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BALANCING MONOPLOY AND PUBLIC INTEREST: A CONSTITUTIONAL PERSPECTIVE ON INTELLECTUAL PROPERTY RIGHTS IN INDIA

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ABSTRACT:

With the increasing reliance on innovation, creativity, and knowledge-driven markets, intellectual property rights (IPRs) have become essential in regulating ownership and control over intangible assets in India. This study examines the relationship between intellectual property rights (IPR) laws in India and the potential for monopolistic outcomes, with a specific focus on the constitutional dimensions of innovation, access, and public welfare. While IPR laws are intended to incentivize creativity and technological advancement by granting exclusive rights to creators, their operation may sometimes result in restricted access to essential goods and services, particularly in sectors such as healthcare, education, and digital technologies.

The discussion centres on how Indian IPR laws primarily the Patents Act, the Copyright Act, and the Trade Marks Act interact with constitutional provisions including the right to equality, the freedom to practise any profession, and the right to life. It also considers directive principles aimed at preventing the concentration of wealth and ensuring the distribution of material resources to serve the common good. The study highlights the existing tension between protecting private rights and ensuring public interest. It outlines how current legal safeguards attempt to address this tension, and evaluates whether these mechanisms are sufficient in maintaining a fair balance. The broader objective is to assess how IPR laws can be aligned with constitutional values to support both innovation and equitable access in a developing economy like India.

INTRODUCTION:

Intellectual Property Rights (IPRs) refer to the legal protections granted to creators and inventors over their original works, inventions, symbols, and designs. These rights give exclusive control to individuals or entities, enabling them to commercialise their creations and prevent unauthorised use. The primary objective of IPRs is to incentivise innovation, promote economic development, and encourage creative expression by rewarding effort and originality. However, the exclusivity granted through IPRs often raises questions about access, affordability, and public interest. In certain cases, especially where essential goods like medicines, educational materials, or digital technologies are concerned, prolonged or expansive IPR protection can lead to monopolistic control. This may result in limited access for the general public, widened economic inequality, and reduced competition—contradicting the broader goals of a welfare-oriented constitutional framework.

This discussion focuses on the extent to which Indian IPR laws may inadvertently facilitate monopolies and whether such tendencies are compatible with constitutional principles. It critically examines the structure and operation of

India's IPR laws alongside constitutional provisions that aim to prevent the concentration of wealth, ensure equitable access to resources, and promote social and economic justice.

Understanding this intersection is essential in evaluating how the legal system balances private innovation with public interest. It also sheds light on whether the current framework requires recalibration to align more closely with constitutional mandates while still supporting a robust environment for innovation and creativity.

INTELLECTUAL PROPERTY RIGHTS IN INDIA : LEGAL FRAMEWORK AND EVOLUTION

The legal framework for intellectual property rights in India is shaped by a combination of statutory enactments, constitutional principles, and international obligations. The protection of intellectual property is not only linked to economic growth and innovation but is also influenced by the need to ensure public access and prevent misuse of exclusive rights.

India's intellectual property rights framework has its roots in the colonial era, with the Indian Patents and Designs Act of 1911 being a significant milestone. This early legislation marked the beginning of India's journey in formalizing IPR laws, which have since evolved to shape the country's innovation landscape. Post-independence, the Indian legal system gradually restructured its IPR regime to align with national development goals and global standards. A major shift took place in the 1990s when India joined the World Trade Organization (WTO) and committed to the TRIPS Agreement in 1995, significantly reshaping the country's IPR framework to align with global standards. This obligated India to introduce minimum standards of IPR protection across various domains. The present IPR framework is governed by multiple legislations:

- The **Patents Act, 1970**, which regulates inventions and patentability, was amended in 2005 to comply with TRIPS by allowing product patents.¹
- The **Copyright Act, 1957**, protects original literary, artistic, musical, and dramatic works, as well as computer software.
- The **Trade Marks Act, 1999**, deals with brand identity and consumer protection through exclusive use of marks.
- Other laws include the **Designs Act, 2000**, **Geographical Indications of Goods Act, 1999**, and **Protection of Plant Varieties and Farmers' Rights Act, 2001**.²

While these laws promote innovation and commercial growth, they also embed certain safeguards—such as compulsory licensing, public interest exceptions, and time-limited protection—to prevent overreach and ensure a degree of public access. However, whether these safeguards are sufficient to counteract monopolistic tendencies remains a critical question explored in the sections ahead.

The **Competition Act, 2002** complements IP laws by preventing abuse of dominance. It ensures that monopolistic control via IPR does not stifle innovation or market access.

IPR AND MONOPOLY : UNDERSTANDING THE RISK OF MARKET CONCENTRATION:

Intellectual property rights inherently grant exclusivity, allowing the rights holder to control the use, production, and distribution of their creation for a defined period.

While this exclusivity is intended to encourage innovation and creativity, it also has the potential to create

¹ Manupatra Newslines <https://docsmanupatra.in/newsline/articles/Upload/3EB650D0-BB14-48C0-AA47-B8AA992D5FF7.pdf> (last visited on 20 July 2025)

²India: Protecting Intellectual Property, U.S. TRADE.GOV <https://www.trade.gov/country-commercial-guides/india-protecting-intellectual-property> (last visited on 20 July 2025)

In sectors like pharmaceuticals, digital technology, agriculture, and education, the control over essential goods and services through IPRs can result in high entry barriers for competitors, inflated prices for consumers, and limited access for disadvantaged populations. This is particularly relevant in a developing country like India, where a significant portion of the population depends on affordable healthcare, public education, and access to basic technologies.

The risk of monopoly arises when the exclusive rights are exercised in a way that restricts competition and public access, either by extending the commercial life of a product through repeated patent filings (evergreening), aggressive copyright enforcement, or by dominating market share through trademark protection. This leads to a concentration of economic power and weakens market diversity⁴.

Although Indian IPR laws contain mechanisms like compulsory licensing, fair use exceptions, and restrictions on non-working of patents, the implementation and effectiveness of these safeguards are often debated. The challenge lies in ensuring that the legal framework supports innovation without allowing disproportionate control over critical resources, which may be contrary to constitutional principles aimed at equitable distribution and public welfare.

CONSTITUTIONAL IMPLICATIONS OF INTELLECTUAL PROPERTY RIGHTS IN INDIA :

India's intellectual property rights (IPR) regime operates within a constitutional framework that seeks to balance private economic incentives with public welfare. While IPRs are statutory rights designed to reward creativity and promote innovation, their enforcement must align with the broader constitutional vision of equity, access, and distributive justice⁵.

Key Constitutional Provisions

- **Article 14 – Equality Before Law**

The enforcement of exclusive IPRs can result in unequal access to essential goods and services, particularly in sectors such as healthcare and education. For instance, high pricing due to patent protection may make life-saving drugs inaccessible to economically weaker sections, undermining the principle of substantive equality.

- **Article 19(1)(g) – Freedom of Trade and Occupation**

While IPRs enable creators and businesses to commercially exploit their innovations, excessively broad rights may restrict market entry for others. The Constitution permits reasonable restrictions on this freedom in the interest of the general public under Article 19(6), enabling the State to intervene when private rights hinder competition or access.

- **Article 21 – Right to Life and Personal Liberty**

Judicial interpretations have expanded Article 21 to include the right to health, education, and a life of dignity. When IPR protections limit access to essential medicines or educational resources, they may conflict with the broader interpretation of the right to life.

³Alden Abbott, Antitrust Problems in Patents and Copyrights: A Primer for Policymakers, NISKANEN CTR., <https://www.niskanencenter.org/antitrust-problems-in-patents-and-copyrights-a-primer-for-policymakers/> (last visited on July 21 2025)

⁴ Interplay Between Competition Law and IP Law, IPLEADERS <https://blog.ipleaders.in/interplay-competition-law-ipr/> (last vsited on 21 2025)

⁵ Understanding Intellectual Property Rights in India in Constitutional Background, AMLEGALS, <https://amlegals.com/understanding-intellectual-property-rights-in-india-in-constitutional-background/#> (last visited on 22 july 2025)

- **Directive Principles – Article 39(b) and 39(c)**

These constitutional provisions guide the State to distribute material resources in a way that benefits the common good and prevents wealth concentration, ultimately promoting social and economic equality. IPR-related laws, particularly patent and copyright regimes, must be viewed through this constitutional lens to ensure they do not lead to disproportionate economic control or social exclusion.

In essence, while intellectual property laws incentivise innovation, they must be interpreted and applied in harmony with constitutional values. When exclusivity begins to conflict with access, equity, and socio-economic inclusion, constitutional implications must be brought to the forefront of legal and policy analysis.

CHALLENGES IN BALANCING MONOPOLY AND INTEREST :

Although India has strong intellectual property laws and constitutional values, there are still some important issues that make it difficult to fully balance the rights of creators with the rights of the public. Some of the major challenges are:

1. International Pressure

India often faces pressure from developed countries and big international companies to make its IP laws stricter. These demands sometimes go against India's goal of keeping essential items, like medicines, affordable for its people.⁶

2. Patent Evergreening

Many companies attempt to maintain their exclusive rights over a product by making minor modifications to it and filing for new patents. This strategy, known as evergreening, delays the entry of more affordable generic alternatives into the market. It is especially concerning when it comes to essential medicines, as it keeps prices high and restricts public access.⁷

3. Less Use of Compulsory Licensing

Though India's patent law allows the government to issue compulsory licenses in public interest (such as in health emergencies), this option is rarely used. The process is complex, and there's hesitation due to possible trade backlash from other countries.

4. Lack of Coordination Between IP and Competition Authorities

Sometimes, when a company misuses its IP rights to dominate the market, it becomes hard to take action because of poor coordination between different authorities like the Patent Office and the Competition Commission of India.

5. Low Awareness Among Public and Innovators

Many students, startups, and small business owners are not aware of how IPR works or how to protect their innovations. As a result, many do not use the law to their benefit or challenge unfair monopolies.

6. Slow Legal Processes

⁶ How Drug Patents Work, FIN. TIMES, <https://www.ft.com/content/ac0dcd8-8ef3-494c-a6c2-5c80e9273d59?utm> (last visited on July 23 2025)

⁷ When Do Drug Patents Expire?, DRUGPATENTWATCH, <https://www.drugpatentwatch.com/blog/when-do-drug-patents-expire/> (last visited on July 23 2025)

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IP-related cases often take a long time in Indian courts. These delays make it difficult for common people and small firms to challenge big companies and protect public interest.

RECOMMENDATIONS:

To improve the balance between innovation and public welfare, and to ensure that IPRs work for everyone, the following steps can be taken:

1. Protect India's Flexibility in Trade Agreements

India should continue to protect its right to use tools like compulsory licensing and strict patent standards while signing trade deals with other countries. This ensures public health and welfare remain a priority.

2. Make Enforcement Stronger and Faster

The government should improve coordination between different IP-related institutions and speed up IP registration and dispute resolution. This will help ensure that monopolies are not misused.

3. Prevent Patent Misuse

Patent offices should carefully check applications to avoid granting patents for minor or insignificant changes. This will stop companies from extending their monopoly unfairly.

4. Encourage Use of Compulsory Licensing

The government should make the compulsory licensing process more simple and transparent, especially in the case of life-saving medicines or technologies needed by the public.

5. Promote IPR Awareness

Awareness programs should be held in colleges, universities, and small business hubs so that more people understand how to use, protect, and challenge IPRs when needed.

6. Speed Up Legal Proceedings

Special fast-track courts or benches should be created to deal with IP disputes quickly. This will help protect both the rights of creators and the public interest without long delays.

CONCLUSION:

Intellectual Property Rights play a vital role in encouraging creativity, innovation, and economic growth. However, these rights also grant exclusive control to individuals or companies, creating legal monopolies. In a country like India, where the Constitution promotes equality, access, and welfare, such monopolies must be carefully regulated.

India's legal and constitutional framework reflects this balance. At the same time, challenges like international pressure, lack of awareness, and slow legal systems must be addressed to ensure a fair IPR regime. Strengthening coordination between authorities, improving legal processes, and spreading awareness can help maintain a system that supports both innovation and public interest.

India's approach to IPR must continue to be guided by its constitutional values where creativity is protected, but never at the cost of the common good. Striking this balance is not only legally necessary but morally essential in building an inclusive, progressive society

