

Introduction of National Policy concerning Promotion of Innovation and Intellectual Property in **INDIA**

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JIPII (Tokyo, Japan)

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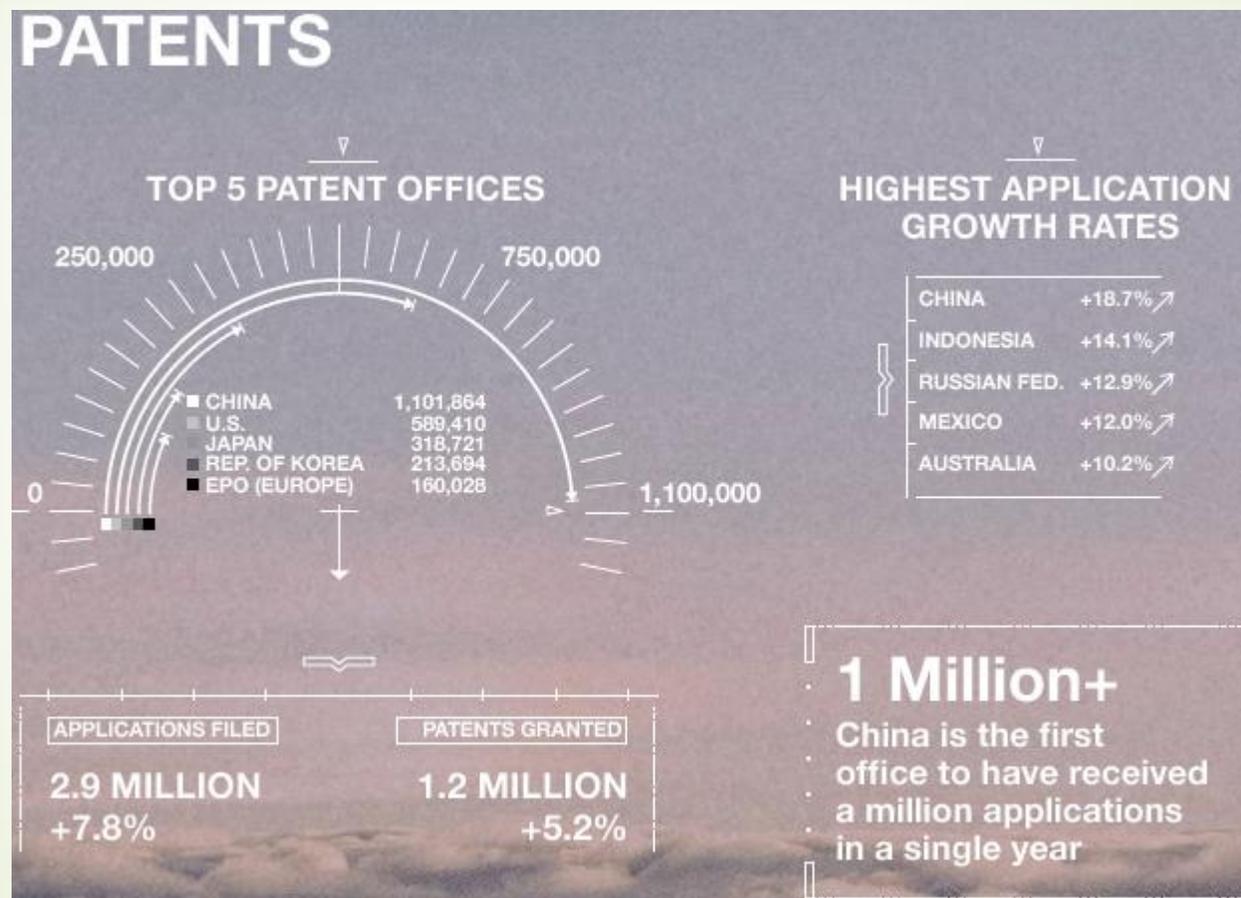
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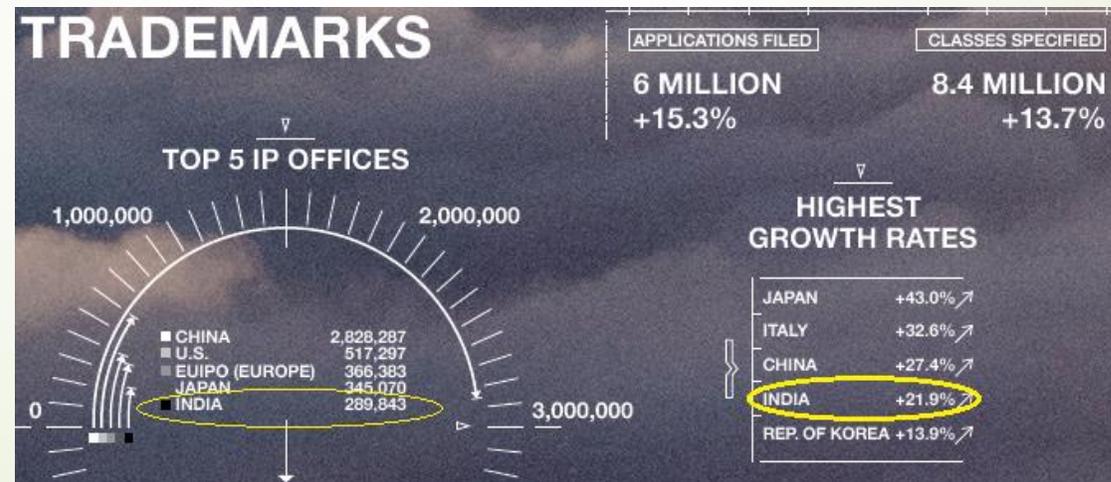
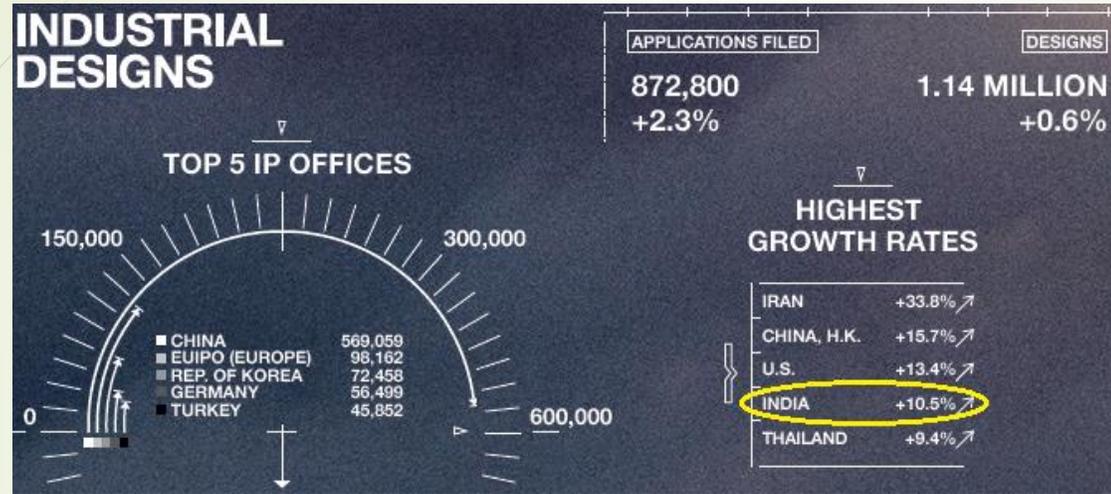
Indo-Japan relation

- ▶ Begun in the 6th century when Buddhism was introduced to Japan
- ▶ After World War II, in 1949, Indian Prime Minister Jawaharlal Nehru donated an Indian elephant to the Ueno Zoo in Tokyo
- ▶ Bilateral Treaties/agreements signed
 - ▶ **Treaty of Peace (1952)**
 - ▶ Agreement for Air Service (1956), Cultural Agreement (1957), Agreement of Commerce (1958)
 - ▶ Convention for the Avoidance of Double Taxation (1960)
 - ▶ Agreement on Cooperation in the field of Science and Technology (1985)
 - ▶ Japan-India Comprehensive Economic Partnership Agreement (2011)
 - ▶ Agreement on Social Security (2012)
 - ▶ Agreement Concerning the Transfer of Defence Equipment and Technology (2015)
 - ▶ Agreement Concerning Security Measures for the Protection of Classified Military Information (2015)
 - ▶ **Civil nuclear agreement (2016)**

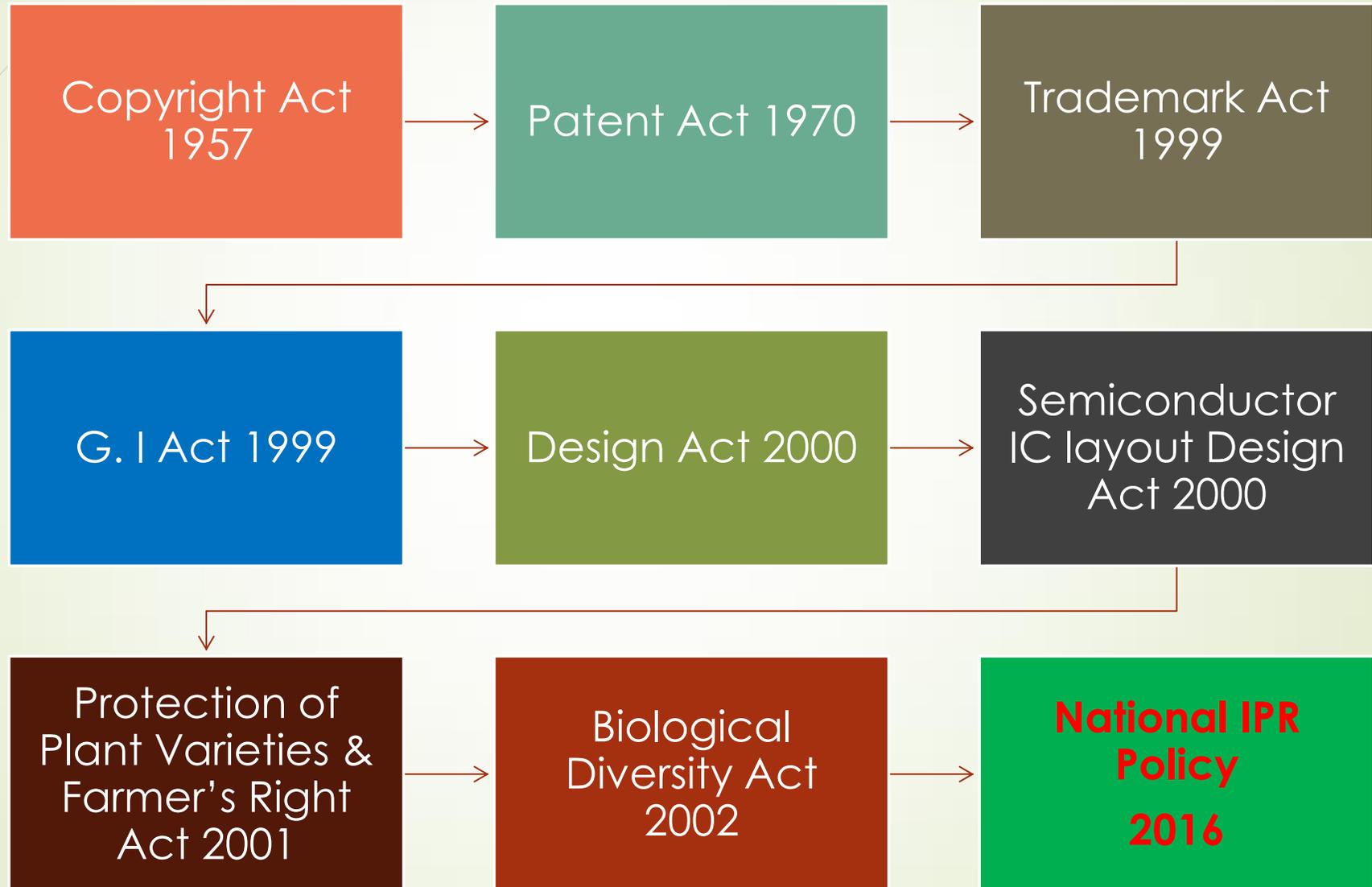
Global Data on IP filings for 2015



Global Data on IP filings for 2015



Indian IPR Law Regime





#startupindia



Skill India
कौशल भारत - कुशल भारत

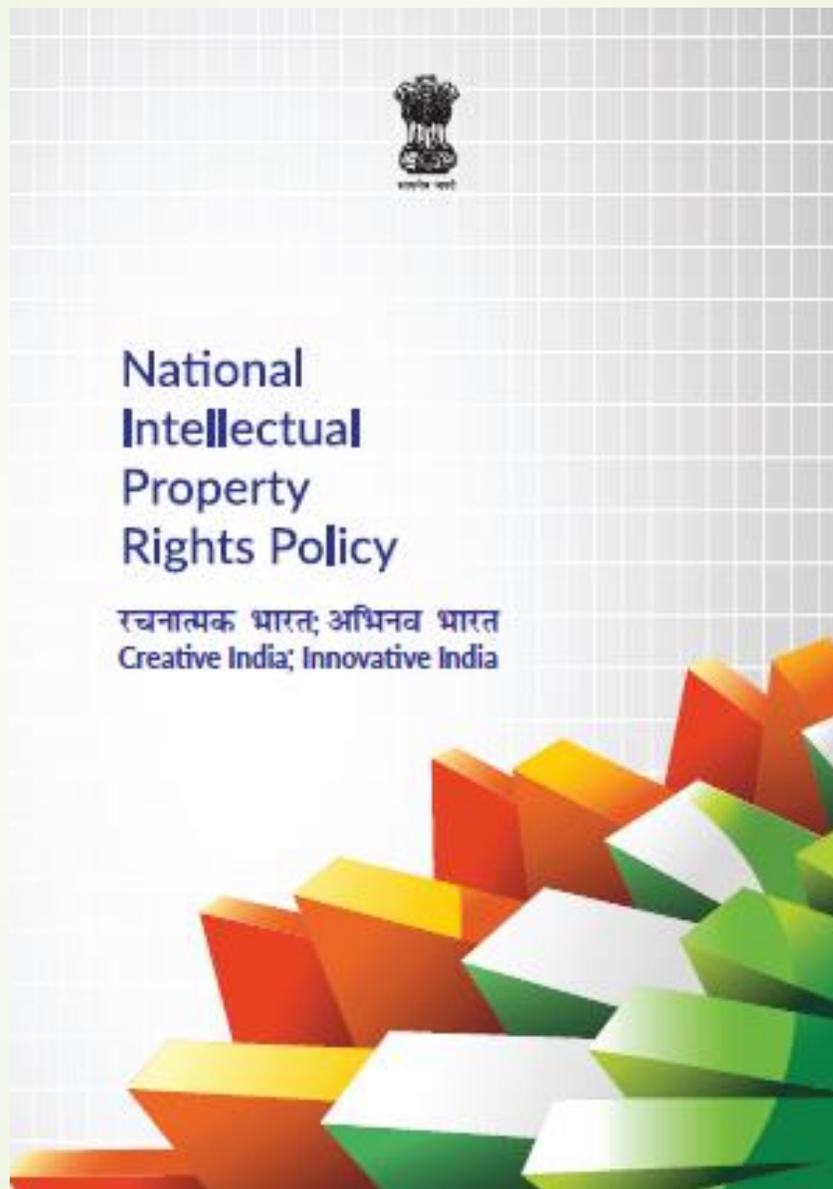


ci pam
Creative India
Innovative India

Digital India
Power To Empower

jan aushadhi
Quality Medicines At Affordable Prices for All

Smart City
MISSION TRANSFORM-NATION



Vision Statement

- ▶ An India where creativity and innovation are stimulated by Intellectual Property for the benefit of all;
- ▶ An India where intellectual property promotes advancement in science and technology, arts and culture, traditional knowledge and biodiversity resources;
- ▶ An India where knowledge is the main driver of development, and knowledge owned is transformed into knowledge shared.

Mission Statement

- ▶ Stimulate a dynamic, vibrant and balanced intellectual property rights system in India to: foster **creativity and innovation and thereby, promote entrepreneurship** and enhance socio-economic and cultural development, and
- ▶ Focus on enhancing access to healthcare, food security and environmental protection, among other sectors of vital **social, economic and technological importance.**



1. IPR Awareness: Outreach & Promotion

To create public awareness about the economic, social and cultural benefits of IPRs among all sections of society



1. IPR Awareness: Outreach & Promotion

- Adopt national slogan “Creative India; Innovative India” and link with other government initiatives

- Create a systematic campaign for promotion of India’s IP strength
 - Customizing programs for specific needs of MSMEs, Start-ups, R&D institutes and entrepreneurs
 - Reaching out to the less visible and silent IP generators and holders
 - Including case studies of successful use of IPRs
 - Promoting the idea of high quality and cost effective innovations
 - Involving eminent personalities as “ambassadors” to spread awareness
 - Use audio/visual, print/electronic and social media for propagation
 - Creating material for IP promotion in Multilanguage and pictorial form

1. IPR Awareness: Outreach & Promotion

- Create awareness programs targeting industry and R&D entities
 - Providing understanding to researchers about protecting their inventions
 - Engaging public funded R&D and private sector to create campaigns
 - Encourage large corporates to develop IP programs for their employees

- Create well established events and programs to emphasize the importance of IP
 - Celebration of “World IP Day” at various platforms
 - Setting up India’s “Hall of Fame” to celebrate IP innovators

- Create suitable IP course material for educational institutes
- Engage with media to sensitize them regarding IP related issues

IPR Awareness: Current Scenario

- The Controller General of Patents, Designs & Trade Marks (CGPDTM)
 - <http://www.ipindia.nic.in/resources.htm>
 - Spent INR 25.66 lakhs on IPR awareness during the years 2015-16

- The Rajiv Gandhi National Institute of Intellectual Property Management (RGNIPM)
 - <http://www.ipindia.nic.in/rgniipm.htm>
 - Conducted 53 training and awareness programmes during 2015-16

- Federation of Indian Chambers of Commerce and Industry (FICCI)
 - <http://ficci.in/sector-overview.asp?secid=24>

IPR Awareness: Current Scenario

- Ministry of Electronics & IT (MeitY)
 - <http://meity.gov.in/content/deity-ipr-cell>
 - <http://www.ict-ipr.in/sipeit/IPRForm>
 - <http://ict-ipr.in/index.php/ip-panorama>
- Confederation Of Indian Industry (CII)
 - <http://www.cii.in/sectors.aspx?enc=prvePUj2bdMtgTmvPwvisYH+5EnGjyGXO9hLECvTuNuHWy2toKX9E+7m6bzCAx3k>
- National Innovation Council (NIC)
 - http://innovationcouncilarchive.nic.in/index.php?option=com_content&view=article&id=24&Itemid=17
 - <http://gsinc.gujarat.gov.in/>
- Council of Scientific and Industrial Research (CSIR)
- Cell for IPR Promotion and Management (CIPAM)
 - http://www.inta.org/INTABulletin/Pages/India_Update_7121.aspx

2. IPR Generation

To stimulate the generation of IPRs



2. IPR Generation

- ▶ Carry out IP audit or base line survey and evaluate areas of strength and potential, and prioritize target groups of inventors

- ▶ Encourage researchers by:
 - ▶ Linking IP creation with key performance and career progress
 - ▶ Providing uniform guidelines on royalty sharing mechanisms
 - ▶ Providing guidance to focus on national priority areas
 - ▶ Creating industry-academia interface

- ▶ Incentivize IP generation by:
 - ▶ Tax benefits
 - ▶ Financial support
 - ▶ Effective and simple loan guarantee schemes
 - ▶ Special incentive to IPR in green technology and energy efficient technology

2. IPR Generation

- Encourage Open Source Drug Discovery (OSDD) for new invention for prevention, diagnosis and treatment of life threatening disease
- Ambit of Traditional Knowledge Digital Library (TKDL) should be expanded
- Introduce IPR in curriculum of Universities, law, and technical institutes
- Increase awareness of International mechanism (PCT, Madrid, Hague) to encourage IPR protection internationally
- Encourage innovation in agriculture and pisciculture through application of IP
- Encourage GI registration through support institutions
- Encourage creation of design related IP rights by promoting innovations protectable under design law
- Take steps to increase domestic patent filings
- Promote India's rich heritage of traditional knowledge with effective involvement of holders of such knowledge

IPR Generation: Current Scenario

- ▶ Patent Information centres
- ▶ Patent facilitation centres (<http://www.ipface.org/contact.php>)
- ▶ Patent registration reimbursement scheme
 - ▶ MeitY: 50% or INR 15 lakhs
 - ▶ Gujarat State Government: 75% or INR 25 lakhs
- ▶ Scheme for facilitating Start-Ups for IPR Registration
- ▶ National IP Awards since 2009
- ▶ Open Source Drug Discovery (OSDD) in place (<http://www.osdd.net/home>)
- ▶ Council of Scientific and Industrial Research (CSIR) (<http://www.csir.res.in/>)
- ▶ National Innovation Foundation (NIF) (<http://nif.org.in/>)
- ▶ National Innovation Council (NIC)
- ▶ Many incentives and tax benefits already exist for R&D centres
- ▶ Reduced tax on income generated from patent commercialization/royalty

3. Legal and Legislative Framework

To have strong and effective IPR laws which balance the interests of rights owners with larger public interest



3. Legal and Legislative Framework

- ▶ Review existing IP Laws and rules and update/improve them for clarity, simplification, streamlining.
- ▶ Engage constructively in the negotiation of international treaties and agreements in consultation with stakeholders
 - ▶ to examine accession to some multilateral treaties which are in India's interest
 - ▶ to develop legally binding international instruments to protect Traditional Knowledge (TK), Genetic Resources (GR) and Traditional Cultural Expressions (TCE)
- ▶ Undertake an in-depth study to determine the appropriateness and extent of applying existing laws to protecting TK, GR and TCE
- ▶ Identify important areas of study and research for future policy development

3. Legal and Legislative Framework

- ▶ Indian Cinematography Act, 1952 may be suitably amended to introduce provision against illegal duplication of films
- ▶ Identify important areas of study and research for future policy development such as:
 - ▶ Interplay amongst IP laws to remove ambiguities if any
 - ▶ IP interface with competition law and policy
 - ▶ Guidelines for authorities whose jurisdictions impact administration or enforcement of IPR
 - ▶ Protection of Trade Secrets
- ▶ Examine issue of Technology Transfer, know-how and licensing relating to SEPs on fair and reasonable terms and provide legal framework to address these issues

Legal and Legislative Framework: Current Scenario

- ▶ Patent rules amended recently
- ▶ Trademark rules amendment is under discussion
- ▶ India was the first country to ratify the Marrakesh Treaty
- ▶ DIPP has published the discussion paper “Standard Essential Patents, and their availability on FRAND terms” and invited comments from the public

4. Administration and Management

To modernize and strengthen service oriented IPR administration



4. Administration and Management

- ▶ The administration of the Copyright Act, 1957 and the Semiconductor Integrated Circuits Layout-Design Act, 2000 is being transferred to DIPP
- ▶ Create Cell for IPR Promotion and Management (CIPAM) to facilitate promotion, creation and commercialization of IP assets
- ▶ Study and review the organizational and cadre structure, process of recruitment, training, career development and performance based incentive to attract and retain the best talent
- ▶ Modernize physical and ICT (Information & Communication Technology) infrastructure to accelerate e-filing, e-processing and other e-services
- ▶ Promote interaction and collaboration between IPOs and R&D institutes
- ▶ Promote cooperation with IP offices in other countries in areas of capacity building, HR development, training, database access, search and examination, use of ICT and user oriented services

4. Administration and Management

- ▶ Restructure, upgrade and modernize CGPDTM office
 - ▶ Fix and adhere to timeline for grant and opposition matter
 - ▶ Adopt best practices for filing and docketing and digitization of records
 - ▶ Create service oriented culture to make IPOs more user friendly
 - ▶ Expedite digitization of design office and enable online search and filing
 - ▶ Ensure that public records are easily accessible both online and offline
 - ▶ Conduct periodic audits of processes for efficient and smooth process
 - ▶ Implement quality standards with aim to obtain ISO certification
 - ▶ Establish effective coordination between IPOs and National Biodiversity Authority to enable harmonious implementation
 - ▶ Provide continuous training to staff of IPOs to keep them updated
 - ▶ Joining Centralized Access for Search and Examination (CASE) and Digital Access Service (DAS)
 - ▶ Existing guidelines should be reviewed periodically and revised
 - ▶ Conduct patent and trademark agent exam at regular intervals

4. Administration and Management: Current Scenario

- ▶ CIPAM has been formed and implemented
- ▶ Digitization and ICT infrastructure has been improved a lot and this is visible
- ▶ IPO office has started meeting with stake holders to discuss issues
- ▶ MOU signed with other IP Offices (UK- Nov 2016, Singapore- Oct 2016)
- ▶ Started working to reduce backlog and shorten timeline of IP registration
- ▶ Conducted Patent Agent Exam in Nov 2016 and Trademark Agent Exam in Oct 2015
- ▶ Access to WIPO CASE and DAS is under discussion
- ▶ Set up Task force on innovation to strengthen eco system of innovation (Sep 2016)

5. Commercialization of IPR

To Get value for IPRs through commercialization



5. Commercialization of IPR

- ▶ CIPAM shall undertake the following tasks
 - ▶ Provide platform for IPR owners by acting as a facilitator for innovator to be connected with potential users, buyers and funding agencies
 - ▶ Undertake a study to examine feasibility of an IPR exchange
 - ▶ Facilitate access to databases on Indian IP and global database of creator/innovator, market analyst, funding agencies
 - ▶ Implement best practices for promotion and commercialization of IP

- ▶ Promote licensing and technology transfer for IPR
- ▶ Provide single window service to commercialize IPR
- ▶ Incentivize Indian inventors, MSMEs and Start-ups to acquire and commercialize IP

5. Commercialization of IPR

- ▶ Promote going-to-market activities by:
 - ▶ Creating mechanism to validate pilots and scale up through market testing
 - ▶ Providing seed fund for marketing activities
 - ▶ Providing guidance and support to IPR owners about commercial opportunities through e-commerce
 - ▶ Encouraging enterprises to create brand equity from their IP rights such as Trademarks and GIs

- ▶ Identify opportunities for marketing Indian IPR based products, especially GIs and services to a global audience

- ▶ Examine availability of Standard Essential Patents (SEPs) on fair, reasonable and non-discriminatory (FRAND) terms

5. Commercialization of IPR

- Support financial aspects of IPR commercialization by:
 - Enabling valuation of IP rights as intangible assets
 - Facilitating investments in IP driven industries and services
 - Providing financial support to less empowered groups of IP owners
 - Providing financial support for development and commercialization of IP assets

- Ensure enhanced access to affordable medicines by:
 - Encouraging cross sector partnership between public and private sector
 - Promoting novel licensing models
 - Developing a novel technology platform

- Streamline regulatory processes to ensure timely approval for manufacturing and marketing drugs while maintaining safety and efficacy standards

- Incentivize domestic API manufacturer and revitalizing public sector undertakings in the healthcare sector

Commercialization of IPR: Current Scenario

- ▶ National Research Development Corporation (NRDC)
 - ▶ <https://www.nrdcindia.com/english/index.php/about-us/vision>
- ▶ National Innovation Foundation (NIF) (<http://nif.org.in/>)
- ▶ Venture Centre Outreach Centre (<http://www.venturecenter.co.in/nccs/>)
- ▶ Council of Scientific and Industrial Research (CSIR) (<http://www.csir.res.in/>)

6. Enforcement and Adjudication

To strengthen the enforcement and adjudicatory mechanisms for combating IPR infringements



6. Enforcement and Adjudication

- ▶ Create awareness of IP value and respect for IP culture by:
 - ▶ Educating general public on ills of counterfeit and pirated products
 - ▶ Engaging with all levels of industry, including e-commerce
 - ▶ Sensitizing creators of IP on measures for protection and enforcement of their rights
- ▶ Undertake stringent measures to curb manufacture and sale of misbranded, adulterated and spurious drugs
- ▶ Public awareness on enforcement mechanisms to combat piracy
- ▶ Support for small technology firms for protecting and safeguarding their IP rights internationally
- ▶ Pursue incidents of misappropriation of TK, GR and TCE in other countries vigorously
- ▶ Licensing practice that may have adverse impact on competition should be addressed through appropriate measures

6. Enforcement and Adjudication

- Strengthen the enforcement mechanisms for better protection of IP rights by:
 - Enhanced coordination between the various agencies
 - Working closely with state gov. for establishment of IP cells for curbing IP offences
 - Augmenting manpower, infrastructure and technology capabilities
 - Providing regular training for officials in enforcement agencies
 - Taking up the issue of Indian works and products being counterfeited abroad
- Facilitate effective adjudication of IP disputes through different measures
 - Adjudicating IP disputes through specialized IP commercial courts
 - Creating IP modules including case laws for the benefit of judges
 - Promoting ADRs in the resolution of IP cases

Enforcement and Adjudication: Current Scenario

- ▶ Creating IPR awareness through many initiatives
- ▶ Current courts/Judges are learning from international cases
- ▶ Much more work to be done in this area

7. Human Capital Development

To strengthen and expand human resources, institutions and capacities for teaching, training, research and skill building in IPRs



7. Human Capital Development

- Strengthen and empower RGNIPM
- Strengthen IP Chairs in educational institutes of higher learning
- Introduce multi-disciplinary IP courses/modules for all training institutes
- Make IPR an integral part of curriculum in educational institutes
- Strengthen existing and creating new IPR cells
- Encourage formation of IP Policy at all gov. dept. and other institutes
- Progressively introduce IP teaching in schools, colleges and other institutes
- Develop distance learning and e-courses on IP for all categories
- Strengthen IP teaching, research and training in collaboration with WIPO, WTO & other international organizations
- Encourage and support capacity building among female creators, innovators, entrepreneurs, teachers and trainers

Human Capital Development: Current Scenario

- Recruited 458 patent examiners
- Hired new Trademark examiners on contract basis
- RGNIPM is improving day by day
- Many distance learning courses are available and increasing
- CSIR female scientist scheme (DST)
- Introduction of IPR in curriculum
- IP summer school by WIPO has started for India location

Implementation

- IP in India is regulated by several laws, rules and regulations under the jurisdiction of different Ministers/Departments
- The legal provisions need to be implemented harmoniously
- Legal, technological, economic and socio-cultural issues arise in different fields and need to be resolved by consensus in the best public interest
- International, regional and bilateral negotiations require developing a common national position in consultation with different Ministries and authorities
- IP Policy aims to integrate IP as strategic tool in national development plans
- The need for a holistic approach to be taken on IP legal, administrative, institutional and enforcement related matters
- DIPP shall be the nodal point to coordinate, guide and oversee implementation and future development of IPR in India
- Actual implementation will remain with Ministries/Departments concerned in their assigned sphere of work along with public and private sector institutions and other stakeholders including state government

Snapshot of IPR Policy

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IPR generation

Generate awareness and actively encourage knowledge generation and its application through IP.

Incentives for emerging technologies

Special incentives for creation of IPRs in green technologies and energy efficient equipment.

Increased focus on innovations pertaining to cyber security.

Adjudication and enforcement

Apply technology based solutions to combat piracy and counterfeiting

Adjudicate IP disputes through commercial courts and promote alternate dispute resolutions.

Facilitate collaboration

Facilitate industry-academia interface to encourage cross-fertilisation of ideas and foster IPR-driven research and innovation.

Incentivise IP assets

Provide financial benefits by way of tax exemption and securitisation using IP assets, and leverage IP assets as an economic tool.

Legislative framework

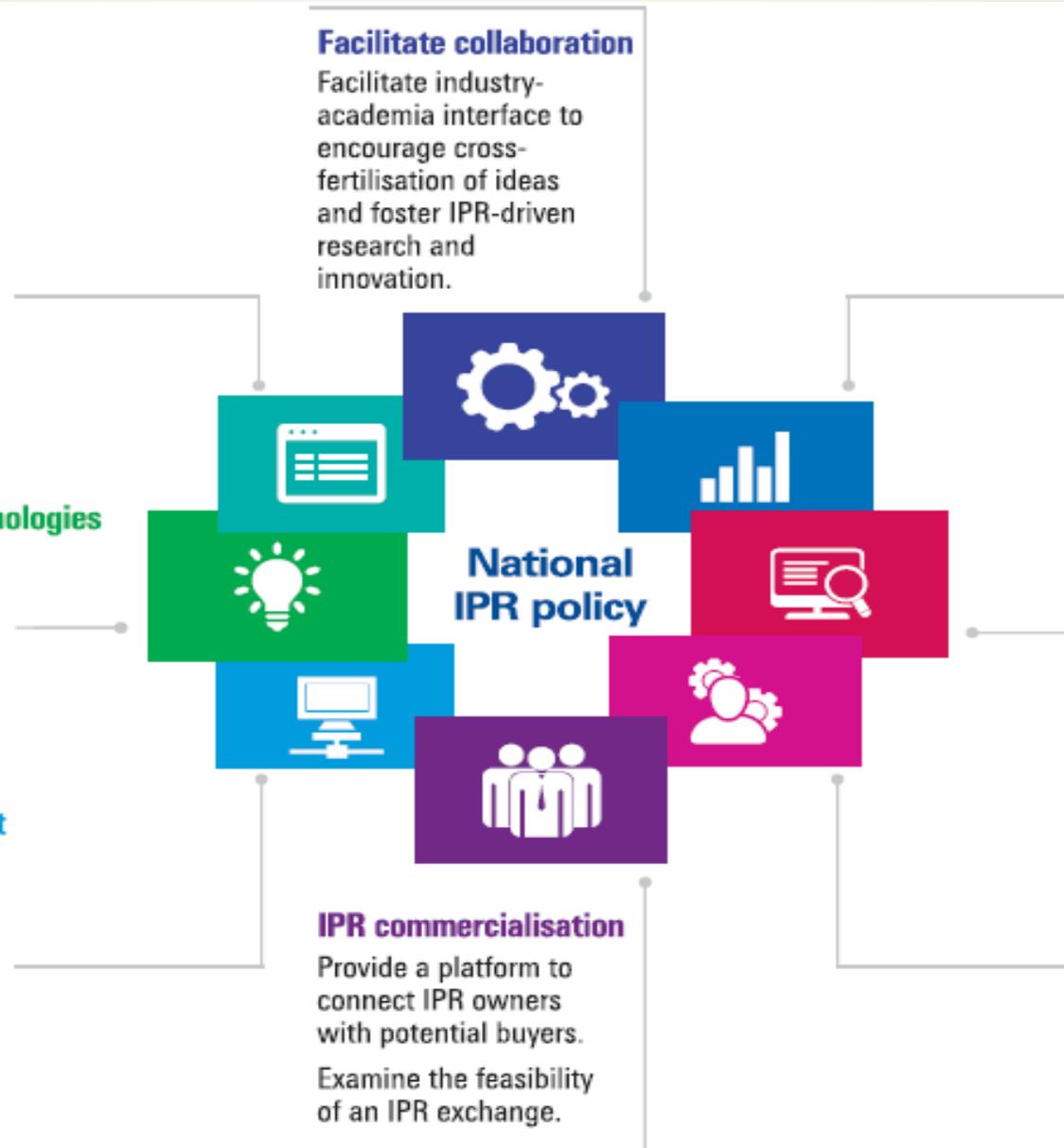
Simplify the IP rules to ensure transparency and efficiency in the practices of IP offices.

Technology transfer, know-how and licensing framework.

Administration of IP offices

Department of Industrial Promotion and Policy (DIPP) to be the nodal agency for administration of IP.

Establish cell for IPR Promotions and Management (CIPAM) for managing IP assets.



Source: KPMG in India's analysis, 2016

Summary points and the Way Forward...

- DIPP will be the nodal agency
- IP policy aims to promote IPRs as a marketable financial asset, promote innovative culture, while protecting public interest
- To build strong and effective IPR laws, steps will be taken
- Policy is fully TRIPS compliant
- Special weight on awareness, generation and effective enforcement, in addition to encouragement of IP commercialization through various incentives
- India will engage constructively in negotiation on international treaties
- Policy seeks to facilitate domestic IPR filings for the entire value chain from IP generation to commercialization
- It aims to promote research and development through tax benefits
- Policy left current patent law intact, mainly section 3(d) and section 84
- Policy will be reviewed every 5 years in consultation with stakeholders
- Crucial things to see are the implementation plans



धन्यवाद

Hind

Hindi

Спасибо

Russian

Buíochas

Irish

ขอบพระคุณ

Thai

多謝

Traditional Chinese

Gracias

Spanish

شكراً

Arabic

Thank You

Obrigado

Brazilian Portuguese

Grazie

Italian

Danke

German

Merci

French

நன்றி

Tamil

Tamil

多谢

Simplified Chinese

감사합니다

Korean

ありがとうございました

Japanese