

National IPR policy

August 5, 2019

Source: *Press Information Bureau*

It was approved by the Union cabinet in 2016. The Policy recognises the abundance of creative and innovative energies that flow in India, and the need to tap into and channelize these energies towards a better and brighter future for all.

The National IPR Policy is a vision document that encompasses and brings to a single platform all IPRs.

The Policy recognizes that India has a well-established TRIPS-compliant legislative, administrative and judicial framework to safeguard IPRs, which meets its international obligations while utilizing the flexibilities provided in the international regime to address its developmental concerns. It reiterates India's commitment to the Doha Development Agenda and the TRIPS agreement

Objectives:

The Policy lays down the following seven objectives:

1. **IPR Awareness:** Outreach and Promotion – To create public awareness about the economic, social and cultural benefits of IPRs among all sections of society.
2. **Generation of IPRs** – To stimulate the generation of IPRs.
3. **Legal and Legislative Framework** – To have strong and effective IPR laws, which balance the interests of rights owners with larger public interest.
4. Administration and Management – To modernize and strengthen service-oriented IPR administration.
5. **Commercialization of IPRs** – Get value for IPRs through commercialization.
6. **Enforcement and Adjudication** – To strengthen the

enforcement and adjudicatory mechanisms for combating IPR infringements.

7. **Human Capital Development** – To strengthen and expand human resources, institutions and capacities for teaching, training, research and skill building in IPRs.

These objectives are sought to be achieved through detailed action points. The action by different Ministries/ Departments shall be monitored by DIPP which shall be the nodal department to coordinate, guide and oversee implementation and future development of IPRs in India

Salient Features:

1. **Cell for IPR Promotion and Management (CIPAM):** A Cell CIPAM shall be created as a professional body under aegis of DIPP(now Department for Promotion of Industry and Internal Trade) to address the 7 identified objectives of the Policy. It will coordinate with agencies at State level and with the various Ministries/ Departments of the Union Government. The data generated at CIPAM shall serve as a valuable resource for future policy.
2. **Awareness Campaign:** To be launched in schools, institutions of higher education like engineering colleges and law schools, centres of skill development, industry clusters etc, it aims to foster an IP culture in the country by creating awareness about the economic, social and cultural benefits of IPRs among all sections and enabling people to realize the value of their IPs as also respect for other IPRs.
3. **IP Cells:** IP cells shall be created in key Ministries/ Departments of the Govt of India, which are vital the field of IPRs, as well as in State Governments, Industry associations and clusters and major academic institutions. CIPAM shall coordinate with the Cells.
4. **Generation, registration and commercialization:** The Policy aims to encourage creativity and innovation,

leading to generation of IPs and their protection through IPRs. Registration of Geographical Indications (GIs) shall be encouraged through support institutions.

5. **Traditional Knowledge Digital Library (TKDL):** TKDL's ambit is to be expanded to include other fields besides Ayurveda, Yoga, Unani & Siddha. The possibility of using TKDL for furthering R&D by public research institutions and private sector will be explored.
6. The Policy recognizes the importance of effective **coordination between Patent office and National Biodiversity Authority** for speeding up the disposal of patent applications using biological resources and associated TK.
7. **Cadre Management in IP Offices:** The Policy recognizes the crucial role of a motivated work force in productivity enhancements. The organizational and cadre structure of the Indian IP Offices shall be studied and reviewed with a view to enhance efficiency and productivity.
8. **Access to Medicines:** Access to affordable medicines and other healthcare solutions is becoming a challenge for all countries. India too faces a growing challenge on this count. The Policy recognises this and aims to enhance this by (a) **encouraging cross-sector partnerships** between public sector, private sector, universities and NGOs; (b) **promoting novel licensing models**, and (c) **developing novel technology platforms**.
9. **Piracy/ Counterfeiting:** Offline and online piracy is a serious concern and needs to be combated through public awareness as also legal and enforcement mechanisms.
10. **Assistance to smaller firms:** Smaller firms need assistance for protection of their IPRs internationally. Schemes such as DeitY's Support for International Patent Protection in Electronics and IT (SIP-EIT) are to be enhanced.
11. **Judicial Awareness & Resolution of IP disputes:** Since IPRs are a specialised discipline, awareness amongst the

judiciary is crucial since judicial precedents set the tone of the country's IP regime. For this, it is important that IP modules for judges be formulated, including regular IP workshops / colloquia at the judicial academies. Commercial Courts set up at appropriate levels will be responsible for adjudicating IP disputes.

- Resolution of IP cases through Alternate Dispute Resolution methods shall reduce burden on judiciary and provide speed and inexpensive resolution of disputes. Mediation and conciliation centres need strengthening, and ADR capabilities and skills in the field of IP developed.

12. **Review: A detailed review of IPR Policy shall be undertaken every five years.** Continuous and regular Review will be done by a Committee to be constituted for this purpose under the Secretary, DIPP