



# EU-India TIDP (IPR Component)

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*Warsaw*  
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# The Rationale Behind the IPR Component

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EU High priority of IPRs as an essential precondition for political, economic and legal cooperation

Claim: Effective protection and enforcement of IPRs is a pre-requisite for triggering FDIs from the EU

GoI Improve the administration and enforcement of IPRs in line with international standards

Fulfil the criteria for and develop into an an International Searching Authority and International Preliminary Examining Authority under the Patent Cooperation Treaty international search agency

# The Framework for IPRs in India



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Legal Framework is harmonised with TRIPS:

- The Patents Act, 1970 as amended by Patents (Amendment) Act, 2005
- The Trade Marks Act, 1999
- Copyright Act, 1957, as amended in 1999
- Design Act, 2000
- Geographical Indications of Goods (Registration and Protection) Act, 1999
- Protection of Plant Varieties and Farmers Rights Act, 2001
- Semiconductor Integrated Circuits- Layout Designs Act, 2000
- The Biological Diversity Act, 2002
- No special provision. Protection under Common Law principles. Section 27A of the Indian Contract Act, 1872 as amended

# Membership of International IPR Instruments

<b>TRIPS:</b> Trade Related Intellectual Property Rights Agreement	<b>Nairobi Treaty</b> on the Protection of the Olympic Symbol	<b>Patent Co-operation Treaty</b>
<b>Paris Convention</b> for the Protection of Industrial Property	WIPO Convention for Protection of rights of Producers of Phonograms	<b>Universal Copyright Convention</b>
<b>Berne Convention</b> for the Protection of Literary and Artistic Works	<b>Budapest Treaty</b> on International Recognition of the Deposit of Micro-organisms for the Purposes of Patent Procedure	Not Member yet: <b>Madrid Agreement</b> concerning the International Registration of Marks
<b>Film Register Treaty</b>	<b>Integrated Circuits Treaty</b>	



# The Institutional Framework

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Ministry of Commerce and Industry (MoC&I)

Office of the Controller General of Patents, Designs and Trade Marks (CGPDT)

The Indian Patent Office (IPO) is headquartered in Kolkata with branches in Delhi, Chennai and Mumbai

- Responsibility for the granting of patents and registration of designs
- Trademarks Registry at Mumbai office
- Designs Registry at Kolkata office
- Geographical Indications Registry at Chennai office
- Semiconductor Integrated Circuits Layout Design Registry
- Copyrights Office in the Ministry of Human Resources Development



# Important Features

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- **Number of Patent Applications Filed In India**

Year	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>
	11446	12613	17466	24415



# Indian Patent Office Set-Up

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One Controller General

Two Joint Controllers

5 Deputy Controllers

33 Assistant Controllers at the Patent Office.

141 examiners (although sanctioned strength is 157)

140 support staff

In 2005 roughly 60 % of requests were examined, leaving a backlog of about 40 %.

→ Improved tools and infrastructure (databases) and further capacity building



# Enforcement of IPRs

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**No specialised IPR courts**

**Higher Judiciary**

**Civil**

**Criminal**

Supreme Court

Supreme Court

High Court

High Court

**Subordinate**

District Judge

Session Judge

**Judiciary**

Civil Judge

Assistant Session Judge

**CUSTOMS**

**POLICE**





# Main Activity Areas of the IPR Project

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The Project envisages the following Four areas of activity:

- Capacity Building- Training of IPO officials/examiners, enforcement personnel and EU Study Visits
- Support in Institution Building and improving IPR Administrative and Service capacities - Database, IPR Helpdesk
- Awareness Raising and Outreach Activities in IPRs
- Commissioning Studies and Surveys
- International Networks