

**WIPO CONFERENCE ON THE ROLE OF INTELLECTUAL  
PROPERTY OFFICES (IPOS) IN PROMOTING INNOVATION,  
BUSINESS COMPETITIVENESS AND ECONOMIC GROWTH**



**Country presentation by:**

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# **GENERAL PRINCIPLES APPLICABLE TO THE WORKING OF THE PATENTED INVENTIONS :**

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**The basic principle to grant the inventions laid down in Section 83 of the Indian Patents Act.**

**-The patents are granted to encourage the inventions,  
-that the protection & enforcement of patent rights contribute to the promotion of technological innovation & to the transfer & dissemination of technology , to the mutual advantage of producers & users of technological knowledge & in the manner conducive to social & economic welfare , & to a balance of rights & obligations,  
-patent grant should act as a instrument to promote public interest specially in sectors of vital importance for socio- economic & technological development of India.**

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# Indian Intellectual Property System Towards Achieving Global Standards

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# Evolution Of IPO Mission

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**Traditional Utility office**



**Public Outreach**



**User Friendly IPO**



**Adopting best practices**



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**Achieving global standards**

## Stages In Achieving Global IP Standards

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- meeting international obligations
  - modernising the IPO
  - Adoption of best practices in IP administration
  - creating awareness

# Meeting international obligations

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## **Amendments in IP law**

- ❖ **The Patents Act, 1970 (as amended in 2005)**
- ❖ **New Designs Act, 2000**
- ❖ **New Trade Marks Act 1999**
- ❖ **New Geographical Indications of Goods (Registration & Protection) Act, 1999**

# Patent Law - Salient Features

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- **Both product and process patent provided**
  - **Term of patent – 20 years**
  - **Examination on request**
  - **Both pre-grant and post-grant opposition**
  - **Fast track mechanism for disposal of appeals-  
IPAB**
  - **Provision for protection of bio-diversity and  
traditional knowledge**
  - **Publication of applications after 18 months with  
facility for early publication**
  - **Substantially reduced time-lines**
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# Safeguards in the Patent Law

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- **Compulsory license to ensure availability of drugs at reasonable prices**
- **Provision to deal with public health emergency**
- **Revocation of patent in public interest and also on security considerations**

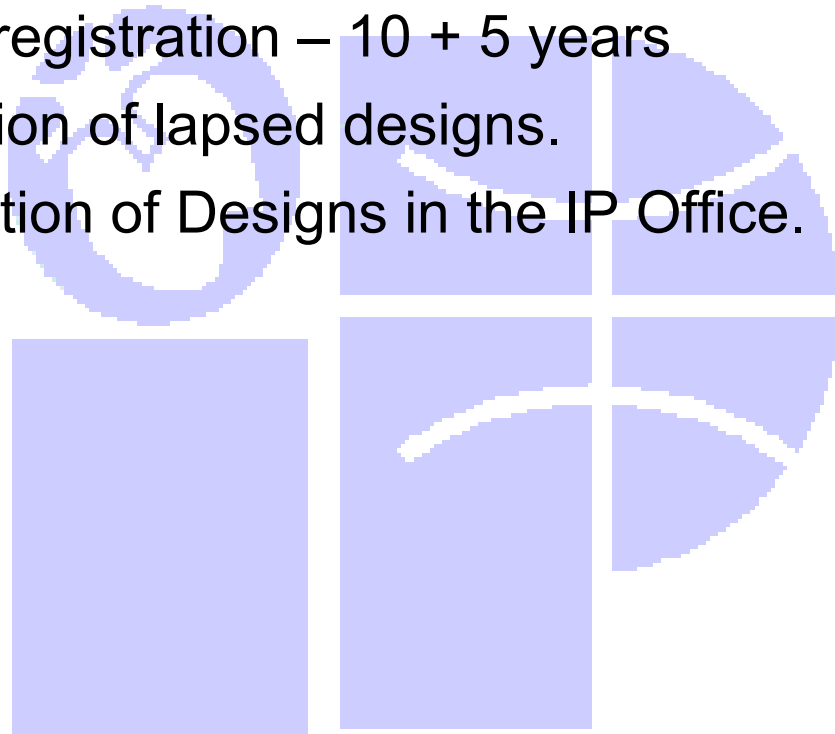


# Trade Marks

- Trademarks for both goods and services
- Collective trademarks registrable
- Well known trademarks protected
- Term of registration -10 years, renewable.
- Criminal penalties for trademark offences
- Licensing procedure simplified
- Fast track mechanism for disposal of appeals-IPAB

# Designs

- International system of classification
- Term of registration – 10 + 5 years
- Restoration of lapsed designs.
- Cancellation of Designs in the IP Office.



# Geographical Indications

## *Sui generis* legislation

- Registration of agricultural, natural and manufactured goods
- Association of persons or authority established by law only can apply.
- Elaborate procedure for registration
- Prohibition of registration of generic names and indications
- Protection of pre-registered trade marks
- Registration to be *prima-facie* evidence in a court of law

# Modernising IPO – 2000-2010

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