The Indian Journal for Research in Law and Management

Open Access Law Journal – Copyright © 2026

Editor-in-Chief – Dr. Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

Understanding the Indian Patent Act

Komal Muskan Pandita

Introduction

Innovation drives economic progress and scientific advancement more than anything else. Whether it's a breakthrough cure for a disease, new and intelligent software, a revolutionary clean technology, or better agricultural practice, each of these originates from an idea that should be afforded legal protection.

Patent law grants inventors exclusive rights over their inventions, encouraging innovation while rewarding their efforts. However, these rights are not absolute. The Patents Act, 1970 balances the interests of inventors with the larger public interest by ensuring access to medicines, technology, and knowledge.

This blog delves into various aspects of the Indian Patent Law, namely: patentability, statutory exceptions, the procedure for obtaining a patent, and its future relevance for innovation.

Understanding Patents

A patent means a statutory right granted by the government of the country to an inventor of a new invention that meets the requirements of the Patent Act, 1970. Such a patent grants to the patentee the exclusive right to make, use, sell, license, or import his patented invention for a term of 20 years from the date of filing the patent application (on payment of the requisite fee). In addition to incentivising innovation, patents encourage industrial, technological and scientific advancement by sharing these advancements with the public at the end of the patent term, in exchange for the disclosure of new technologies to society.[1]

Evolution of the Indian Patent Act

Today, India's patent system is based on the Patents Act, 1970. It came into force in place of the colonial Patents and Designs Act, 1911 and the recommendations of the Justice N. Rajagopala Ayyangar Committee for the establishment of a patent regime that fosters invention while guarding the public.

The act was amended in 1999, 2002 and 2005 to bring it in conformity with the TRIPS agreement. This includes the 2005 amendment, which provided for product patents for drugs and chemicals with necessary safeguard measures in place, like compulsory licensing and stringent tests for patentability.[2]

Essential Requirements for Patentability

In India, the basic requirement for a patent is the following three-point criteria:-

1. Novelty: The invention must be new. The invention cannot have been disclosed in the world at all before the filing date.

2. Inventive Step: Invention involves a technical advance over prior art or possesses economic value, not apparent to a person ordinarily skilled in the art.

3. Industrial Applicability: The invention can be made or used in industry.

What Cannot Be Patented?

Not every invention will be patented under the Indian Patent Act. The Act expressly bars the following from being patented:

---

[1] Patents Act, No. 39 of 1970, § 53 (India).
[2] Agreement on Trade-Related Aspects of Intellectual Property Rights arts. 27–34, Apr. 15, 1994, Marrakesh Agreement Establishing the World Trade Organization, Annex 1C, 1869 U.N.T.S. 299.

1. Scientific discoveries and naturally existing substances merely new uses or forms of a known substance which don't give new therapeutic effects – Section 3(d)

2. Agricultural or horticultural methods

3. Mathematical and business methods and computer programs per se

4. Inventions based on traditional knowledge.

Of these, Section 3(d) of the Act has come to be regarded as globally renowned for its role in blocking 'evergreening ', in which companies attempt to extend patent protection with minor product tweaks that do not offer any therapeutic value.

Patent Application Process in India

Patent application follows several steps, which are: filing a provisional or complete specification, Publication of the application, Examination by the Patent Office, reply to objection (if any), and grant of patent by the Controller subject to compliance with statutory requirements. The granted patent is valid for a period of twenty years from the filing date.

Landmark Judicial Development

One of the most prominent judgments of Indian patent law is *Novartis AG v. Union of India (2013).* This judgment by the Supreme Court of India rejected a patent for a modified form of the cancer drug Imatinib Mesylate on the ground that the patent applicant did not demonstrate improved therapeutic efficacy as provided under Section 3(d).[3]

This judgement highlighted India's stand on not allowing unjustified patent monopolies but at the same time, allowing life-saving drugs to be available at a fair price.

Importance of the Indian Patent Act

Indian Patent Act incentivises research and development in various sectors by granting inventors rights over their inventions, whilst protecting public interest by including mechanisms of compulsory licensing, revocation of patent and other standards that protect the

[3] *Novartis AG v. Union of India*, (2013) 6 S.C.C. 1 (India).

public against exploitation. The Patent Act ensures that exclusive rights are not granted in a way that may lead to the creation of an illegal monopoly against public health and social well being. As there has been exponential growth in fields like artificial intelligence, biotechnology, pharmaceuticals, renewable energy, and digital technologies, Indian patent regime has to evolve accordingly.

Conclusion

The Indian Patent Act is thus much more than merely a legal regulation of inventions; it stands as testimony to India’s aspiration to achieve and nurture innovation while at the same time ensuring the utilisation of Intellectual Property rights for societal benefit. By incentivising true inventors and curtailing the spread of monopolistic power, the Act has strived to provide a balanced approach for both the cause of development and public benefit.

As India marches towards becoming the global innovation centre, knowledge of the patent law provisions becomes more critical than ever for all researchers, start-ups, law students and entrepreneurs. A healthy patent system contributes not only to the enrichment of creativity, but to the promotion of new technology, capital investments, development and hence the economic viability of our knowledge economy.