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# **“TACTICAL IP MANAGEMENT IN INNOVATION: CONNECTING PROTECTION AND PROGRESS IN DEVELOPING ECONOMIES”**

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## **ABSTRACT**

The blog highlighted the intricacies between Intellectual Property (IP) management and innovation, primarily focusing on the developing economies like India. It evaluates how a potent IP structure of a business not only prevents any kind of infringement but also generates commercial value, investment opportunities and economic growth. The blog provides a structural analysis of the data to reflect the growing IPR trends. It also scrutinizes the difficulties that arise in managing Intellectual Property in the form of high filing costs, weak enforcement, lack of awareness and issues of joint ownership. The blog suggests some ways in which these problems can be overcome by yielding incentives provided by govt., education programmes, integrate IP into core business and transparent agreement clauses of ownership. The blog endorses to consider IP as a core business asset holding immense value. The societal progress and economic thriving will be ensured by integration of IP management and innovation.

**Keywords:** - Intellectual Property (IP), IP management, Innovation, IP Infringement, IP education, Economic Development.

## **INTRODUCTION**

Intellectual property refers to the innovations done in the form of inventions, unique literary or artistic works and creative designs that are used in commercial purposes. IP management becomes essential in identifying the unique and distinct products which need to be protected or the ones which could be leveraged to maximize the commercial and social value of innovations. Therefore, the inventors invent certain product which play a role in achieving the societal goals, gathering monetary benefits and protection of technologies. Moreover, big investors give their

money for further research and product development due to a robust IP portfolio which always gives a certain edge over the competitors. However, various challenges like:- lack of awareness regarding IPR, weak enforcement of IP rules, frequent infringements and disputes on proprietary rights, lack of clarity in the joint venture agreements regarding joint ownership and difficult to get recognition of their worth and value etc. often causes hindrance in the path of achieving benefits of innovation through IP. Certain measures like:- Rational measures of IP creation and commercialization, less charges for protecting designs, regular IP training sessions, collaboration with universities and investors and periodic risk assessment can be adopted to make sure fruitful results will be ensured through IP management.

## **ROLE OF INTELLECTUAL PROPERTY IN DRIVING INNOVATION**

- IP rights provide legal protection to the creative ideas of the inventor in the form of patents, copyrights, trademarks etc. which gives them an exclusive control over their design and also reap benefits from it by selling the rights and generating goodwill for the product. According to the World Intellectual Property Indicators(WIPI) report, 2024<sup>1</sup> published annually by World Intellectual Property Organization, India has acquired a top 10 position in the intellectual property registrations in three major categories :- Patents, trademarks and industrial designs. India witnessed a tremendous increase of around 150% in the patent grants in year 2023 compared to the previous year. Trademark filing also saw an increase of around 6% with health, agriculture and clothing sector making the largest proportion<sup>2</sup>. This shows the innovation driven culture flourishing in India along with sustainable growth as well.
- IP management strategies help to solidify the market position of the company and always gives them a competitive edge. Tata group is one of the biggest and diversified multi-business company with a robust patent portfolio. Three tata companies :- Tata Consultancy Services(TCS) won the ‘National Intellectual Property Award 2023’ by getting around 3100 patents registered<sup>3</sup>, Tata Motors reached a big milestone of in FY25 by filing 250 patents and 148 design applications – highest ever in a single year<sup>4</sup> and

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<sup>1</sup> WORLD INTELLECTUAL PROPERTY ORGANIZATION, <https://www.wipo.int/edocs/pubdocs/en/wipo-pub-941-2024-en-world-intellectual-property-indicators-2024.pdf> (last visited date Jun. 20, 2025).

<sup>2</sup> PRESS INFORMATION BUREAU, <https://www.pib.gov.in/PressReleasePage.aspx?PRID=2072706> (last visited date Jun. 20, 2025).

<sup>3</sup> TATA CONSULTANCY SERVICES, <https://www.tcs.com/who-we-are/newsroom/press-release/tcs-wins-the-national-intellectual-property-award-2023-and-wipo-users-trophy> (last visited date Jun. 20, 2025).

<sup>4</sup> TATA MOTORS, <https://www.tatamotors.com/press-releases/tata-motors-sets-new-record-with-highest-patent-filings-in-fy25/> (last visited Jun. 20, 2025).

Tata Steel winning the National Intellectual Property Award in 2024 with over 2000 patent applications being filed worldwide<sup>5</sup>.

- Managing an IP portfolio is a herculean task but if done with poise and accuracy by keeping all the assets in an organized and a systematic manner, it can help to attract a lot of investment from the market. Startups with structured IP portfolio secure more funds for innovation purposes by making their IP assets as their collateral. Indian Government has introduced various favourable policies and schemes over the years to provide constant support to the startup culture. Start-ups Intellectual Property Protection Scheme launched in the year 2016 with the purpose of endorsing innovation and creativity among the startups by safeguarding their intellectual property rights and also financing the facilitator fees. Investors with the incentive of tax exemption as well get a comfort while investing in growth potential startups<sup>6</sup>. Like the government backed “Fund of funds” scheme has channelled around 21,000 crore into around 1100 startups by the end of 2024<sup>7</sup>.
- IP management plays a huge role in commercializing innovations through generation of licensing agreements which helps to transfer the innovative technology to other parties. This transfer is done for several purposes like:- to generate surplus revenue for the company or to contribute for the social welfare of the country by investing their technology in key sectors of the society. Cross licensing agreements are prevalent in today’s time where the companies mutually agree to share their patent and copyright works. For Example:- During Covid-19 pandemic, the vaccine of Covid-19 was cross licensed between Astra Zeneca and Serum Institute of India for the manufacturing and distribution purposes in India. Licensed agreements of IP are enforced by The Trade Marks Act of 1999, The Copyright act of 1957, The Patents Act of 1970 etc<sup>8</sup>.

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<sup>5</sup> TATA STEEL, <https://www.tataworld.com/news/openinside/tata-steel-wins-national-and-world-ip-awards> (last visited Jun. 20, 2025).

<sup>6</sup> INDIA FILINGS, <https://www.indiafilings.com/learn/scheme-for-facilitating-start-ups-intellectual-property-protection-sipp/> (last visited Jun. 20, 2025).

<sup>7</sup> PRESS INFORMATION BUREAU, <https://www.pib.gov.in/FactsheetDetails.aspx?Id=149106#:~:text=By%202024%2C%20%E2%82%B96%2C886%20crores,21%2C276%20crore%20in%201%2C173%20startups.> (last visited Jun. 20, 2025).

<sup>8</sup> Vikrant Rana and Apalka Bareja, *Role of Patent pooling & Cross Licensing for managing a pandemic*, S.S. RANA AND CO. (July 26, 2024), <https://ssrana.in/articles/role-patent-pooling-cross-licensing-managing-a-pandemic/>.

## CHALLENGES FACED DURING IP MANAGEMENT

- Securing an IP right over an innovative design or work is expensive. Small enterprises and especially startups who are at nascent stage of their establishment find it a bit difficult to acquire and sustain IPR. Costs generally include:- Filing fees of the IP rights, attorney and consultant charges, periodic renewal or maintenance fees etc. According to World Intellectual Property Organization (WIPO), the average cost of filing a patent internationally through the patent cooperation treaty usually ranges between \$15000 - \$20000<sup>9</sup>, which is a huge amount for the Small Medium Enterprises and budding Startups. Specifically talking about India, the patent filing application cost has seen an increase in the past 5 years from INR 1492 to 6120 for the SMEs and Startups<sup>10</sup>. However, The Government of India declared to grant 80% rebate on filing cost in the Startup India scheme of 2016 but lack of awareness among the businesses made this grant up to no avail. Moreover, additional charges in the form of professional fees makes it more challenging to acquire a patent.
- Many businesses are oblivious regarding the existence of IPR and ways to protect their creative design and eventually their ideas get infringed. They are unfamiliar with the process to file for an IPR, the set of laws under which it is governed, Government introduced various schemes to protect and inspire for more productive and unique works. Businesses avoid seeking professional advice on these matters making them vulnerable to IP theft. The India Innovation Index of 2022 shows that only less than 5% of India's MSMEs file for patents and trademarks showing lack of knowledge regarding the available rights<sup>11</sup>. A WIPO study of 2021 has recorded that less than 9% of SMEs have at least one of the three main IPR while on the other hand 60% large firms have acquired at least one.<sup>12</sup>
- Businesses acquire an IP right over their product but they also need to pay attention towards its enforcement, which becomes a herculean task at times. To check for infringement continuous monitoring is required and adequate resources to keep a check on it. Delays are also there during legal proceedings against infringers and a quality

<sup>9</sup> BITLAW GUIDANCE, <https://www.bitlaw.com/guidance/patent/what-does-a-patent-application-cost>. (last visited Jun. 20, 2025).

<sup>10</sup> KNN INDIA, <https://knnindia.co.in/news/newsdetails/msme/india-records-310-surge-in-startup-msme-patent-filings-over-the-past-5-years>. (last visited Jun. 20, 2025).

<sup>11</sup> PRESS INFORMATION BUREAU, [https://www.niti.gov.in/sites/default/files/2022-07/India-Innovation-Index-2021-Web-Version\\_21\\_7\\_22.pdf](https://www.niti.gov.in/sites/default/files/2022-07/India-Innovation-Index-2021-Web-Version_21_7_22.pdf) (last visited Jun. 20, 2025).

<sup>12</sup> Julian Crump, *IP protection: building value and growth for small business*, WIPO MAGAZINE, (March 15, 2021), <https://www.wipo.int/web/wipo-magazine/articles/ip-protection-building-value-and-growth-for-small-businesses>.

legal team is not feasible for small entities. Online infringement is on a high as with the boom of e-commerce and digital media making it more difficult to track IP theft. The Organization for Economic Development (OECD) in 2019 estimated that counterfeit and pirated goods accounted for 3.3% of the global trade<sup>13</sup>. International chamber of commerce expected counterfeiting in global trade reaching \$464 million<sup>14</sup>.

- IP ownership becomes a point of contention when there are collaboration of different institutes, joint ventures taking place and open innovation models being followed. Companies often join hands together on projects of societal interest or to create such works which requires the specialization of two or more companies. Lack of clarification regarding which part of technology is owned by whom leads to conflicts. Resolving these issues becomes key for smooth functioning of the project which might otherwise lead to loss of proprietary advantages. Real life example of Tesla (an automobile company) coming under scrutiny when questions raised on the enforcement of their open patent strategy when smaller businesses used their protected work<sup>15</sup>.

## STRATEGIES TO OVERCOME IP MANAGEMENT CHALLENGES

- Businesses and Research Institutes should utilize the govt. schemes and initiatives for their IP management. Governments across the world have introduced special programs to assist the businesses by providing IPR filing support, legal aid and other financial subsidies. If we talk at the global level, initiatives like:- Patent Cooperation Treaty(PCT) is there to file patents globally through a single filing application, Specific schemes of the foreign countries are also present to aid by giving tax subsidies and fee waivers to promising entities<sup>16</sup>. In India, Start-up India Initiative launched in 2016 aids by offering 80% rebate on patent fees<sup>17</sup>, Govt. backed IP facilitators are also provided under the Start-up Intellectual Property Protection Scheme and Fastrack patent

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<sup>13</sup> SGS SA, <https://www.sgs.com/en-in/news/2021/07/why-consumers-should-be-concerned-about-intellectual-property-rights> (last visited Jun. 20, 2025).

<sup>14</sup> Katia de clerq, *The Importance of Fighting Counterfeit in the Online World: Leveraging Advanced Tools and AI*, GEVERS.EU BLOG, ( Jun. 20, 2025, 11:24 P.M.), <https://gevers.eu/blog/the-importance-of-fighting-counterfeit-in-the-online-world-leveraging-advanced-tools-and-ai> .

<sup>15</sup> BRAINIAC IP, <https://brainiac.co.in/teslas-patent-strategy-the-ideological-shift/> . (last visited Jun. 20, 2025).

<sup>16</sup> WORLD INTELLECTUAL PROPERTY ORGANIZATION, <https://www.wipo.int/treaties/en/registration/pct/> . (last visited Jun. 20, 2025).

<sup>17</sup> PRESS INFORMATION BUREAU, <https://www.pib.gov.in/newsite/PrintRelease.aspx?relid=147661> . (last visited Jun. 20, 2025).

examination of Startups works<sup>18</sup>. Government backed Start up Maha Kumbh is another initiative which provides a global platform for the young Indian startups to acquire knowledge from the best in the business and also attracting investments<sup>19</sup>.

- Educational Institutions and research organizations should collaborate to tackle the issue of lack of knowledge and awareness regarding the IPR and its management. This can be achieved by actively engaging with the young entrepreneurs and SMEs through training sessions and by also introducing IP in the academic curriculum to gain intensive knowledge. WIPO runs an academy in which free online training IP modules are offered. Tech Transfer offices are built in US, UK in student training while the east Asian countries like Japan have introduced IP in their academic curriculum<sup>20</sup>. India has launched a full-fledged National IP Awareness Mission through which around 1 million students and faculty have acquired knowledge regarding basics of IPR till mid-2022<sup>21</sup>.
- The issue regarding lack of enforcement of the IPR which leads to infringement can be solved if IP is considered as a core part of the business strategies. Investing in certain ideas through which a new and unique product is manufactured and which is accordingly being protected. IPR being considered as a fundamental part of the business may ensure limited risk of infringement and can also help in achieving commercial objectives. MSMEs are provided incentives to create internal IPR policies and use funds of the government to monetize protected inventions. Giant companies like:- Apple, Samsung and Phillips place IP in every invention made during product development phase.
- An IP product made through collaboration needs to be clear regarding the ownership of the respective product. The contractual terms should be clear and concise on the subjects of ownership, exercising rights and profit sharing ratio gained through commercialization. Model agreements are there prepared by the NITI Aayog of India regarding tech transfer and IP sharing in public-private partnerships<sup>22</sup>. Non-disclosure

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<sup>18</sup> Ayushi Suman, *Summary: SIPP(Startup Intellectual Property Protection Scheme)*, ALG INDIA LAW OFFICES LLP, (last visited Jun. 20, 2025), <https://www.algindia.com/summary-sipp-scheme-for-facilitating-start-ups-intellectual-property-protection-dpiit/>.

<sup>19</sup> PRESS INFORMATION BUREAU, <https://www.pib.gov.in/PressReleaseIframePage.aspx?PRID=2118013> . (last visited Jun. 20, 2025)

<sup>20</sup> WIPO KNOWLEDGE REPOSITORY, [https://tind.wipo.int/record/28606/files/wipo\\_pub\\_928.pdf](https://tind.wipo.int/record/28606/files/wipo_pub_928.pdf) . (last visited Jun. 20, 2025).

<sup>21</sup> PRESS INFORMATION BUREAU, <https://www.pib.gov.in/Pressreleaseshare.aspx?PRID> (last visited Jun. 20, 2025).

<sup>22</sup> NITI AAYOG, [Model Agreements | NITI Aayog](#) , (last visited Jun. 20, 2025).

agreements (NDAs) and Memorandum of Understanding (MOU) are also signed by the parties in collaborations as a standard practice. The recently concluded Second Edition of Startup Maha Kumbh witnessed around 1052 investors benefitting from the knowledge of 133 professional experts and 1091 investors engaging to participate<sup>23</sup>.

## CONCLUSION

In modern world, where technology is upgrading at a fast rate and people accessing modern resources to create more and more unique designs and products. Intellectual Property (IP) becomes vital to safeguard these products, generating goodwill and endorsement of the hard work by granting rights. Intellectual property management gives a certain edge to the company over its competitors by adopting it as a core business strategy and with the mission of economic progress. A well-managed IP portfolio plays a key role to get financing from the big investors. It generates stability and growth opportunities for upcoming startups. Growth potential countries like India are becoming global innovation hub by certain steps taken by the government in the form of launching schemes like:- Startup India Scheme, SIPP scheme helps to gain access to IP products through open innovation models and collaborative projects. Globally, practices are adopted to incorporate IP into core business strategy to get defining results. Treaties like:- PCT and Madrid Protocol are ratified by countries to draw a mutual consensus on IP innovation management. However, challenges do remain in the form of high filing costs, lack of awareness, enforcement barriers and lack of clarity in joint ownership of IP products. These can be effectively resolved by providing incentives, IP education, treated as a core issue and well drafted agreements with lucidity. Intellectual property should be viewed as primary business matter. A forward looking and a flexible approach needs to be adopted by innovators for societal progress and economic development.

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<sup>23</sup> STARTUP MAHAKUMBH, <https://startupmahakumbh.org/> , (last visited Jun. 20, 2025).

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