

INDIA (IN)

I. LEGISLATIVE PROFILE

1. National Legislation

a. Industrial Property

Patents:

- The Patents Act No. 39, September 1970.
- The Patent Rules, 1972.
- The Repealing and Amending Act No. 56 of 1974.
- The Delegated Legislation Provisions (Amendment) Act No. 4 of 1985.
- The Patents (Amendment) Act, March 1999.
- The Patents (Amendment) Act June 2002.
- The Patent (Amendment) Ordinance, 2004.
- The Patent (Amendment) Rules, 2005.

Trade Marks:

- The Trade and Merchandise Marks Act No. 43, October 1958, as amended.
- The Trade and Merchandise Marks Rules 1959.
- The Trade Marks Act No. 47 of 1999, in force September 2003.

Industrial Designs:

- The Designs Act, 2000, in force since 2001.

b. Copyright and Related Rights

Copyright:

- The Copyright Act No. 14, June 1957, as amended by Amendment Acts of 1983, 1984, 1992, 1994 and 1999.
- The Copyright Rules, 1958

Related Rights:

As above, under Copyright.

c. Other Country-Specific Legislation or Activities

Appellations of Origin / Geographical Indications / Indications of Source:

- The Geographical Indication of Goods (Registration and Protection) Act No. 48 of 1999, in force September 2003.

Unfair Competition:

- The Monopolies and Restrictive Trade Practices Act No. 54, December 1969, as amended.



Capital: New Delhi
Population: 1,033,390,000

Plant Variety Protection:

- The Protection of Plant Varieties and Farmers' Rights Act of 2001, entered into force in June 2002.

d. Sources for Information on National Laws

MRTTP Commission	Tel.:	(91.11)	23.38.59.71/4
Kota House Annex			(Chairman)
Shahjahan Road	Fax:	(91.11)	23.38.59.77
New Delhi 110011			
<i>Title of Head:</i> Chairman			

2. Membership of International Bodies**a. Membership of WIPO treaties:**

- WIPO Convention, since May 1975.
- Paris Convention (Industrial Property), since December 1998.
- Berne Convention (Literary and Artistic Works), since April 1928.
- PCT (Patents), since December 1998.
- Geneva Convention (Unauthorized Duplication of Phonograms), since February 1975.
- Budapest Treaty (Deposit of Micro-organisms), from December 2001.
- Nairobi Treaty (Olympic Symbol), since October 1983.

b. WTO: Member and Signatory to TRIPS Agreement, since January 1995.**c. Membership of other bodies/treaties: UCC, SAARC**

- Member of UCC since October 1957.
- Member of SAARC since December 1985.

II. ADMINISTRATION**1. Industrial Property**Supervisory Ministry:

Ministry of Commerce and Industry	Tel.:	(91.11)	23.01.02.21 – 91
Department of Industrial Policy and Promotion	Fax:	(91.11)	23.01.17.70
Udyog Bhavan			
New Delhi 110011			
<i>Title of Head:</i> Minister of Commerce and Industry			

Industrial Property Office:

Office of the Controller General of Patents, Designs and Trade Marks	Tel.:	(91.11)	301.36.56
Government of India Central Government Building 101 Maharshi Karve Road Mumbai 400 020	Fax:	(91.11)	301.17.14
<i>Title of Head:</i> Controller General			

2. Copyright and Related RightsSupervisory Ministry:

Ministry of Human Resource Development Government of India B.2/W.3, Curzon Road Barracks Kasturba Gandhi Marg New Delhi 110 001	Tel.:	(91.11)	23.38.46.87 23.38.24.36 23.38.17.39 23.38.43.87
<i>Title of Head:</i> Minister of Human Resource Development	Fax:	(91.11)	23.38.13.55 23.38.29.47

Copyright Office:

Department of Education Book Promotion & Copyright Division Ministry of Human Resource Development. As above, under Supervisory Ministry.	Tel.:	(91.11)	23.38.46.87 23.38.24.58 23.38.24.36 23.38.25.49
<i>Titles of Head:</i> Registrar of Copyright Secretary, Copyright Board Director to the Government of India	Fax:	(91.11)	23.38.43.87 ext. 12/39/43 23.38.46.87 23.38.13.55 23.38.29.47

Collective Management Societies:

Indian Performing Right Society Ltd. (IPRS)	Tel.:	(91.22)	23.21.75
717, Dalamal Tower	Fax:	(91.22)	287.38.43
Nariman Point	E-mail:	santan@bom2.vsnl.net.in	
Mumbai 400 021			
<i>Title of Head:</i> General Manager			

Phonogram Performance (India) Ltd. (PPL)	Tel.:	(91.22)	639.13.90/91
Flameroof Equipment Building	Fax:	(91.22)	639.13.94
B-39, Off New Link Road Near Monginis Factory			
Andheri (West)			
Mumbai 400 053			
<i>Title of Head:</i> Secretary General			
Society for Copyright Regulation of Indian Producers for Film and Television (SCRIPT)			

III. AUTHORITIES ENFORCING INTELLECTUAL PROPERTYIndustrial Property Tribunal

Information not available.

Copyright Tribunal

Information not available.

Other

Directorate General of Revenue Intelligence	Tel.:	(91.11)	23.31.94.65
7 th Floor. I.P. Bhavan, I.P. Estate			23.31.13.82
New Delhi 110 002	Fax:	(91.11)	23.31.22.97
<i>Title of Head:</i> Director General			23.31.96.60

IV. EDUCATIONAL INSTITUTIONS TEACHING INTELLECTUAL PROPERTY

University of Delhi	Fax:	(91.11)	27.25.70.49
Faculty of Law			
Delhi 110 007			
<i>Title of Head:</i> Dean and Head			

V. INDUSTRIAL PROPERTY STATISTICS

Applications filed and/or registered for 1999 and 2005:

		Patents (direct filings)	Trade Marks (1999)	Industrial Designs Information not available.
Applications by:	residents	6,610	60,985	
	non-residents		5,393	
Grants to:	residents		6,747	
	non-residents		1,263	

PCT – 2005

Applications by residents and non-residents: 11,090 (National Phase Entries)
 Grants to residents and non-residents: Information not available.