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# Legal Instruments of Intellectual Property in India

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## ABSTRACT

*After becoming the member WTO and with the advancement of science and technology, India has start formulating its laws and policies in order to make more and more innovation in the field of IPR. Intellectual property rights becoming an upcoming resource for economy and development. IPR system has many different forms of protection which are independent to each other and regulated by different laws. India has played very crucial role in various treaties. Perris convention and TRIPS agreement are the two leaders leading the IPRs throughout the world. 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. This paper analyses instruments of Intellectual property in India which includes- Rights Related to copyright, Industrial property rights, Copyright, Patents, Designs, Trademarks, Geographical indications etc. Paper also discuss about legal framework regarding instruments vis-a-vis Intellectual property rights & also through a light on The National Intellectual Property Rights (IPR) Policy 2016.*

**Keywords:** Instruments, Intellectual Property, Rights, TRIPS, WTO, Convention

## I. INTRODUCTION

After the adoption of New Economic Policy and with the globalization the concept of Intellectual Rights has become one of the recent developments and became the main source of wealth to every country. Intellectual property rights have become prominent on the legal sphere of India both in terms of new statutes and judicial pronouncements. India has ratified the agreement for establishing the World Trade Organization which contains the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS). Indian Statutes, enforcement provisions and methods of dispute resolution with respect to intellectual property (IP) protection are now fully TRIPS-compliant.<sup>3</sup> Human being are superior from

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<sup>3</sup> Vijay Pal Dalmia, *Intellectual Property Laws in india*, MONDAQ (Jan. 15, 2021, 11:30AM), [https://www.mondaq.com/india/trademark/654712/intellectual-property-laws-in-india-everything-you-must-know\(2017\)](https://www.mondaq.com/india/trademark/654712/intellectual-property-laws-in-india-everything-you-must-know(2017)).

other living creature because they possess intellect and can create intellectual property, which in turn exploited, can earn wealth. Since it is a creation of mind, therefore it is called intellectual property.<sup>4</sup> Intellectual property rights are the rights given to persons over the creations of their minds. They usually give the creator an exclusive right over the use of his creation for a certain period of time.<sup>5</sup> Intellectual rights are protected by various law e.g. patents Act, copyright Act and trademarks Act etc. which facilitates people to earn acknowledgment or monetary benefit from what they invent or create. IP system aims to encourage an environment in which creativity and innovation can flourish.<sup>6</sup> These rights are also enshrined 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.<sup>7</sup>

## II. INTELLECTUAL PROPERTY RIGHTS ARE DIVIDED INTO TWO MAIN PARTS

### (i) Rights Related to copyright:

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 60 years after the death of the author. It also protects the related rights which can be called as neighboring right. The example of the neighboring rights is the rights of performers e.g. actors, singers and musicians, producers of phonograms (sound recordings). The main purpose of protection of copyright and related rights is to encourage the creation of a wide variety of intellectual goods.<sup>8</sup>

### (ii) Industrial property rights:

An industrial design right also called as design right, protects the design of objects that are not purely utilitarian. An industrial design consists of the creation of a shape, configuration or composition of pattern or color, or combination of pattern and color in three-dimensional form. An industrial design can be a two- or three-dimensional pattern used to produce a product, industrial commodity or handicraft. Generally speaking, it is what makes a product

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<sup>4</sup> M.K. Bhandari, LAW RELATING TO INTELLECTUAL PROPERTY RIGHTS 2, Central law publications, Allahabad,(2012).

<sup>5</sup> *What are Intellectual Property Rights*, WORLD TRADE ORGANISATION (Jan 15 2021, 11:40AM), [www.wto.org/english/tratop\\_e/trips\\_e/intell\\_e.htm](http://www.wto.org/english/tratop_e/trips_e/intell_e.htm)

<sup>6</sup> *Intellectual Property Rights*, WORLD INTELLECTUAL PROPERTY ORGANISATION (Jan 15 2021, 11:40AM), <https://www.wipo.int/about-ip/en/>.

<sup>7</sup> *Universal Declaration on Human Rights*, UNITED NATIONS (Jan 15 2021, 11:40AM), <https://www.un.org/en/universal-declaration-human-rights/>.

<sup>8</sup> *What are Intellectual Property Rights*, WORLD TRADE ORGANISATION (Jan 15 2021, 11:40AM), [www.wto.org/english/tratop\\_e/trips\\_e/intell\\_e.htm](http://www.wto.org/english/tratop_e/trips_e/intell_e.htm)

look appealing, and as such, it increases the commercial value of goods.<sup>9</sup>

### **Scope of Intellectual property rights:**

As per the definition given by WIPO, the IPRs shall include the rights related to;

1. **Copyright** – it protects written or published literary artistic and scientific work such as books, songs, films, web content and artistic works.
2. **Patents** – this protects commercial inventions, for example, a new business product or process. It covers all inventions in all fields of human endeavour.
3. **Designs** – this protects designs, such as drawings or computer models.
4. **Trademarks** – this protects signs, service marks, commercial names, symbols, logos, words or sounds that distinguish your products and services from those of your competitors.
5. **Geographical indications**- An indication which identifies good, such as agriculture goods, manufactured goods as originating in the territory of a country or region or locality in that territory as called as geographical indications. These indications denote quality, reputation or other characteristics of such goods.<sup>10</sup>

### **Intellectual Property Rights as per the TRIPS-**

1. Copyright and related rights-
  - a) Rights of artists, painters, musicians sculptors, photographers and authors
  - b) Rights of computer programmes whether in source or object code in their programs
  - c) Rights of performers producers of phonogram's and broadcasting organizations in respect of fixation on their programmes for copyright in their work
  - d) Rights of traders in their trade marks.
  - e) Rights of manufactures and producers on geographical indication in relation to such products
  - f) Rights of designer for their distinctive design striking to the eyes.
2. Patents-
  - a) Rights of the inventor for invention.
  - b) Rights of plant breeders and farmers

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<sup>9</sup> *Intellectual Property*, WIKIPEDIA (Jan 15 2021, 11:40AM), [https://en.wikipedia.org/wiki/Intellectual\\_property](https://en.wikipedia.org/wiki/Intellectual_property)

<sup>10</sup> M.K. Bhandari, LAW RELATING TO INTELLECTUAL PROPERTY RIGHTS 5, central law publications, Allahabad, 2012.

- c) Rights of biological diversity
- d) Right of computers technologist fir their layout design of integrated circuits<sup>11</sup>

#### Need of IPR

Every creation requires capital, time, requisite knowledge, energy and effort. Thus, it is very much required to recognize and respect the intellectual creations of a creator. Although many of the legal principles, governing intellectual property rights, intellectual laws have evolved over centuries. It was in the late 20th century that it became common in the most part of the world. The World Intellectual Property Organization (WIPO) was established, in 1967, as an agency of the United Nations. There is an extensive international system for defining, protecting, and enforcing intellectual property rights, comprising both multilateral treaty schemes and international organizations such as Trade Related Aspects of Intellectual Property Rights (TRIPs), World Intellectual Property Organization (WIPO), World Customs Organization (WCO), United Nations Commission on International Trade Law (UNCITRAL), World Trade Organization (WTO) and European Union.<sup>12</sup> Thus it was felt with the passage of time that that IPR laws are required for the protection of creator, to encourage new creations, to foster economic growth, creates new jobs and industries. Thus 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. It promotes innovation and creativity and **ensures ease of doing business**. It also **facilitates the transfer of technology** in the form of foreign direct investment, joint ventures and licensing.<sup>13</sup>

### III. INTERNATIONAL REGIME OF INTELLECTUAL PROPERTY RIGHTS

Industrial revolution gave rise to invention. Therefore creative minds like scientists, artists and literary writers felt need for legal protection of intellectual creativity. The first multilateral agreement was made through Paris Convention for Protection of Industrial Property on 1833 which was followed by Berne Convention in 1886. These were the two initial international efforts which can be termed as the Magna Karta of IPRs. Since then the

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<sup>11</sup> Arpan Sinha, *Intellectual Property Rights in India*, LEGALSERVICEINDIA (Jan 15 2021, 11:45), <http://www.legalservicesindia.com/article/1742/Intellectual-Property-Rights-in-India.html>.

<sup>12</sup> Dushyar Sharma, *Intellectual Property and the Need to Protect it*, RESEARCHGATE (Jan 16 2021, 11:45) [https://www.researchgate.net/publication/267039883\\_INTELLECTUAL\\_PROPERTY\\_AND\\_THE\\_NEED\\_TO\\_PROTECT\\_IT](https://www.researchgate.net/publication/267039883_INTELLECTUAL_PROPERTY_AND_THE_NEED_TO_PROTECT_IT).

<sup>13</sup> *Intellectual Property Right*, DRISHTI IAS (Jan 17 2021, 12:52), <https://www.drishtiiias.com/to-the-points/paper3/intellectual-property-rights>.

IPR is growing day by day with the growth of the society.<sup>14</sup>

### **Major international conventions, treaties and agreements relating to various components of IPRs:**

**1 Paris Convention** – this convention is treated as oldest international convention which deals with the various aspects of IPRs like patents, design trade mark false indication etc and their legal protection. It based on the three guiding principles viz:

1. National treatment which requires that every member state should grant the same protection to the nationals of other member states as it grants to its own nationals.
2. right of priority which confers on any member of the union, which has filed an application for a patent in countries.
3. Uniform rules which must be observed by each member state to provide minimum protection for industrial property rights.<sup>15</sup>

The importance of intellectual property can be traced to the ancient use of stamps on bricks by Roman brick-makers for the purpose of identification, and even before that when the leaders of the ancient Greek city of Sybaris granted monopoly for one year on cooking a delicious dish to its creator. Much has changed since then with the advancement of science and technology and global business. Intellectual property is a product of human intellect and the rights granted on it allow its owner to benefit from the fruits of this intellectual Endeavour by creating a monopoly over it. Such benefit is not always a natural right but requires recognition by a statute.<sup>16</sup>

**2. International Convention for Protection of New Varieties of Plants,1968**-it provides protection to the breeders of new plant variety. The minimum period of protection is 15years. For vines, forests, fruits and ornamental trees it is 18 years.

**3. Patent Co- operation Treaty**- the object of this treaty is to seek co operation of states and simplification of procedure in filing patent application in states who are parties to the treaty.

**4. Madrid Agreement**-this agreement is related to International Registration of marks. it has been revised by five times till date. It helps the trademark holders in avoiding multi- national trademark filing. It provides single application system of registration.

**5. Berne Convention for the protection of literary and artistic work,1866**- it protects

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<sup>14</sup> *Supra* note 8.

<sup>15</sup> *ibid*, at 8.

<sup>16</sup> *Intellectual Property Laws in India*, MONDAQ (Jan 16 2021, 01:00 AM), <https://www.mondaq.com/india/trademark/901982/intellectual-property-rights>.

literary, artistic works produced in the literary, scientific and artistic regime irrespective of mode or form of its expression. It provides 50 years protection.

**6. Universal Copyright Convention, 1952-UCC** is an alternative to Berne Convention. It based on the National Treatment and requirement of minimum maintenance by each contracting party

**7. Rome Convention 1961-** This convention was introduced to protecting the neighboring rights of performers, producers of phonograms and broadcasting organization. The convention grants protection to performers if their performance take place in another contracting country.<sup>17</sup>

**8. Madrid Agreement for the Repression of false or deceptive Indication of source on Goods,1967-** this agreement seeks to protect consumer interest against persons using false or deceptive indications of goods. It provides remedies for seizure for false and deceptive indications.

#### **IV. INTERNATIONAL INSTITUTIONS REGULATING THE IPRS-**

The foundation of international institutions of IPRs has been laid bricks by bricks through various conventions, treaties and agreements. Establishment of WIPO has made the task of implementation of various international agreements etc.

- a. **World intellectual property Organization.-** WIPO is a landmark establishment in the history of intellectual property rights. The headquarter of WIPO is in Geneva. The main objectives behind setting the WIPO are to promote the protection of intellectual property through the world and to provide the international application for IPRs. The membership of WIPO is open to any state if it is a member of union. The organization currently administers 11 treaties that set out international agreed rights and common standard for their protection.<sup>18</sup>
- b. **TRIPS-** Trips agreement for the first time creates a multilateral framework for enforcement of all IPSs. It is mandatory agreement. Every member of WTO is required to observe the provisions of TRIPS. TRIPS helps to reduce distortions and impediments to intellectual trade by promoting the adequate protection to IPRs. It provides a multi lateral framework of principles, rules relating to IPRs. It also provides different level of dispute resolution mechanism. TRIPS show that the world

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<sup>17</sup> *Supra* note 8, at 10.

<sup>18</sup> *ibid*, page no. 13-15

community has realized the greater need to create a global legal regime of intellectual property rights with effective mechanism.<sup>19</sup>

Copyright is a group of exclusive rights granted to the author of an original work for the prescribed duration. The word original copyright law denotes that the originality of the expression or execution of idea and not to the originality of the ideas per se is eligible for the copyright protection. With the growth of Technology and more particularly digitization the entire world has always recognized the need for a Digital Copyright Law. Therefore, the existing Copyright law has evolved, as the trend of maintaining records in the form of Digital data clearly requires protection a need felt all round the world.<sup>20</sup>

## V. NATIONAL INSTITUTIONS RELATING TO IPRs

IPRs are governed by national laws and rules of a given country. International conventions and organization only ensure minimum rights and provide certain measures for enforcement of rights by the contracting states. IPR is an exclusive Right given to the owner author for an original work that he has created. Original works that are protected under IPR are literary, dramatic, musical, artistic works, cinematograph films and Sound Recording, patent, trademark, signs, and geographical indication. IPRs is a bundle of rights including rights of reproduction, communication to the public, adaptation and translation of the work.<sup>21</sup> There are various laws regulating IPR in India, such as:

- Copyright Act, 1957
- Patent Act, 1970
- Trademark Act, 1999
- Geographical Indication Act
- Biological Diversity Act, 2002
- Semiconductor Layouts Designs Act, 2000
- Designs Act, 2000

### 1. Copyright Act, 1957-

Section 14<sup>22</sup> of the Act provides a detail definition of copyright. literary and artistic creation

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<sup>19</sup> *ibid.*

<sup>20</sup> *Digital Copyright Law*, HELPLINELAW (Jan 18 2021, 01:20 PM), <http://www.helplinelaw.com/business-law/ETDCL/digital-copyright-law.html>.

<sup>21</sup> Om Prakash Gupta (IAS), *IPR in India*, NJA (Jan 18 2021, 01:30 PM), [http://www.nja.nic.in/Concluded\\_Programmes/2017-18/P-1048\\_PPTs/1.IPR%20in%20India.pdf](http://www.nja.nic.in/Concluded_Programmes/2017-18/P-1048_PPTs/1.IPR%20in%20India.pdf).

<sup>22</sup> Sec 14 of Copyright Act, 1957, No. 14, Act of Parliament, 1957, (India).



is a unique feature of human mind, this creation and protected and promoted by copyright law. Copyright is concerned with the negative right of preventing copying the physical material existing in the field of literature and the art. Its object is to protect creator of original work. Copyright law protects expression of ideas rather than the idea itself. Section 13 of the Copyright Act, 1957 copyright protection is conferred on literary, artistic, dramatic, musical work, cinematographic films and sound.<sup>23</sup> Copyright protection is conferred on all original work. That means it should not be copied from any other source. Protection to copyright starts at the time when the work is done. It is pertinent to note that the registration is not compulsory; however it is always desirable to register the work for better protection. The registration itself not confers any right but it merely shows prima facie proof of an entry in respect of such work.<sup>24</sup> The copyright Act confers protection in the following two ways:

1. **Economic Rights-**The author of the work enjoys economic rights under section 14 of the said Act. Economic rights generally includes to reproduce the work in any material form including the storing of it in any medium or to issue copies to the public or to perform the work in public etc., the author also enjoys the right to sell or to give on hire or to offer on sale.
2. **Moral rights-** Section 57<sup>25</sup> of the Act gives us two rights i.e right to paternity and right to integrity. Right to paternity refers to a right to claim authorship of work and right to prevent others from claiming authorship of his work. On the other hand right of integrity protects the author to prevent distortion, mutilation and alteration of his work which would be prejudicial to his honour and reputation.

The owner of the copyright can generate wealth not only by exploiting it but also by sharing it with others for mutual benefit. This can be done by the way of assignment and licensing of copyright. Section 19 of the Act provides conditions for assignment that it should be in writing and the owner must specify the right which he is willing to assign to another person and duration and territorial extend of such assignment. Appellant board is the dispute redressal body to take cognizance on the complaint. Where a person intentionally or unintentionally infringes the rights of the copyright holder, the holder may be subject to the following remedies available under this Act:<sup>26</sup>

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<sup>23</sup> *Copyright law in India*, LEGALSERVICESINDIA (Jan 18 2021, 01:45 PM), <http://www.legalserviceindia.com/article/1195-Copyright-Law-in-India.html>.

<sup>24</sup> *ibid*.

<sup>25</sup> See, section 57 of Copyright Act, 1957, No.14, Act of Parliament, 1957, (India).

<sup>26</sup> Ayush Verma, *Overview of the Copyright Act*, IPLEADERS (Jan 19 2021, 11:30 AM) <https://blog.ipleaders.in/an-overview-of-the-copyright-act-1957/amp/>.

- Civil remedies (Sec 55 of the Copyright Act,1957)
- Interlocutory injunction- Mareva injunction
  - Anton Piller order
- Pecuniary remedies
- Criminal remedies (Sec 63)

## 2. Patent Act, 1970

The word Patent refers to a monopoly right over an invention. All inventions are not patentable nor is it essential to protect inventions solely through patent. Section 2(m) gives statutory definition of patent. Supreme Court in many cases highlighted the object of grant of Patent is to encourage research and development and innovation. Patent registrations confers on the legal owner a right capable of protection under the Act i.e. the right to exclude others from using the invention for a limited period of time. The monopoly over patented right can be exercised by the owner for a period of 20 years<sup>27</sup> after which it is open to exploitation by others. Patent confers the right to manufacture, use, and offer for sale, sell or import the invention for the prescribed period. **Section 3(d) of the Indian Patent Act 1970 (amended in 2005)** does not allow patent to be granted to inventions involving new forms of a known substance unless it differs significantly in properties with regard to efficacy i.e it does not allow evergreening of patent.

### What are the conditions for Grant of Patent in India

- The application for Patent to be made at the Indian Patent Office.
- Any person i.e. Indian or a Foreigner, individual, company or the Government can file a Patent Application.
- The applicant shall be the true and first inventor of the invention. The patent application can also be made jointly.<sup>28</sup>
- The application shall disclose the best method of performing the invention known to the applicant for which he is entitled to claim protection.<sup>29</sup>
- The applicant shall also define the scope of invention.

The act also provides the items which are not patentable. It also provides mechanism for

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<sup>27</sup> Section 53 of patent act,1970, No.39, Act of Parliament,1970(India).

<sup>28</sup> Section 6 of Patent Act,1970, No.39, Act of Parliament,1970(India).

<sup>29</sup> See section 10 of Patent Act,1970, No.39, Act of Parliament,1970(India).

infringement of copyright.<sup>30</sup>

### 3. Trade mark Act,1999

Trade mark is one of the branches of IPRs. Section 2(zb) of the act define trademark as a mark capable of being represented graphically and which is capable of distinguishing the goods or services of one person from those of others and may include shape of goods, their packaging and combination of colours. These marks are intended to be used in commerce to identify the goods of ones. It is considered as a brand name. it is a mark which is capable of distinguishing the goods or services of one from those of others. The proprietor of a trade mark has a right to file a suit for infringement of his rights. The act provides various remedies such as:

- Injunction
- Damages
- Account of profits

In the case of **Hearst Corporation vs Dalal Street Communication Ltd**<sup>31</sup>, the court held that a trade mark is infringed when person in the course of trade users a mark wglich identical with or deceptively similar to the trade mark in relation to the goods in respect of which the trademark is registered.

### 4. Geographical indications Act,1999

Geographical indication means any indications which define the goods as originating in the territory of a country or a region or locality in that territory, provided a given quality reputation or other characteristics of the product are attributable to its geographical origin.<sup>32</sup> Geographical indication is used to indicate the regional origin of particular goods. Any producer who meets the standard laid by the GI owner can use as GI. Registered GI confers certain rights on the registered proprietor and the authorized user and they can also institute suit for its infringement. Some examples of the GI are: Basmati Rice, Darjeeling Tea, Kanchipuram Saree, Nagpur Orange Kolhapuri Chappal, Agra Petha etc. some time conflict arises between two different regions because of common usage. Thus many claim that these names should not belong exclusively to one specific group in a specific geographical location as consumers.

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<sup>30</sup> *Basics of Patent Law in India*, VAKILNO.1.COM (Jan 19 2021, 02:00 PM) <https://www.vakilno1.com/bareacts/laws/the-basics-of-patent-law-in-india.html>.

<sup>31</sup> *Hearst Corporation v. Dalal Street Communication Ltd* (1996) Cal (India).

<sup>32</sup> Akaersh verma, *Geographical Indication- Intellectual Rights*, LEGALSERVICESINDIA (Jan 19 2021, 04:00 PM) <http://www.legalserviceindia.com/articles/geoind.htm>

**The conditions which must be complied before filing application:**

1. A statement of how the GI serves to designate the goods are originating from the concerned territory in respect of the quality, reputation which are due exclusively from the others.
2. The class of goods to which the GI shall apply.
3. The geographical map of the territory of the country or region or locality in which such goods are manufactured.
4. Particulars regarding appearance of the GI.

The registration of GI, gives the authorized user the right to obtain relief in respect of infringement and exclusive rights to the use of GI in relation to the goods in respect of which it is registered.<sup>33</sup>

**5. Design Act, 2000-**

Products which are artistically designed attract the attention of customers. When people go for their purchase may it be textile, electronic item etc. they get attracted by the shape and design of goods. So the creative originality of a design needs legal protection against copying. Paris convention and Berne Convention, Hague Conventions to some extent gives protection to the designs. In India the first law on Design was formulated in British times named as Patent and Design Act, 1872. When a separate Patent Act was enacted in 1970, the provisions related to patent were repealed and the Act was renamed as Design Act, 1911. This Act continued till Design Act, 2000 was enacted.

**Salient Features of Design Act-**

The act not only promotes creation of new and original design for products but also aims to balance the competing interests by granting time bound monopoly to use such registered design. Salient features of the Acts are as follows-

- It contains the provisions for identification of non- registrable designs.
- It introduces internationally followed system of classification in the place of Indian classification.
- It provides register for design in computer
- It provides provisions for restoration of lapsed design.

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<sup>33</sup> *ibid.*

- It revokes the period of secrecy of two years of a registered design.
- It also enhanced the punishment for infringement of designs.
- It contains the specific provisions to protect the security of India.<sup>34</sup>

## 6. Biological Diversity Act,2002

Biodiversity plays vital role in sustaining conservation of nature and development of biotechnology industry. Biodiversity is basic to progress in improving the productivity of plants, animals, fishes etc. India is rich in traditional and indigenous knowledge, both coded and informal. Hence there is need to protect biodiversity in India against bio piracy. The main object of the Act are as follows; to regulate access to biological resource of the country, to conserve the sustainable use of biodiversity and protection and rehabilitation of threatened species.

### Salient Features of the Act-

- It proposed to have National Biodiversity Authority, state Biodiversity Boards, Biodiversity Management committee. It is proposed to set biodiversity funds at central, state and local level.<sup>35</sup>

## VI. NATIONAL IPR POLICY

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. It aims to incorporate and adapt global best practices to the Indian scenario. The theme of the policy is “**Creative India; Innovative India**”. It brings to a single platform all IPRs, taking into account all inter-linkages. **Department of Industrial Policy & Promotion (DIPP)**, Ministry of Commerce, Government of India, has been appointed as the **nodal department** to coordinate, guide and oversee the implementation and future development of IPRs in India. India’s IPR regime is in compliance with the WTO’s agreement on **Trade-Related Aspects of Intellectual Property Rights (TRIPS)**. India’s rank in the Global Innovation Index issued by WIPO has improved from 81st in 2015 to 52nd place in 2019. Moreover India’s rank in the issued by WIPO has improved from 81st in 2015 to 52nd place in 2019. Amplification of technical manpower by the government has resulted in drastic reduction in pendency in IP applications. One of the main achievements

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<sup>34</sup> *Supra* note 8, at 212-216

<sup>35</sup> *ibid* at 256

in IPRS is automatic issuance of electronically generated patent and a trademark certificate has also been introduced.

### **Objectives of National IPR Policy-**

- **IPR Awareness**
- **To encourage the creation of IPRs**
- **Legal and Legislative Framework**
- To modernize and strengthen service-oriented IPR administration.
- **To get revenue for IPRs through commercialization.**
- To strengthen the enforcement and adjudicatory mechanisms for combating IPR infringements.
- To strengthen and expand human resources, institutions and capacities for teaching, training, research and skill building in IPRs.<sup>36</sup>

## **VII. CONCLUSION**

Since many years, India has made a number of changes in its IPR system to increase efficiency. The traditions of innovation have already been started in the country. This has been resulted in improvement in ranking in **Global Innovation Index** over the last years. Government is also making efforts to strengthen the National IPR policy, e-governance and focusing on commitment to abide by the TRIPS agreement of WTO. IPR Awareness programs have to be conducted in academic institutions, including rural schools through satellite communication, and for industry, police, customs and judiciary. The academic curriculum to be changed in the direction of development of IPRs. A proper resolution mechanism for resolving IPR related issues is needed. IP laws and regulations to be harmonized so that benefits can be taken from strong IP. **Make in India and Start up India program depends entirely on new innovation.**

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<sup>36</sup> *Intellectual Property Right*, DRISHTIILAS (Jan 20 2021, 11:45), <https://www.drishtiiias.com/to-the-points/paper3/intellectual-property-rights>.