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The Evolution of Patent Law in India: From Colonial Monopolies to a Global Innovation Hub

~ Vaibhav Gupta

ABSTRACT

The legal structure of Intellectual Property Rights (IPR) in India, specifically within the domain of patent law shows a transformative journey from colonial-era to a modern framework that balances both the global standards with national socio-economic priorities. This article provides a comprehensive analysis of the evolution of patent legislation, tracing the evolution from the early mid-19th-century laws to the contemporary digital era of 2026. The evolution is categorized into distinct phases as the pre-independence era where British rule their monopoly, the post-independence era and the modern TRIPS-compliant regime that balances the rights of inventors with the public's necessity for accessible healthcare and technology. By focusing on the landmark Patents Act of 1970, which argues and highlights how India successfully navigated the transition from a process-oriented regime to a product-patent system and ultimately demonstrating that a structured governing system is essential for fostering innovation while ensuring equitable development. The article describe that the spirit of Indian legislation is not merely to protect private monopoly but to serve as a catalyst for growth, proving that in a developing economy, the "rule of law" regarding intellectual property must also be a "rule of justice" for the common citizen.

INTRODUCTION

Intellectual Property Rights act as the legal backbone of modern innovation providing creators a monopoly to foster a culture of constant advancement. The history of such enactments are deep rooted in the soil of human history which to be found as early as 500 BCE in the Greek city-state of Sybaris, where culinary excellence was rewarded with a year of exclusivity and establishing the law that protect labour creativity and domestic arts

deserved commercial recognition. This primitive form of protection evolved significantly during the Italian Renaissance where the first recorded industrial patent was granted in 1421 in Florence to the engineer Filippo Brunelleschi for his revolutionary transport vessel, 'Il Badalone,' which was followed by the Venetian Statute of 1474, the world's first formal codification of patent principles emphasizing novelty and utility. In the Indian context, the evolution of such rights faced a unique cultural dichotomy as ancient India relied heavily on the *Shruti* tradition where knowledge, preaching and scientific observations were transmitted orally from master to disciple viewing wisdom as a communal heritage rather than a personal asset. The shift from this altruistic tradition to a statutory, documented regime began under British influence, where the law was initially leveraged to protect foreign manufacturers. However over time the Indian legal system internalized these concepts, leading to the formation of the Patents Act of 1970 which serves as a final pillar of this evolution crafted to prevent monopolistic exploitation while providing a fertile ground for domestic industries to grow. As we stand in 2026, the patent system is no longer just a technicality of law but a strategic engine for the nation's economic sovereignty, ensuring that the "spirit of the Constitution" which calls for social and economic justice is reflected in the way we reward the creators of the future.¹

EVOLUTION OF IPR IN INDIA: THE PRE-INDEPENDENCE ERA (1856–1947)

The history of Indian patents began under the direction of British industrial interests via a starting with Patents Act, 1856², which was fundamentally based on the United Kingdom's Patent Law of 1852³. This initial legislation was designed to grant exclusive privileges for a period of 14 years but it suffered from a significant procedural defect as it lacked the formal prior approval of the British Crown, leading to an instant repeal only a year later. It was succeeded by Act IX of 1857, which corrected these jurisdictional issues and laid the groundwork for a more structured administrative system. The legal framework continued to mature through the Patterns and Designs Protection Act of 1872⁴ and the Protection of Inventions Act of 1883⁵, which introduced the concepts of disclosure at public exhibitions

¹ See Brad Sherman & Lionel Bently, *The Making of Modern Intellectual Property Law* 12–14 (Cambridge Univ. Press 1999). Venetian Statute of 1474, reprinted in 1 *Sources of Patent Law* 45 (E. Wyndham Hulme ed., 1896).

² Act VI of 1856, India.

³ 15 & 16 Vict. c. 83 (U.K.).

⁴ 35 & 36 Vict. c. 62 (U.K.).

⁵ 46 & 47 Vict. c. 57 (U.K.).

and the criteria of "novelty" as a prerequisite for legal protection. By 1888, the Inventions and Designs Act consolidated with various aspect into a more coherent body of law, but the final work arrived with the Indian Patents and Designs Act of 1911. This comprehensive enactment superseded all previous insufficient laws, establishing a unified system for registration and enforcement that lasted for over half a century. The 1911 Act was not static but evolved through critical amendments, such as the 1920 amendment that introduced reciprocal arrangements with the UK and other Commonwealth nations to facilitate international priority dates. The 1930 amendment significantly deepened the legal provisions by increasing the patent term from 14 to 16 years, introducing "Patents of Addition" for minor improvements, and establishing "Secret Patents" for inventions crucial to national security. Finally, the 1945 amendment introduced the "Provisional Specification" system, which allowed inventors to secure an early priority date by filing a preliminary idea while they continued to perfect the final product—a mechanism that remains fundamental to patent strategy in the modern era. This pre-independence period, though colonial in nature, provided the administrative muscle and procedural vocabulary that allowed India to eventually craft a patent law that reflected its own sovereign needs.

DEVELOPMENTS DURING THE POST-INDEPENDENCE ERA: THE ERA OF SELF-RELIANCE

After gaining independence in 1947 the newly sovereign India recognized that a colonial-era patent system was primarily designed to protect foreign patent only compromising domestic growth and public welfare. This led to the formation of the Committee for Patent Law Review in 1949, headed by Justice Bakshi Tek Chand, which focused on preventing the abuse of patent rights and suggested that the "working" of a patent within the country should be a condition for its validity. However, the most definitive impact came from the Ayyangar Committee (1957–1959), led by Justice N. Rajagopala Ayyangar whose report argued that the patent system must be subordinate to the larger public interest especially for a nation like India which is struggling with poverty and health crises. Ayyangar's revolutionary logic was that patents on food and medicine should not be "product-based" but rather "process-based," effectively allowing Indian companies to develop more affordable, generic versions of life-saving drugs through different manufacturing methods. This socio-legal philosophy culminated in the Patents Act of 1970, which remains a landmark piece of legislation worldwide. By abolishing product patents in the pharmaceutical, agrochemical, and food

sectors India transformed into the "Pharmacy of the World" bring change in domestic industry that could reverse engineer complex molecules to provide affordable medicine not just to Indians but to the entire developing world. This era proved that a patent regime could be used as a powerful tool for social justice and transitioning the legal focus from the protection of foreign capital to the empowerment of the domestic scientist and the protection of the consumer's pocket. The 1970 Act served as a shield against monopolistic pricing, ensuring that innovation remained synonymous with accessibility and a principle that continues to guide Indian judicial interpretations even in the face of modern globalization.

CONTEMPORARY IP FRAMEWORK: TRIPS, GLOBALIZATION, AND THE AI FRONTIER

The Indian patent law had gone through major changes in the 1990s as the nation integrated into the global economy through the World Trade Organization (WTO) and the subsequent TRIPS (Trade-Related Aspects of Intellectual Property Rights) Agreement⁶. Compliance with TRIPS required India to change its "process-only" regime and reintroduce product patents across all sectors which leads to a transition that was managed through a strategic ten-year grace period ending in 2005. The landmark 2005 amendment⁷ were finally brought India into full compliance and establishing a uniform patent term of 20 years and reintroducing product patents, but not without critical safeguards like Section 3(d). This unique provision prevents "evergreening" i.e. the practice where pharmaceutical giants extend their monopolies by making minor, non-efficacious changes to existing drugs which was upheld by the Supreme Court in the historic *Novartis v. Union of India*⁸ case. As we moving towards 2026 the patent framework is facing new frontiers specifically the integration of Artificial Intelligence (AI) in the inventive process and the necessity for digital-first adjudication through "E-Patent" portals. The current challenge lies in maintaining the laws established by the 1970 Act as India must protect the high-stakes investments of modern biotech and tech conglomerates to remain globally competitive, it must also ensure that the patent office does not become a bottleneck for small-scale innovators. The rise of AI-driven drug discovery and autonomous engineering designs is pushing the Indian Patent Office to redefine the very meaning of an "inventor" moving toward a system where the "human in the loop" remains the ethical

⁶ Agreement on Trade-Related Aspects of Intellectual Property Rights, Apr. 15, 1994, Marrakesh Agreement Establishing the World Trade Organization, Annex 1C, 1869 U.N.T.S. 299.

⁷ The Patents (Amendment) Act, No. 15 of 2005, India.

⁸ (2013) 6 S.C.C. 1 (India).

anchor. Today's framework is thus a hybrid of international issues and domestic compliance ensuring that while the world's most advanced technologies are protected on Indian soil with the spirit of "public interest" remains the final filter through which every patent application must pass.

CONCLUSION

The evolution of patent from ancient time to 21st century had only method the way it get recognized with the same motive of rewarding the real owner for the hard work they contributed to get it. The journey of patent law from British Era to India Patent Act,1970, India had establish a robust mechanism to reward and promote the real owner making law patent feasible and adoption of public interest as a spirit of whole enactment. Moreover, being enactment always subject to amendment to cope up with the prevailing conditions, so once more it's a time to get such amendment to deal such advance AI framework and make the real owner rewarded for its hard work.

REFERENCES

ANCIENT HISTORY OF INTELLECTUAL PROPERTY RIGHTS -

https://www.wilsongunn.com/history/history_patents.html#:~:text=The%20Venetian%20Senate%20later%20passed,a%20time%20of%20economic%20decline

ANCIENT HISTORY OF INTELLECTUAL PROPERTY RIGHTS-

<http://www.iptrollet.no/2024/09/the-not-so-ancient-history-of.html#:~:text=Many%20IP%20interested%20people%20will,years%20before%20even%20Phylarchus'%20time>

NATIONAL IPR POLICY-

<https://www.pib.gov.in/Pressreleaseshare.aspx?PRID=1557418®=3&lang=2>

STRENGTHENING INTELLECTUAL PROPERTY RIGHTS (IPR) REGIME IN INDIA-<https://www.pib.gov.in/newsite/PrintRelease.aspx?relid=200501®=3&lang=2>