



The Indian Journal for Research in Law and Management

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INTELLECTUAL PROPERTY LAWS IN INDIA

- GAUTHAMI VINOD MANKAME

Imagine creating something entirely your own—maybe a song that’s been playing in your head for months, a scientific invention that solves a pressing problem, a logo that captures the essence of your brand, or even a recipe passed down through generations. Now imagine someone else claiming it as theirs. That’s where intellectual property laws come in. They’re not just abstract legal rules; they’re the backbone of creative and innovative work, protecting people like you and me from losing ownership of our ideas and labour.

In a country as diverse and dynamic as India, intellectual property—or IP—matters more than ever. With its booming tech industry, rich artistic traditions, thriving startup culture, and centuries-old indigenous knowledge systems, India sits at the crossroads of innovation and heritage. But how do we make sure these ideas, inventions, and traditions are safeguarded? That’s where India’s intellectual property laws step in, weaving together tradition and progress into a legal framework designed to encourage creativity while ensuring access and fairness.

Let’s take a closer look at how intellectual property laws in India actually work—where they came from, what they protect, and why they matter so much in everyday life.

The Roots of IP Law in India

Intellectual property law in India has evolved over time, shaped by colonial influences, global commitments, and homegrown needs. Initially, laws like the Indian Patents and Designs Act of 1911 reflected British legal structures. But post-independence, India began crafting its own vision



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—one that balanced protecting innovation with making sure ordinary citizens weren't priced out of life-saving medicines or knowledge.

Things took a major turn in 1995, when India joined the World Trade Organization and became bound by the TRIPS Agreement—that's the Agreement on Trade-Related Aspects of Intellectual Property Rights. It meant India had to align its IP laws with global standards. But unlike many other countries, India tried hard to adapt those rules to its own social and economic context. It's a tightrope walk that continues today.

So What Exactly Counts as Intellectual Property?

Let's break it down simply. Intellectual property isn't one-size-fits-all—it comes in many shapes and forms, just like the ideas it protects.

If you've invented something new, you'd need a patent. India's patent law—the Patents Act of 1970—grants inventors the exclusive right to use and benefit from their invention for 20 years. But there's a catch: it must be new, non-obvious, and useful. You can't just patent anything. For example, you can't patent something that's just a tweak of an existing drug to make it seem new (this practice is called “evergreening”). India's famous stance against evergreening came to the fore in the Novartis case, where the Supreme Court denied a patent for a modified cancer drug to protect access to affordable generics. It was a bold move that sent a strong message—public health can come before profits.

Now, think of your favourite book, film, painting, or song. These are protected by copyright, which automatically kicks in the moment something original is created. India's Copyright Act of 1957



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ensures creators have control over how their work is used. If you're an author or a filmmaker, this law gives you the right to be acknowledged, earn royalties, and stop people from misusing your work. In 2012, major updates to the law strengthened rights in the digital age and made sure songwriters and performers couldn't be cut out of profits when their work was used online or by big media platforms.

When it comes to brands and logos, we enter the world of trademarks. A trademark isn't just a logo—it's an identity. It tells consumers that a product or service comes from a particular source. Think of the Nike swoosh or Amul's red-and-white label. India's Trade Marks Act, 1999 protects these identities and makes it possible to register them not just domestically but also internationally through the Madrid Protocol, which India joined in 2013. This means a company based in India can seek trademark protection in over 100 countries with just one application.

There's more. If you've designed the look of a product—say, the sleek contours of a new bottle or the pattern on a piece of jewellery—you're looking at industrial design protection. India's Designs Act of 2000 ensures that the aesthetic appeal of your work isn't copied without permission. It's especially important in industries like fashion, automotive, or consumer electronics, where appearance can make or break a product.

Then there's something unique to India's cultural and agricultural identity: Geographical Indications (GIs). These protect products tied to a specific region—like Darjeeling Tea, Kanchipuram Silk, or Banarasi Sarees. A GI tag ensures that only producers from that area can use the name. This not only prevents fake versions from flooding the market, but also uplifts local communities and traditional artisans. India's GI law, introduced in 1999, has helped preserve hundreds of traditional crafts and regional foods.



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And let's not forget the farmers. India is one of the few countries with a law—the Protection of Plant Varieties and Farmers' Rights Act, 2001—that grants rights to both plant breeders and farmers. It's a fine balance. On one hand, it encourages innovation in agriculture by giving breeders exclusive rights over new plant varieties. On the other, it recognises the centuries-old knowledge of Indian farmers and gives them the freedom to save, use, and even sell seeds from their crops.

Who's in Charge?

All of these rights are managed by the Office of the Controller General of Patents, Designs, and Trademarks, under the Ministry of Commerce and Industry. It oversees the patent office, trademark and design registries, and the GI registry.

But filing an IP right is just the start. What happens when someone steals your idea or copies your work without permission? That's where enforcement comes in. IP owners in India can take action through civil courts, which can issue injunctions, order compensation, or direct the seizure of infringing goods. In some cases—like piracy or counterfeiting—criminal penalties can also apply, including jail time.

Despite the laws being in place, enforcement isn't always smooth. Courts can take time, enforcement agencies may lack resources, and small businesses often don't have the means to pursue legal battles. Piracy, particularly in the film and software industries, remains rampant. But efforts are being made to improve things. IP-specific benches in courts (like the Delhi High Court's IP Division), better-trained enforcement officials, and public awareness campaigns are helping bring change.

The Push for Reform and Awareness



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Recognising the need for a coordinated approach, the Indian government introduced the National IPR Policy in 2016. Its vision is simple: “Creative India, Innovative India.” The policy aims to improve IP awareness among students, startups, and SMEs; streamline administration; and make IP a tool for national development.

Digital initiatives have played a big role. Today, you can file a patent or trademark application online, track its status in real-time, and even attend hearings virtually. For startups, there's good news too—India now offers fast-track examination of patent applications and up to 80% fee reduction under the Startup India initiative.

As India aims to become a global innovation hub, integrating IP into education, entrepreneurship, and R&D has become more important than ever. Universities now have IP cells; workshops are being held across the country; and more creators—from rural artisans to tech entrepreneurs—are learning about their rights.

The Global Balancing Act

India has often found itself caught between international expectations and domestic realities. Developed countries, especially the United States, have criticised India’s IP regime for being “weak” in enforcement and overly focused on access and affordability. But India has consistently defended its approach, arguing that its laws are fully compliant with TRIPS and tailored to the needs of its people.

The debate often comes down to one core issue: Who gets to benefit from innovation? Is it just the patent-holder, or should the broader society share in the benefits—especially when it comes to health, education, and culture? India’s approach leans toward the latter. It hasn’t been perfect, but it does reflect a deep commitment to equity and access.



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The Road Ahead

The future of IP in India is both exciting and uncertain. Emerging technologies like artificial intelligence, 3D printing, and blockchain are changing how we think about ownership and creativity. Who owns a poem written by a chatbot? Can an AI-generated painting be copyrighted? These aren't just philosophical questions—they're legal puzzles that India, like the rest of the world, is now grappling with.

At the same time, there's a growing push to protect traditional knowledge and indigenous practices—areas where existing IP laws fall short. India's Traditional Knowledge Digital Library (TKDL) is one step in this direction, cataloguing ancient remedies and practices so that they can't be patented by foreign companies.

As India grows into a digital and innovation-driven economy, it will need to strike a careful balance between encouraging creators, protecting public interest, and staying ahead of global legal trends. Strengthening enforcement, simplifying procedures, and making IP laws more accessible to everyday citizens will be key steps.

At its heart, intellectual property law is about fairness. It's about giving credit where it's due, rewarding creativity, and ensuring that the fruits of innovation are shared wisely. In India, IP law is more than just a legal subject—it's a dynamic and evolving conversation between tradition and technology, local knowledge and global ambition.

So whether you're a startup founder, a writer, an artist, a farmer, or a student with a big idea—understanding your rights under India's IP laws is the first step in protecting what you've created. Because in the end, every invention, every story, every piece of art has one thing in common: it began in someone's mind. And that mind deserves protection.



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