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

This is an Open Access article distributed under the terms of the Creative Commons Attribution-Non-Commercial-Share Alike 4.0 International (CC-BY-NC-SA 4.0) License, which permits unrestricted non-commercial use, distribution, and reproduction in any medium provided the original work is properly cited.

INTELLECTUAL PROPERTY RIGHTS IN INDIA

~Aaysha Khan

Intellectual property law is defined as a collection of rules and regulations protecting intellectual achievements and the rights of those creators and inventors. These laws establish a legal framework that recognizes ownership of intangible assets and provides remedies against unauthorized use. As per law, legal right or monopoly rights are given to creator or innovator to harvest the economic benefits of their invention or creation. The intellectual property rights are territorial rights by which the owner can sell, buy or license his Intellectual Property similar to physical property.

The World Intellectual Property Organisation was enacted in 1967 at Stockholm to protect the IPR throughout the world. With rapid globalization, the generation of new technology, innovations and new skills have made awareness in the context of intellectual property rights a necessity. Patents not only incentivize inventors to bring ideas into fruition but also foster economic growth by encouraging investments in research and development.

On basis of type of invention and creation of human mind and their applications the intellectual property rights are classified as:

- Patents
- Trademarks
- Registered Industrial designs
- Layout design of semiconductor integrated circuit
- Geographic indications
- Copyright and related rights

The first Indian patent laws were promulgated in 1856, and modified from time to time. To adapt to evolving technologies and global trends, patent laws and regulations undergo periodic revisions. The Indian Office has decided to equip itself with new legislative tools to deal with the growing number of patent applications:

- In 2023, 90,300 patent applications were filed with the Office, an increase of 17% compared with 2022.
- 250 patents were granted every working day.

On March 15, 2024, significant amendments were made to India's Patent Rules aiming to streamline processes, strengthen protection, and foster a conductive environment for innovation. Under these amendments applicants can request an examination within 31 months of the priority date. With the frequent requirement of digitization, one is transitioning to digital platforms for patent application submissions, filings, and communications, the process becomes more efficient, transparent and accessible in all countries. The 2024 amendments also introduce measures to enhance patent protection for divisional applications.

Another development in the patent amendments Act was made in 2025. Draft Copyright Rules, 2025 proposed by the DPIIT in June 2025, introducing Rule 83A to mandate exclusive online payment mechanisms for collecting license fees regarding the communication of literary, musical works, and sound recordings to the public. These modified amendments introduce reforms related to penalties, adjudication and appeals. The patents amendment rules 2025 introduces:

- A system of adjudication: one of the most crucial changes for adding adjudication of penalties under the Patents Act 1970, which states the Adjudicating officers are appointed who will have the authority to conduct inquiries into violations and if guilty have power to impose penalties.
- The amendment clearly specified penalty structures
- A formal appeal's procedure: the amendment introduces a formal appeal system through Form 33 Patent Appeal India. Key features of this system are that appeals can also be filed against adjudication orders, proper timelines are provided for appeals and standardized form (Form 33) is used.
- Emphasis on filing patent complaints electronically: electronic complaint submissions, the change mandates patent complaints to be filed electronically in India.
- New Forms and Regulatory Framework: the amendment introduces new forms including Form for filing the complaints and Form 33 for appeals.

The latest Amendment by the Government of India in Patents Act in 2026, has been the enactment of the Jan Vishwas (Amendment of Provisions) Act. In the intellectual property space, two sets of amendments are relevant:

- Amendments to the Patents Act, 1970 (the Patents Act): Revision of terminology used in penal provisions, amend the framework for foreign filing licenses, and remove a criminal offence. These amendments came into force with effect from 01 June 2026.
- Amendment to the Copyright Act, 1957 (the Copyright Act): Section 67 stands omitted, thereby removing the criminal offence relating to false entries in the Register of Copyrights. This Act came into force with effects from 15 June 2026.

Globally, a significant shift has been seen in a number of countries from relying on litigation to managing their intellectual property infractions through administrative measures. Countries in regions like the European Union and several Asian nations exhibit this tendency. The amendments confront the concerns regarding the treatment of procedural non- compliance under India's patent and copyright laws.

These amendments also consequently support changes from criminal prosecution towards proportionate civil and administrative enforcement for conduct that does not directly impair substantial rights.

Citations

- Emmanuelle Levy & Valérie Marcinkowski, *Amendments to Legislation in India*, Legal 500 (Oct. 8, 2024), https://www.legal500.com/intelligence/india/intellectual-property/amendments-to-legislation-in-india/.
- *Intellectual Property Rights*, Department for Promotion of Industry and Internal Trade, Ministry of Commerce & Industry, Gov't of India, https://www.dpiit.gov.in/documents/acts-and-policies/intellectual-property-rights-QzN1gDNtQWa?pageTitle=Intellectual-Property-Rights .
- *India Intellectual Property Law Update 2026: Key Developments in Patents, Trademarks, Copyright and Plant Variety Rights*, K Singhania & Co. (Sept. 16, 2026), https://singhanialaw.com/india-intellectual-property-law-update-2026-key-developments-in-patents-trademarks-copyright-and-plant-variety-rights/.
- *LexOrbis*, Jan Vishwas (Amendment of Provisions) Act, 2026 Further Rationalises Patent and Copyright Offences in India, LexOrbis (July 9, 2026), https://www.lexorbis.com/jan-vishwas-amendment-of-provisions-act-2026-further-rationalises-patent-and-copyright-offences-in-india/.
- Shreya Sampathkumar, *The Patent (Amendment) Rules, 2024 – Are Grant Numbers the Goal?*, Patent Lawyer Magazine (Aug. 19, 2024), https://patentlawyermagazine.com/recent-amendments-in-indian-patent-rules-2024-enhancing-patent-procedure-and-protection/.

- Yashika Koranga, *What Is the Patent Amendment? A Comprehensive Guide*, Intellect Bastion (May 8, 2026), https://intellectbastion.com/what-is-the-patent-amendment-2025-a-comprehensive-guide/.
- SCC Online Blog, *IP Laws Decriminalized and Amended Vide Jan Vishwas Amendment of Provisions Act, 2023*, SCC Online (Aug. 3, 2024), https://www.scconline.com/blog/post/2024/08/03/ip-laws-decriminalized-and-amended-vide-jan-vishwas-amendment-of-provisions-act-2023/.