

IPR-related issues in India like patents, trademarks, copyrights, designs and geographical indications are governed by the Patents Act 1970 and Patent Rules 2003, Trademarks Act 1999 and the Trademarks Rules 2002, Indian Copyrights Act, 1957, Design Act 2000 and Rules 2001, and The Geographical Indications of Goods (Registration & Protection) Act, 1999 and The Geographical Indications of Goods (Registration & Protection) Rules 2002, respectively.

IPR plays a key role in almost every sector and has become a crucial factor for investment decisions by many companies. All the above Acts and regulations are at par with international standards. India is now TRIPS-compliant. This is an international agreement administered by the World Trade Organization (WTO), which sets down minimum standards for many forms of intellectual property (IP) regulations as applied to the nationals of other WTO Members. The very well-balanced IPR regime in India acts as an incentive for foreign players to protect their Intellectual Property in India. This can be established by the very fact that approximately 80% of patent filings in India are from the MNCs.

While the IPR regime in India consists of robust IP laws, it lacks effective enforcement, for which “least priority given to adjudication of IP matters” is often quoted as a reason. The key challenge is to sensitize the enforcement officials and the Judiciary to take up IP matters, at par with other economic offences, by bringing them under their policy radar. Further, it is imperative that there be established a ‘Think Tank’ or a group, which can bring the varied sets of stakeholders on to a common platform, leading to extensive/exhaustive and an all inclusive debate/discussion, facilitating well-informed policy decisions in accordance with India’s socio-economic-political needs. The challenges also lie in having an IP fund, which can be utilized for further developing the IP culture in the country. There is also the need to have a National IP Policy for India, which will help in working towards realizing the vision of India in the realm of IP. This will facilitate the creation of a strong socio-economic foundation and deep international trust.

FICCI’s efforts emphasize the enhancing of the working of the Indian Patent Office, thereby, bringing greater transparency in its working, and facilitating the Government in developing a policy for India.

The IPR division tries to provide proactive business solutions through research, interactions at the highest political level while facilitating global networking. Further, since the IPR provides exclusive rights over assets, it is a major challenge for the country to balance the interests of the innovators and the interests of the society at large.

In today’s highly competitive global economy, IPRs are giving companies the cutting edge and increasing their competitiveness. With recent changes in IP laws, various IP related issues have sprung up, which are highly complex in nature. FICCI envisions itself as the ‘thought’ leader in the field of IPR. FICCI also views itself as being capable enough to assist the government and the industry captains in all IP related matters.

Showcasing its unparalleled capabilities in this sphere, FICCI’s IPR division organises the World IP Day on April 26th every year. In fact, on World IP Day 2010, FICCI prepared and submitted a discussion paper on the National IP Policy to the Government of India. In 2011 as well, FICCI submitted a brief report to the Government of India, with a view to safeguarding India’s interests in the fields of traditional knowledge and traditional cultural expressions, at the International Governmental Committee meeting at WIPO.