  
Sep 10, 2020



**Livemint**  
**India ranked in top 50 nations in the Global Innovation Index 2020**  
New Delhi: India climbed four spots on the Global Innovation Index 2020 ...  
and is now at 48th position in the list of top 50 innovative countries in ...



**BS** Business Standard  
**Govt proposes to significantly reduce fees for IPRs for MSMEs, startups**  
An individual, group or industry has to pay fees at different levels of intellectual property rights (IPR) application filings. As per the proposal, ...  
Sep 16, 2019




 The Indian Express

### Gujarat: State varsities to have courses in IPR, start-up

The course is to be preceded by an online IPR certificate course for ...  
Trade (DPIIT) and the AICTE Training and Learning (ATAL) Academy ...  
Sep 10, 2020



 THE WEEK

IPR filings from start-ups have nearly doubled in 6 years ...  
Noting that India still has a long way to go in IPRs, NASSCOM-CoE, Gurgaon, head Sudhanshu ...  
... the need for start-ups to work ...

 Mondaq News Alerts

### Dynamic Injunctions To Tackle Digital Piracy In India ...

A dynamic injunction allows a right-holder to approach the courts to extend the main injunction order against all mirror websites providing access ...  
2 weeks ago

"The IP Dialogue is an opportunity for the US and Indian governments to come together to discuss an issue critical to our bilateral relationship," Biswal said.

 Mondaq News Alerts

### New Indian Patent Rules Offer Benefits To Startups And Small ...


Earlier this year, the Scheme for Facilitating Startups Intellectual Property Protection (SIPP) that was initially launched as a pilot project to assist ...  
1 month ago

 Economic Times

### Govt eases rules for patents filed by women, govt departments, patent protection abroad

... draft guidelines for the protection of IPR in academic institutions. ... The Department for Promotion of Industry and Internal Trade (DPIIT) has ...



 Zee Business

### Patents (Amendment) Rules, 2020 - Ease of Doing Business for innovators: Filing of Form 27 now streamlined

If the priority document is available in WIPO's digital library, the applicant would not be required to submit the same in the Indian Patent Office.  
Oct 28, 2020





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**DEPARTMENT FOR PROMOTION OF  
INDUSTRY AND INTERNAL TRADE**  
MINISTRY OF COMMERCE AND INDUSTRY  
GOVERNMENT OF INDIA