

## **Comments and Suggestions on Draft on the National IPR Policy**

**Adv. Ravindra Chingale, Research Scholar, National Law University Delhi<sup>1</sup>**  
**Email: advchingale@gmail.com**

1. India has decided to transform itself into manufacturing hub through its campaign 'Make in India'. This manufacturing in India will become significant when there is growth and development in the technology. To survive in the innovative and inventive market and compete with the developed economy, India has to think on indigenous development of technology. This technology development can be achieved by Industry and Universities. Central as well as State Government should promote research abilities of Indian Universities and also of the industry by conscious effort. Indian IITs have proved that they can develop new technology which can be used for the industry. However, the results from the other technical institutes are not known widely as compare to IITs.
2. For the growth of the industry innovation and invention plays significant role. To grow innovation and inventive friendly environment in the industry, academic institution, research organisations and government institutions IPR plays pivotal role. It is a well beginning and good move that Government of India has decided to come up with the National IPR Policy. Previously, Govt. of India has published National IPR Strategy. The current policy aims to promote holistic and conducive ecosystem to tap the Indian potential in IP. This policy will coordinate all the facets of IP system such as legal, administrative, human resources, institutional support system and international dimensions. The policy will also guide and enable creators and inventors to realise their potential and would help for their economic gain.

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<sup>1</sup> The researcher is doing empirical research on 'Software Patent and its Impact on Software Industry in India'.

3. The vision and mission of the policies are well articulated to incorporate aim to achieve inclusive growth by innovation and invention in the technology and industry. Objectives set forth for IP promotion and awareness, creation of IP, legal and legislative frameworks, administration and management, commercialisation of IP, enforcement and adjudication and human capital development touches all the angles of IP issues and policies.
4. National Department of Intellectual Property – A separate nodal department for all fields of IP should be established. This department should have separate administrative staff. This department should carry research in the fields of IP and suggest policy, legislative and administrative changes in the all fields of IP. Department should have full time government secretary and advisory board of IP professionals, academicians, researchers etc.
5. The provision of establishment of IP Promotion and Development Council (IPPDC) as nodal organisation for promotion, creation and commercialisation of IP is welcomed. However, instead of restricting it for only commercialisation, promotion and creation its scope can be enlarged in other fields. IPPDC can also be made as separate wing of National Department of IP.
6. Periodic Legislative impact assessment can be carried over regularly. National IPR Index and State IPR Index can be determined based on the various parameters and performance of each state in all fields of IP. India has its own potential in some specific kind of industry such as software industry, biotechnology etc. The inventions of this industry are of abstract nature. The current laws cannot provide sufficient protection to such type of inventions. The IP policy should also focus on such kind of industry where India is generating more revenue and providing employment to Indian youth.

7. Performance of existing MHRD Chairs on IP should be evaluated. Those who are performing well should be continued and those who have not performed well should be closed. If it is observed that MHRD Chairs are not performing well and the objective set has not been fulfilled the scheme of MHRD Chairs on IP can be closed and new scheme of research grants based on research projects to different institutes should be initiated.
8. There is need to provide research grants to all kinds of educational institutions, universities. The scheme funds should not be restricted to Government Institutes only. The funding should be based on performance not on the owner base. Research project should also be given to private universities, NGOs, Research organisations and all central and state run institutes.
9. Worldwide universities and research institutes are recognising commercialisation of IP as essential part of academic activity to promote institution's name, recognition and prestige. IP Education and interdisciplinary courses and curriculum in various institutes will provide techno legal manpower which is well acquainted with technological and legal issues. There is need to establish 'IP Clinics' in various engineering, pharmacy, medical and legal schools and colleges to provide ready assistance and guidance to the MSMEs and individuals. Training to government officials, patent agents, examiners, lawyers and judges is also important aspect. The policy also can draft separate model IP Policies for educational Institutions, SMEs and research institutes and encourage them to prepare their own IP policies.
10. All the IP departments should be at one premise. Where there is only one branch of the IP areas such as Copyright office in Delhi, new divisional or regional offices should be established. Besides this there should be one IP Court which deals with all kinds of IP litigation. This will help for speedier and faster resolution of IP disputes.

11. The government should start 'National Mission for Intellectual Property Promotion and Development' for the next five years with an aim of increasing in the filing of patent applications and to achieve the aims and fulfil objectives of the National IP Policy.