



KAMARAJ IAS ACADEMY
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Intellectual Property Rights Policy Management framework

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Why is in news? Intellectual Property Rights Policy Management framework covers 8 types of intellectual property rights

There are following types of intellectual property rights covered under Intellectual Property Rights Policy Management (IPRPM) framework: (i) Patents, (ii) Trade mark, (iii) Industrial Designs, (iv) Copyrights, (v) Geographical Indications, (vi) Semiconductor Integrated Circuit Layout Design, (vii) Trade Secret, and (viii) Plant Varieties.

The framework was launched **in the form of National IPR Policy 2016** encompassing **all IPRs into a single vision document** setting in place an institutional mechanism for implementation, monitoring and review of IP laws.

The policy has **seven objectives** designed for creating an environment that encourages innovation and creativity by providing stronger protection and incentives for inventors, artists, and creators.

There are several measures undertaken to achieve the given objectives.

Among measures taken are compliance and timeline reduction in IP filing and disposal, fee rebate for Startups, MSMEs, Educational Institutions and expedited examination for certain categories of applicants.

Objectives and activities undertaken under the National IPR Policy:

Appropriate amendment in IPR Laws and Rules - improving procedural requirements in processing of applications to speed up grant and disposal.

Modernisation & Digitisation of IP Offices - improvement in functioning and performance of IP Offices as well as streamlining workflow processes.

Scheme for Facilitating Start-Ups Intellectual Property Protection (SIPP) to encourage filing of Patent applications by Startups.

Reduction in Filing Fees for Start-ups, MSMEs, and educational Institutes to encourage Patent filing.

Expedited Examination for certain category of applicants, such as Start-ups, small entities, women inventors for expeditious grant of Patents.

Awareness initiatives and Programs for stakeholders with an intent to inculcate importance of protecting their IPR at an early stage in the business development cycle.

National Intellectual Property Awareness Mission (NIPAM), a flagship program to impart IP awareness and basic training in educational institutes.

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National Intellectual Property (IP) Awards are conferred every year to recognize and reward the top achievers comprising individuals, institutions, organizations and enterprises, for their IP creations and commercialization.

Patent Facilitation Programme has been revamped to scout patentable inventions and provide full financial, technical and legal support in filing and obtaining patents.

Expand Knowledge Capacity & Skill Building: To promote the study, research, and development of IPR in higher educational institutions, IPR chairs have been set up across the country under the Scheme for Pedagogy & Research in IPRs for Holistic Education and Academia (SPRIHA).

Commercialization of IP: Technology Innovation Support Centres (TIS) have been set up in various Central and State Universities and State Council for Science & Technology across the country for supporting IPR education, boosting IP filings and enhancing IP commercialization.

Technology Transfer Organizations (TTOs) & Incubators are also working in around 150 research institutions and more than 1000 Universities for commercializing IP.

These right areas are governed through respective Acts and Rules framed thereunder. The details of legal and regulatory considerations are given below:

Details of legal and regulatory considerations for different IP areas.

Right Area	Legal provision	Subject	Term of Protection
Patent	Patent Act, 1970 & Patent Rules, 2003 amended in 2014, 2016, 2017, 2019, 2020 and 2021.	Must qualify requirements of being novel, Inventive and having industrial utility	20 years
Trademarks	Trademark Act 1999 & Trademark Rules 2017	Protects brand name, logo, design for a business or commercial enterprise	10 years ; renewed for 10 years on payment of additional fees
Designs	Designs Act 2000 & Designs (Amendment) Rules 2021	New or original designs (ornamental / visual appearance discernible to the human eye) which can be replicated industrially	10 + 5 years
Copyrights	Copyrights Act 1957 & Copyrights Rules 2013 amended in 2021.	Creative, artistic, literary, Musical and audio-visual works	Authors – Lifetime + 60 years; Producers – 60 years Performers – 50 years;
Geographical Indications	Geographical Indications Act 1999 & GI Rules 2002 amended in 2020.	Goods bearing unique characteristics due to geographical linkage - agricultural goods, natural goods, manufactured goods, handicrafts and foodstuff	10 years, Renewed for 10 years on payment of additional fees
Semiconductor Integrated Circuits Layout Design	Semiconductor Integrated Circuits Layout Design Act 2000 & Rules 2001	A layout of transistors and other circuitry elements including lead wires connecting such elements and expressed in any manner in semiconductor integrated circuits.	10 Years.
Trade Secret	Common Law approach covered through IPC, Contract Act, IP Act and Copyright	Confidential information having commercial value	Till the time confidentiality is safeguarded.
Plant Varieties	Protection of Plant Varieties and Farmers Rights Act (PPVFR), 2001	Traditional varieties and landraces, all developed varieties (non-traditional and non-landrace) in trade/use for older than 1 year and not older than 15 years or 18 years (in case of trees and vines), and new plant varieties.	6-10 years.