

# AN ANALYSIS OF INTELLECTUAL PROPERTY RIGHTS TRENDS IN INDIA

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## ABSTRACT

*Intellectual property is one of the major intangible assets that firms are investing. One of the parameters for growth of an economy would be dependent on the amount spent on technological advancements. Not just developing the advancement, but protection and due utilization of them is equally important. In this paper, an attempt is made to understand the trends of protection of Intellectual Property Rights (IPR) filings made by India. The trends of IPR's in India are analyzed.*

**Key words:** IPR, Patent, Industrial Designs, Trademarks

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## 1. INTRODUCTION

India is a country of huge talent bases. The major asset that Indians are known for since ages is their Intellectual skill and talent. Indian research skills and analytical skills are one of the most sought after by many countries. The boom in the IT sector and BPO sectors are directly attributed to these factors. One of the major issues that India is facing is the brain drain of human resources. Measures are taken up by the Government in boosting up and promoting the Indian economy by giving various incentives for the firms to conduct their business from India. International firms are making India as one of the most sought after locations to establish their business in Asian subcontinent. Measures such as Make in India, having flexible industrial policies and attracting investments from individuals and institutional investors have yielded significant returns and have boosted the Indian economy.

The Indian government is also promoting the young entrepreneurial talent by providing financial support, announcing special incentives for startups and by establishing incubation centers. Through incubation centers, entrepreneurial talent is built and is ensured that they sustain their businesses more successfully and contribute to the boost of the Indian economy. Despite all measures initiated by the Indian government, India is not having a significant share in the international intellectual development and protection. One of the indicators which reflect intellectual development and protection is the number of applications filed under the Intellectual Property Rights (IPR).

The paper makes an attempt to analyse the IPR in India.

Various attempts are made by the Indian government to protect the intellectual property and promote as per standards and norms prevailing internationally. Amendments are being made in accordance periodically. India is a member of various treaties developed by WIPO to protect the IPR. Being a part of Madrid agreement, Hague agreement, PCT and amending the national laws on par with those prevailing internationally are some the measures initiated by the Indian government. The major IPR tool kit of Patents, Industrial Designs and Trademarks reflect the contribution made significantly to the product development. There has been a significant growth in the number of filings for patents, trademarks and Industrial designs which attribute significantly for boost of the business.

**Patent:** It is a unique right granted by the territory in which it is applied for. Patents help the firms to have a competitive advantage over their other competitors in production as well as a measure to restrain them from entering into the market.

Table 1

Particulars	2017	2018	2019
Applications published	45196	38961	49351
Granted	12205	13813	23257
Examined	53829	81406	83226

Source: <https://www.bananaip.com/ip-news-center/2019-intellectual-property-statistics-in-india-up-up-and-away/>

The number of applications published increased by 1.2 times from 2018 to 2019 The number of patents granted increased by 1.68 times from 2018 to 2019 and the number of patents examined increased by 1.02 times. The trends are quite promising and need to be improved.

IIT's are the premier research institutes which receive huge funds and are expected to have the best of the research facilities in India filed the maximum number of applications under the research organizations. The number of applications filed by IIT's in 2018 were 48 and that in 2019 were 58<sup>1</sup>. CSIR is another dedicated research organization ranked second. The number of filing in 2017 - 66, 2018 - 48 and in 2019 - 45.

Research organizations have been filing very less number of patent applications in India. Abreasting with the latest technological advancements and lack of Infrastructure facilities could be one of the reasons. The government needs to focus on the gap and provide more infrastructure and training facilities so that more patents are filed. These initiatives can be provided through incubation centers that already exist to educate the young entrepreneurs.

**Industrial Designs:** The uniqueness with which the product can represent is the design of the product. This design distinguishes the product of the firm from that of competitors by the customers. Protection is provided for Industrial Designs through a separate act in India from May 2000. It is one of the oldest forms of Intellectual property protected but with growing importance for industrial designs an separate act was passed. The below table represents the data for Industrial Designs.

Table 2

Particulars	2017	2018	2019
Total Registrations	9694	8037	14529

Source: <https://www.bananaip.com/ip-news-center/2019-intellectual-property-statistics-in-india-up-up-and-away/>

The number of applications for industrial designs even though they have seen a downward trend from 2017 to 2018, they have increased by 1.8 times from 2018 to 2019.

**Trademarks:** They reflect a unique identity of the product or service offering of a company. Proper use of them provides a branding, goodwill and reputation for the company. Creating the value is one aspect but the major task is in ensuring its protection. This is one of the oldest forms of Intellectual protection that exists.

Table 3

Particulars	2017	2018	2019
Total Number of Trademark Applications Filed	253,906	311,078	336,194
Total Number of Trademark Applications Examined	377,710	370,015	384,725
Total Number of Trademark Applications Published	389,428	429,440	380,922
Total Number of Trademark Applications Registered	331,669	348,556	302,816

Source: <https://www.bananaip.com/ip-news-center/2019-intellectual-property-statistics-in-india-up-up-and-away/>

When compared to patents and industrial designs, the applications for trademarks are immense. one of the reasons could be the time period for patents and industrial designs is restricted to 20 and 15 years respectively. But in case of trademarks they can continue to be retained as long as the firm renews and wants them. So the figures of trademarks are huge. The applications filed and examined have increased by 1.05 times approximately but the number of trademarks published and registered declined. They are by .8 times each. However the number is significant.

## 2. CONCLUSION

China filed 58,990 applications<sup>2</sup> in 2019 which is more than half of the patents followed by the US which has filed 57840 patents in 2019. India stood at 14th position in filing patents which accounted for approximately 1% of the total patents applied for<sup>3</sup>. The number of patents in force in India in 2018 were 60865. These figures are deplorable.

Semiconductor Integrated Layout Designs (SCILD) came into existence from September 2000 to promote and protect the electronics industry. But the number of registrations filed under this act were nil in 2018-2019<sup>4</sup> which is really alarming for the electronics industry. Copyrights is another major category where applications are predominantly filed. Computer programs are covered by copyrights act 1957 in india. India is The number of applications of computer software programs filed in India were 1679 in 2019<sup>5</sup>.

India is prevalent for the intellectual knowledge base over centuries. India needs to intensify its efforts to tap and explore intellectual property. Measures have to be made by the Department for Promotion of Industry and Internal Trade (DIPP) to convert the human intellectual potential into revenue for the Indian economy.

## REFERENCES

- [1] [https://www.wipo.int/ipstats/en/statistics/country\\_profile/profile.jsp?code=IN](https://www.wipo.int/ipstats/en/statistics/country_profile/profile.jsp?code=IN)
- [2] <https://www.financialexpress.com/industry/global-patent-filings-huawei-alone-has-more-claims-than-indias-dismal-share-at-below-1/2063285/>
- [3] <https://www.mondaq.com/india/trademark/998544/intellectual-property-annual-report-2018-2019-released>
- [4] <https://www.bananaip.com/ip-news-center/2019-intellectual-property-statistics-in-india-up-up-and-away>
- [5] <https://www.mondaq.com/india/trademark/998544/intellectual-property-annual-report-2018-2019-released>