

EU-India TIDP (IPR Component)

Warsaw 6 July 2007



The Rationale Behind the IPR Component

EU

High priority of IPRs as an essential precondition for political, economic and legal cooperation

Claim: Effective protection and enforcement of IPRs is a pre-requisite for triggering FDIs from the EU

Gol Improve the administration and enforcement of IPRs in line with international standards

Fulfil the criteria for and develop into an an International Searching Authority and International Preliminary Examining Authority under the Patent Cooperation Treaty international search agency

The Framework for IPRs in India

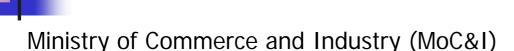
Legal Framework is harmonised with TRIPS:

- The Patents Act, 1970 as amended by Patents (Amendment) Act, 2005
- The Trade Marks Act, 1999
- Copyright Act, 1957, as amended in 1999
- Design Act, 2000
- Geographical Indications of Goods (Registration and Protection)
 Act, 1999
- Protection of Plant Varieties and Farmers Rights Act, 2001
- Semiconductor Integrated Circuits- Layout Designs Act, 2000
- The Biological Diversity Act, 2002
- No special provision. Protection under Common Law principles.
 Section 27A of the Indian Contract Act, 1872 as amended

Membership of International IPR Instruments

TRIPS: Trade Related Intellectual Property Rights Agreement	Nairobi Treaty on the Protection of the Olympic Symbol	Patent Co-operation Treaty
Paris Convention for the Protection of Industrial Property	WIPO Convention for Protection of rights of Producers of Phonograms	Universal Copyright Convention
Berne Convention for the Protection of Literary and Artistic Works	Budapest Treaty on International Recog- nition of the Deposit of Micro-organisms for the Purposes of Patent Procedure	Not Member yet: Madrid Agreement concerning the International Registration of Marks
Film Register Treaty	Integrated Circuits Treaty	





Office of the Controller General of Patents, Designs and Trade Marks (CGPDT)

The Indian Patent Office (IPO) is headquartered in Kolkata with branches in Delhi, Chennai and Mumbai

- Responsibility for the granting of patents and registration of designs
- Trademarks Registry at Mumbai office
- Designs Registry at Kolkata office
- Geographical Indications Registry at Chennai office
- Semiconductor Integrated Circuits Layout Design Registry
- Copyrights Office in the Ministry of Human Resources Development

Important Features

Number of Patent Applications Filed In India

Year	2002	2003	2004	2005
	11446	12613	17466	24415

Indian Patent Office Set-Up

One Controller General

Two Joint Controllers

5 Deputy Controllers

33 Assistant Controllers at the Patent Office.

141 examiners (although sanctioned strength is 157)

140 support staff

In 2005 roughly 60 % of requests were examined, leaving a backlog of about 40 %.

→ Improved tools and infrastucture (databases) and further capacity building



Enforcement of IPRs

No specialised IPR courts

Higher Judiciary Civil Criminal

Supreme Court Supreme Court

High Court High Court

Subordinate District Judge Session Judge

Judiciary Civil Judge Assistant Session Judge

CUSTOMS

POLICE

Main Activity Areas of the IPR Project

- The Project envisages the following Four areas of activity:
- Capacity Building- Training of IPO officials/examiners, enforcement personnel and EU Study Visits
- Support in Institution Building and improving IPR Administrative and Service capacities - Database, IPR Helpdesk
- Awareness Raising and Outreach Activities in IPRs
- Commissioning Studies and Surveys
- International Networks