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## INTELLECTUAL PROPERTY RIGHTS IN INDIA

~ *Sanskriti Mishra*

### ABSTRACT

*Intellectual Property Rights have become a critical part of today's economy, which is driven by innovation. With the fast-paced developments in technology, digital communication, artificial intelligence, and globalization, the need to protect inventions and innovations has become paramount. Intellectual property rights ensure that creators of innovations, inventions, authors, artists, businesses, and scientists enjoy exclusive rights over their creations for a certain period. Intellectual property rights in India aim to encourage innovation, economic development, and fair competition.*

*With the increasing prevalence of digital platforms and startups along with advancements in technology, the scope of intellectual property rights in India has been broadened. Nevertheless, there are various challenges in the protection of intellectual property rights including piracy, counterfeiting, digital infringement, lack of awareness, and enforcement. The present article attempts to analyze the meaning, legal provisions, significance, challenges, case laws, and future of intellectual property rights in India.*

**KEYWORDS:** Intellectual Property Rights, Patents, Copyright, Trademark, Innovation, Artificial Intelligence, India.

### INTRODUCTION

Technological advancements, innovation, and digital means of communication have led to intellectual property becoming one of the most valuable assets in the current economy. Various sectors including businesses, artists, innovators, and researchers rely on intellectual property protection to ensure safety of their innovations and business interests. There has been an increase in the importance of Intellectual Property Rights due to the development of startups, e-commerce, software industry, entertainment media, and research based industries in India.

Intellectual property entails creative ideas or expressions produced by the mind including inventions, literary works, and artistic designs, musical compositions, industrial designs, and trademarks. Intellectual property rights grant exclusive legal protection of intellectual property creations to their creators and innovators within a specified period<sup>1</sup>. The main aim of IPRs is to promote innovation and creativity through protection of the economic interest of the creators and innovators.

India has embarked on the path towards becoming a knowledge economy and this has made IP protection critical for the economy, investments, technology, and international competitiveness. Various government policies such as Startup India, Make in India, and Digital India have further enhanced the significance of intellectual property.

## **2. MEANING AND NATURE OF INTELLECTUAL PROPERTY RIGHTS**

### **2.1 Meaning of Intellectual Property Rights**

The Intellectual Property Rights are the set of legal rights accorded to people or entities based on creations that have come about using intellect and innovation. The intellectual property rights give the creators exclusive control over the creation, reproduction, distribution, and marketing of the creations<sup>2</sup>.

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<sup>1</sup> P. NARAYANAN, *INTELLECTUAL PROPERTY LAW* 5 (Eastern Law House 2017).

<sup>2</sup>World Intellectual Property Organization (WIPO), *What is Intellectual Property?*, WIPO, <https://www.wipo.int/about-ip/en/> (last visited May 17, 2026).

Examples of intellectual property include innovations, inventions, literature, and arts, trademarks, geographical indicators, computer programs, designs, and digital goods. Intellectual property rights aim to achieve a balance between the needs of the creator and those of society.

## **2.2 Characteristics of Intellectual Property Rights**

### **(a) Intangible Nature**

Intellectual property consists of intangible creations arising from intellectual effort rather than physical property.

### **(b) Exclusive Rights**

IPR grants creators exclusive rights to use and commercialize their creations without unauthorized interference.

### **(c) Territorial Nature**

Intellectual property protection is generally territorial and valid only within the jurisdiction where protection is granted.

### **(d) Limited Duration**

Most intellectual property rights are granted for a specific period after which the creation enters the public domain.

## **2.3 Objectives of Intellectual Property Rights**

The primary objectives of intellectual property rights include:

- The promotion of innovations and inventions;
- The protection of creators from any unauthorized use;
- Economic and technological growth;
- The promotion of research and investments; and
- Fair competition in the market.

### **3. TYPES OF INTELLECTUAL PROPERTY RIGHTS IN INDIA**

#### **3.1 Patents**

The grant of patents is done to protect inventions or technological advancements. When a patent is issued to an inventor, it gives him the right to prohibit others from manufacturing, using, and selling the invention without his permission. The law on patents in India is provided in the Patents Act. To be eligible for patent protection, the invention must be new, must have an element of inventiveness, and should have industrial utility<sup>3</sup>.

#### **3.2 Copyright**

Copyright protects literary, artistic, dramatic, musical, and cinematographic works. Moreover, copyright protection covers computer programs and digital works as well. Copyright law regulates copyright protection in India and provides authors with exclusive rights regarding their creation<sup>4</sup>.

#### **3.3 Trademarks**

Trademarks protect brand identity and commercial goodwill. A trademark may include a name, logo, symbol, slogan, or distinctive mark capable of distinguishing goods or services. The Trade Marks Act governs trademark protection in India. Trademark registration grants exclusive rights and prevents unauthorized commercial use by competitors<sup>5</sup>.

#### **3.4 Geographical Indications**

Geographical Indications protect products originating from a specific geographical region possessing unique qualities or reputation. Examples include Darjeeling Tea, Banarasi Sarees, and Madhubani Paintings. The Geographical Indications of Goods (Registration and Protection) Act governs GI protection in India<sup>6</sup>.

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<sup>3</sup> The Patents Act, No. 39 of 1970, §§ 2(1)(j), 2(1)(ja), INDIA CODE (1970).

<sup>4</sup> The Copyright Act, No. 14 of 1957, §§ 13–14, INDIA CODE (1957).

<sup>5</sup> The Trade Marks Act, No. 47 of 1999, §§ 2(zb), 28, INDIA CODE (1999).

<sup>6</sup> The Geographical Indications of Goods (Registration and Protection) Act, No. 48 of 1999, §§ 2(1)(e), 11, INDIA CODE (1999).

### **3.5 Industrial Designs**

Industrial designs protect the aesthetic appearance and visual features of products. The Designs Act provides protection for original industrial designs and prevents unauthorized imitation. Industrial design protection is particularly relevant in industries such as fashion, automobile manufacturing, consumer products, and electronics<sup>7</sup>.

## **4. LEGAL FRAMEWORK GOVERNING INTELLECTUAL PROPERTY RIGHTS IN INDIA**

There have been many laws that have been enacted by the government which govern intellectual property rights in India. There is an intellectual property policy in India, which ensures that there is equilibrium among innovation, business, and public good. Important legislations governing intellectual property rights in India include:

- The Patents Act, 1970;
- The Copyright Act, 1957;
- The Trade Marks Act, 1999;
- The Designs Act, 2000; and
- The Geographical Indications of Goods (Registration and Protection) Act, 1999.

Together, these laws provide for the protection, registration, enforcement, and commercialization of intellectual property in India. These laws also provide measures for dealing with intellectual property violations, such as injunctive relief, damages, and sometimes criminal sanctions.

India is also a signatory to several international agreements relating to intellectual property rights, including:

- The Agreement on Trade-Related Aspects of Intellectual Property Rights;
- The Berne Convention;
- The Paris Convention; and

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<sup>7</sup> The Designs Act, No. 16 of 2000, §§ 2(d), 11, INDIA CODE (2000).

- Various conventions administered by the World Intellectual Property Organization.

These international agreements significantly influence India's intellectual property regime and ensure harmonization with global standards.

## **5. IMPORTANCE AND SCOPE OF INTELLECTUAL PROPERTY RIGHTS IN INDIA**

### **5.1 Economic Growth and Innovation**

Intellectual Property Rights have a considerable influence on fostering economic development and scientific progress. Intellectual property rights encourage innovation, investment, and industrialization. The organizations and inventors would be motivated to innovate if there were sufficient safeguards in place for their innovations.

IPRs also contribute to job creation, business growth, and competitiveness. Therefore, intellectual property protection has become an essential component of India's development policies.

### **5.2 Startup Ecosystem and Entrepreneurship**

India has become one of the fastest growing startup ecosystems in the world. Protection of intellectual property rights is crucial for startups in the development of new products and attracting investments. Patents, trademarks, and copyrights provide startups with competitive edge and prevent any misuse of their innovation by other players in the market. Various government programs, including Startup India, have been instrumental in promoting IP rights<sup>8</sup>.

### **5.3 Pharmaceutical and Biotechnology Sector**

The concept of patenting becomes crucial for pharmaceuticals and biotechnology, as both require heavy investments in research and development. However, patents granted to pharmaceutical companies create several issues in terms of accessing and affording essential drugs. Indian courts

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<sup>8</sup> Department for Promotion of Industry and Internal Trade, Government of India, *Startup India*, <https://www.startupindia.gov.in/>.

have repeatedly stressed the need for maintaining a balance between innovation and public interest<sup>9</sup>.

#### **5.4 Digital Economy and Technology**

The rise in the use of artificial intelligence, software programming, digital technology, and content creation on the internet has made the issue of intellectual property rights more relevant. Digital content needs copyright protection, online branding needs trademark protection, and technical innovations require patent protection. Furthermore, the growth of e-commerce sites and social media websites has made the issue of IP rights even more relevant<sup>10</sup>.

### **6. RECENT DEVELOPMENTS IN INTELLECTUAL PROPERTY RIGHTS**

#### **6.1 Artificial Intelligence and Ownership Issues**

Intellectual property law related to artificial intelligence has become one of the most talked about fields in recent times. Artificial intelligence programs are able to create works of literature, art, musical compositions, software codes, and technology inventions with little human intervention. This phenomenon has led to many legal problems, such as issues concerning the ownership, inventorship, and authorship of the work created by AI programs.

Most intellectual property laws have been formulated keeping in mind human creativity and human mental labor. However, the increasing application of AI tools for generating creations has made these assumptions invalid to a great extent. There remains much doubt concerning the grant of copyright to AI-generated work and recognition of an AI program as an inventor in patents<sup>11</sup>. Currently, there is no specific legislation in India, which addresses the issue of intellectual property right pertaining to artificial intelligence.

#### **6.2 Rise in Patent Filings and Innovation Culture**

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<sup>9</sup> *Novartis AG v. Union of India*, (2013) 6 SCC 1.

<sup>10</sup> World Intellectual Property Organization (WIPO), *Intellectual Property and Digital Economy*, <https://www.wipo.int/>.

<sup>11</sup> The Copyright Act, No. 14 of 1957, § 2(d), INDIA CODE (1957).

A substantial rise has been observed in the number of patent filings as well as innovation filings in India in recent times. Various government schemes, including the Startup India scheme, the Make in India program, and the self-reliant India initiative (Atmanirbhar Bharat), have promoted entrepreneurial activity and research and development activities.

The rise in startups and technologically advanced sectors has generated awareness about patent protection and innovations' commercialization. Various academic institutions as well as research organizations have also become focused on intellectual property rights and technology transfer policies. Various reforms have also been initiated by the Indian government concerning patent examination, reduced filing fees, and other matters<sup>12</sup>.

### **6.3 Digital Piracy and Online Infringement**

Rapid advancements in the digital platform industry have brought about many fears about copyright piracy. Piracy and illegal distribution have become very common when it comes to movies, music, literature, software, and even online courses.

Digital piracy has become a huge economic threat to creators, entertainment organizations, and industries. With the growing popularity of social media and file-sharing websites, it has become increasingly difficult to enforce copyright laws. However, there are strict copyright laws in India that help prevent such illegal reproduction and distribution<sup>13</sup>.

### **6.4 Expansion of Trademark Protection in Cyberspace**

Trademark lawsuits related to domain names, e-commerce sites, and social media websites have become more common. Companies rely heavily on their internet presence and use online marketing techniques, which makes the need for protection of trademarks in cyberspace very critical.

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<sup>12</sup> Department for Promotion of Industry and Internal Trade, Government of India, *National IPR Policy 2016*, <https://ipindia.gov.in/>.

<sup>13</sup> The Copyright Act, No. 14 of 1957, §§ 51–63, INDIA CODE (1957).

Cybersquatting<sup>14</sup>, online impersonation, and abuse of brand identity have become serious issues for companies conducting their business through the internet. Hence, there has been a rising trend in acknowledging the significance of trademark protection. With the emergence of e-commerce and online advertising, the relevance of trademark law will increase.

## **7. CHALLENGES IN THE PROTECTION OF INTELLECTUAL PROPERTY RIGHTS**

### **7.1 Piracy and Counterfeiting**

Intellectual property protection still faces considerable problems with piracy and counterfeits in India. The illegal copying of movies, novels, music, software, medicines, and other brands leads to huge financial losses for their inventors and companies.

The fake products have not only harmed the commercial aspect but have raised serious safety issues, especially in the health care sector. The growing trend of e-commerce and social networking sites has made it even more difficult to tackle the counterfeit products.

### **7.2 Lack of Awareness Regarding Intellectual Property Rights**

Many people in India are not aware of the existence of IP laws and the legal measures that can be taken in case of any violation. Many creators and innovators do not protect their IPs due to ignorance and financial limitations.

Lack of awareness about IP laws results in unintentional infringements and missed opportunities. Therefore, it is highly necessary to increase the level of awareness about IPRs among people.

### **7.3 Delay in Registration and Enforcement**

Late registration, litigations, and dispute resolution still impact the efficacy of intellectual property protection in India. Both patent examination and trademark litigation can be a lengthy process before coming to a conclusion.

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<sup>14</sup> Internet Corporation for Assigned Names and Numbers (ICANN), *Uniform Domain Name Dispute Resolution Policy (UDRP)*, <https://www.icann.org>.

Long litigation procedures make litigation expensive and dissuade innovators from taking any action at all. Consequently, there is now a rising need for special intellectual property benches, speedy litigation processes, and better administration.

#### **7.4 Digital Infringement and Technological Challenges**

The exponential development of technology has resulted in a considerable rise in infringement and the illegal circulation of copyrighted material over the Internet. The digital environment makes it possible for users to duplicate and distribute material virtually immediately within different legal jurisdictions. New technological innovations, including artificial intelligence, blockchain, and NFTs (non-fungible tokens), present additional challenges to existing IP systems.

#### **7.5 Balancing Public Interest and Monopoly Rights**

The major issue faced by intellectual property law is how to find a proper balance between the proprietary rights of innovators and the availability of knowledge, medicines, education, and technological advances to the public.

This aspect is crucial when dealing with the pharmaceutical industry, because the patenting process may limit access to necessary medicines. Thus, Indian courts have always stressed the significance of finding such a balance.

### **8. LANDMARK JUDICIAL DECISIONS**

#### **8.1 *Novartis AG v. Union of India***

In *Novartis AG v. Union of India*<sup>15</sup>, the Supreme Court declined to grant patent protection for the altered pharmaceutical composition and stressed the need to prevent patent “evergreening.”

The court ruled that changes in formulations that do not offer any major therapeutic benefits should not be granted patent protection according to Indian patent law. The decision established a landmark precedent in pharmaceutical patent cases.

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<sup>15</sup> *Novartis AG v. Union of India*, (2013) 6 S.C.C. 1 (India).

## **8.2 *R.G. Anand v. Deluxe Films***

The Supreme Court in the case of *R.G. Anand v. Deluxe Films*<sup>16</sup> provided several guidelines on issues related to copyright infringement and similarities between two different works. According to the Court's decision, copyrights apply only to the expression of ideas but never to the idea itself. To date, this case remains one of the landmark judgments for the issue of copyright infringement.

## **8.3 *Yahoo! Inc. v. Akash Arora***

The Delhi High Court in *Yahoo! Inc. v. Akash Arora*<sup>17</sup> recognized need for trademark protection in cyberspace and allowed trademark protection from deceptive domain names. The ruling confirmed that domain names have monetary value and need protection just like trademarks. This landmark decision greatly shaped cyber trademark law in India.

## **8.4 *Indian Performing Rights Society v. Eastern Indian Motion Pictures Association***

In *Indian Performing Rights Society v. Eastern Indian Motion Pictures Association*<sup>18</sup>, the Supreme Court ruled on several copyright issues concerning the ownership and assignment of rights in the field of cinematographic films. This landmark judgement established some essential principles related to the concept of copyright ownership and utilization.

## **9. FUTURE SCOPE OF INTELLECTUAL PROPERTY RIGHTS IN INDIA**

The future of Intellectual Property Rights in India looks extremely bright because of the fast pace of technological innovations and growing creativity in all kinds of industries. For example, new spheres of business activity such as artificial intelligence, biotechnology, programming, blockchain technologies, entertainment, gaming, and even space exploration will definitely enhance the significance of intellectual property rights over the next decades.

Furthermore, growing numbers of startups in India will also contribute to the increased role of patents, trademarks, copyrights, and trade secrets as tools to promote their business activities on

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<sup>16</sup> *R.G. Anand v. Deluxe Films*, (1978) 4 S.C.C. 118 (India).

<sup>17</sup> *Yahoo! Inc. v. Akash Arora*, 1999 P.T.C. (19) 201 (Del.) (India).

<sup>18</sup> *Indian Performing Rights Soc'y v. E. Indian Motion Pictures Ass'n*, (1977) 2 S.C.C. 820 (India).

both the local and international levels. It goes without saying that businesses should rely on their IP resources in order to attract investments, establish their identity in the market, and become more competitive in the domestic and international environment<sup>19</sup>. Finally, the problem of artificial intelligence can also pose certain questions about the ownership, inventorship, and liabilities. Thus, India might face the need to introduce special laws on AI technologies.

## 10. SUGGESTIONS AND RECOMMENDATIONS

The following measures may strengthen intellectual property protection in India:

- Development of more rapid dispute resolution measures and establishment of specialized intellectual property courts;
- Stricter enforcement measures for dealing with piracy, counterfeiting, and copyright infringement;
- Raising awareness on issues related to intellectual property and their registrations;
- Creation of new intellectual property rules tailored specifically towards artificial intelligence technologies;
- Digital measures for combating IP violations in online environments;
- Creating an environment conducive to research and innovation by implementing appropriate government policies.

A well-balanced intellectual property system is necessary for ensuring innovation and at the same time protecting public interests.

## 11. CONCLUSION

The Intellectual Property Rights have emerged to be an important part of India's legal and economic structure in the present age of innovation. The increasing reliance on technology, information technology, scientific research-based industries, and e-commerce necessitates a stronger need for intellectual property rights.

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<sup>19</sup> Department for Promotion of Industry and Internal Trade, Government of India, *Startup India*, <https://www.startupindia.gov.in/>.

India has made considerable strides towards developing a robust legal system for patents, copyrights, trademarks, geographical indicators, and designs through several acts and international conventions. The landmark judicial decisions of *Novartis AG v. Union of India* and *Yahoo! Inc. v. Akash Arora* have helped in developing IP law in India.

Nevertheless, there are still some problems related to piracy, digital piracy, and advancements in technology, artificial intelligence, and implementation that pose threats to IP law. This is why India needs to make further efforts to develop its IP system in order to address such issues.

An appropriate system of IP is thus required for fostering innovation and economic growth in the age of information technology.

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4. Designs Act, No. 16 of 2000, Acts of Parliament, 2000 (India).
5. Geographical Indications of Goods (Registration and Protection) Act, No. 48 of 1999, Acts of Parliament, 1999 (India).

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1. *Novartis AG v. Union of India*, (2013) 6 SCC 1.
2. *R.G. Anand v. Deluxe Films*, (1978) 4 SCC 118.
3. *Yahoo! Inc. v. Akash Arora*, 1999 PTC 201 (Del).
4. *Indian Performing Rights Society Ltd. v. Eastern Indian Motion Pictures Ass'n*, (1977) 2 SCC 820.

### **International Agreements**

1. Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS).

2. Berne Convention for the Protection of Literary and Artistic Works.
3. Paris Convention for the Protection of Industrial Property.
4. World Intellectual Property Organization (WIPO) Conventions.