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# **INTELLECTUAL PROPERTY RIGHTS IN INDIA: A STUDY OF DOCTRINES, STATUTORY FRAMEWORK AND INSTITUTIONAL MECHANISMS.**

AUTHORED BY- HRUDINEE SUDIP VARSOLKAR,  
YAASHI BHOMIA & NIVEDITA UPADHYAY

## **ABSTRACT**

Intellectual Property Rights (IPR) play a crucial role in promoting innovation, protecting creativity, and supporting economic development. In India, the IPR framework has evolved significantly from its colonial origins to a modern system aligned with global standards and technological advancements. It encompasses various forms, such as patents, copyrights, trademarks, and industrial designs, each governed by specific legal provisions. This paper examines the doctrinal foundations, statutory framework, and institutional mechanisms of IPR in India. Furthermore, it analyzes the role of courts and administrative authorities in enforcement, while highlighting important challenges such as digital piracy, artificial intelligence, and institutional inefficiencies. The study finds that although India has developed a robust legal framework, challenges in enforcement and emerging technological issues continue to affect its effectiveness, requiring a balanced and adaptive approach.

**KEYWORDS:** Intellectual Property Rights, Patents, Copyright, Trademarks, Industrial Designs, Doctrines, Digital Piracy, Artificial Intelligence, IPR Enforcement, India.

## **INTRODUCTION**

Intellectual Property Rights (IPR) are legal rights that safeguard creations developed through human intellect and creativity. These rights ensure that creators receive recognition and control over their work, while preventing unauthorized use and encouraging innovation and investment.

The concept of intellectual property has been widely recognized at both national and international levels. The World Intellectual Property Organization (WIPO) explains it as creations of the human mind, such as inventions, artistic and literary works, designs, and

commercial symbols.<sup>1</sup> Leading scholars like William Rodolph Cornish noted that these rights allow creators to exercise control over and derive economic value from their creations.<sup>2</sup> In the Indian context, P. Narayanan highlights that IPR not only protect such creations but also encourage innovation and fair competition. IPR includes various forms such as patents, copyrights, trademarks, and industrial designs, each protecting a specific type of intellectual asset. These rights are limited in scope and duration, ensuring a balance between private interests and public access.<sup>3</sup>

## **RESEARCH METHODOLOGY**

This study adopts a doctrinal research methodology based on secondary sources. It relies on books, research papers, statutory provisions, and judicial decisions to analyze the framework of Intellectual Property Rights in India. Relevant legal texts and case law have been examined to understand the application of principles. The study follows a qualitative, analytical, and descriptive approach to evaluate doctrines, legislative provisions, and institutional mechanisms governing IPR in India.

## **EVOLUTION OF INTELLECTUAL PROPERTY LAWS IN INDIA: FROM COLONIAL ROOTS TO 2025:**

The evolution of intellectual property laws in India has been closely linked with the country's political and economic changes. Over time, the IPR framework has developed from colonial foundations to a system aligned with global standards.<sup>4</sup>

### **Colonial Period (Pre-Independence Era):**

Intellectual property laws in India originated during British rule and were largely based on English legal principles, primarily serving colonial economic interests. The first patent-related legislation in India was introduced in 1856, followed by a series of developments in 1859, 1872, and 1883. The Indian Patents and Designs Act, 1911, later established a more structured system of protection.<sup>5</sup>

Copyright laws also emerged during this period, reflecting British legislation and offering

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<sup>1</sup> World Intellectual Property Organization, What is Intellectual Property?

<sup>2</sup> William Rodolph Cornish et al., Intellectual Property: Patents, Copyright, Trade Marks and Allied Rights (8<sup>th</sup> ed. 2013).

<sup>3</sup> P. Narayanan, Intellectual Property Law (Eastern Law House, latest ed.).

<sup>4</sup> National Judicial Academy, IPR in India (2017).

<sup>5</sup> Office of the Controller General of Patents, Designs and Trade Marks, History of Indian Patent System.

limited protection mainly aligned with colonial priorities rather than domestic innovation.<sup>6</sup>

#### Post-Independence Phase:

After Independence, India restructured its IPR laws to align with national objectives such as economic growth, self-reliance, and public welfare. A major development during this period was the enactment of the Patents Act, 1970, which limited patent protection to process patents in crucial sectors like food and pharmaceuticals. This approach helped promote domestic industries and ensured wider availability of affordable medicines.

#### Liberalization and Global Integration:

The economic reforms introduced in 1991 marked India's entry into the global economy. As part of this transition, India became a member of the World Trade Organization (WTO) and undertook obligations under the TRIPS Agreement. Consequently, significant amendments were made to the patent laws, including the introduction of product patents, extension of patent protection to 20 years, and strengthening of enforcement mechanisms.<sup>7</sup>

#### Modern Developments:

In recent years, India has continuously updated its IPR framework to keep pace with technological advancements and the challenges of the digital era. The focus has been on strengthening innovation, improving enforcement mechanisms, and ensuring the protection of traditional knowledge. Institutional changes, such as the abolition of the IPAB in 2021, have also contributed to more efficient dispute resolution.<sup>8</sup>

Overall, India's IPR system has progressed from its colonial origins to a more balanced framework that supports national development while aligning with global standards and protecting public interest.

## **ROLE OF INTELLECTUAL PROPERTY RIGHTS IN ECONOMIC GROWTH AND INNOVATION**

Intellectual property rights play a significant role in driving economic growth by encouraging innovation and protecting creative efforts. By granting exclusive rights, they motivate individuals and organizations to invest in research and development, leading to technological

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<sup>6</sup> IP Varna Research, Evolution of IP in India.

<sup>7</sup> World Trade Organization, TRIPS Agreement.

<sup>8</sup> IPR Evolution Paper, Indian Journal of Law Research and Analysis (2025).

progress. A strong IPR system also enables creators to commercially benefit from their work, promoting entrepreneurship and market competitiveness. Additionally, effective protection of intellectual property attracts foreign investment and facilitates technology transfer.<sup>9</sup> In this way, IPR contributes to building a knowledge-based economy where innovation becomes a major factor in sustainable development and overall economic advancement.

### **DOCTRINES OF INTELLECTUAL PROPERTY RIGHTS:**

Intellectual Property Rights are governed by certain fundamental doctrines that determine the scope, enforcement, and limitations of rights over intellectual creations.

#### Doctrine of Originality:

The doctrine of originality requires that a work must originate from the author and involve a minimum degree of skill, labor, and creativity. It does not require complete novelty, but the work must be independently created and not copied. This ensures protection is granted only to genuine intellectual efforts.<sup>10</sup>

#### Doctrine of Fair Dealing:

This doctrine permits limited use of protected material without the permission of the owner for purposes such as research, private study, criticism, review, and education. It acts as a safeguard to ensure that intellectual property rights do not restrict learning and free flow of knowledge.

#### Doctrine of Exhaustion:

According to this doctrine, once a product protected by intellectual property rights is lawfully sold, the owner's rights over that specific copy are exhausted. The buyer is free to use or resell the product, promoting free circulation of goods in the market.

#### Doctrine of Public Domain:

The doctrine states that intellectual property protection is granted only for a limited period. After the expiry of the period, the work enters the public domain and can be freely used by anyone, thereby encouraging wider access and creativity.

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<sup>9</sup> Reet Singh, Impact of Intellectual Property Rights on Economic Growth, International Journal of Advanced Legal Research (2020).

<sup>10</sup> V.K. Ahuja, Law Relating to Intellectual Property Rights (LexisNexis, latest ed.).

Doctrine of Misappropriation:

The doctrine of misappropriation prevents the unauthorized and unfair use of another person's intellectual effort, skill, or investment. It is based on the principle that no one should unjustly benefit from the work of another.

Doctrine of Unfair Competition:

This doctrine ensures fairness in commercial practices by prohibiting deceptive or unethical conduct in the market. It helps maintain honest competition and protects both business and consumers.

Doctrine of Passing Off:

Passing off protects the goodwill and reputation of a business by preventing others from misrepresenting their goods or services as those of another. It helps avoid consumer confusion and protects brand identity.

Doctrine of Breach of Confidence:

The doctrine applies where confidential information is shared in a relationship of trust. Unauthorized disclosure or misuse of such information amounts to a breach, and the law provides protection against acts.

Doctrine of Trade Secret Protection:

Trade secret protection applies to valuable business information that is kept confidential, such as formulas, methods, or strategies. Protection continues as long as the secrecy of such information is maintained.

Doctrine of Balance between Public Interest and Private Rights:

This doctrine ensures that intellectual property rights are not absolute. While creators are given exclusive rights, these must be balanced with public interest to ensure access to knowledge and promote innovation.

## **LEGAL/STATUTORY FRAMEWORK GOVERNING INTELLECTUAL PROPERTY RIGHTS IN INDIA**

The statutory framework of Intellectual Property Rights in India includes laws governing patents, copyrights, trademarks, and designs. These statutes provide protection and regulate rights over intellectual creations.

### **Patents (Based on the Patents Act, 1970)**

#### **Introduction:**

A patent is a legal right granted to an inventor for a new invention, giving exclusive control over its use for a limited period. It prevents unauthorized use while promoting innovation and public disclosure. In India, patents are governed by the Patents Act, 1970.<sup>11</sup>

#### **Preliminary and Patentability:**

Under Section 2(1)(j), an invention means a new product or process involving an inventive step and capable of industrial application. Sections 3 and 4 specify non-patentable inventions, including discoveries, scientific principles, methods of treatment, and inventions relating to atomic energy.

#### **Application and Grant of Patents:**

Sections 6 to 11 provide that the true and first inventor or their assignee may apply for a patent. The process involves filing an application (Section 7), publication, and examination under Sections 12 and 13. The Controller may grant or refuse the patent based on compliance with statutory requirements.

#### **Rights of Patentee:**

Section 48 confers exclusive rights on the patentee to make, use, sell, or distribute the patented invention. However, these rights are subject to limitations such as use for research and government purposes.

#### **Revocation and Infringement:**

A patent may be revoked under Section 64 on grounds such as lack of novelty or inventive step. Infringement occurs when a patented invention is used without authorization. Sections

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<sup>11</sup> The Patents Act, 1970 (Commercial Law Publishers (India) Pvt. Ltd., 2025 ed.).

104 to 107 deal with jurisdiction and defenses, while Section 108 provides remedies such as injunctions and damages.

### **Copyright (Based on the Copyright Act, 1957)**

#### **Introduction:**

Copyright is a legal right that protects original literary, dramatic, musical, and artistic works, as well as cinematograph films and sound recordings. It gives creators exclusive control over reproduction, distribution, adaptation, and public performance of their work, ensuring both recognition and economic benefits. In India, copyright is governed by the Copyright Act, 1957.<sup>12</sup>

#### **Preliminary and Definitions:**

The Act begins with the short title, extent, and commencement under Section 1. Section 2 defines terms such as “author”, “work”, and “copyright”. The “author” refers to the creators of the work, while “work” includes music, art, drama, etc. These definitions form the foundation for understanding what qualifies for protection.

#### **Works and rights:**

Under Section 13, copyright subsists in original works such as books, plays, songs, paintings, etc. Section 14 grants authors exclusive rights to adapt, reproduce, perform, translate, or broadcast their works. Copyright protects the expression of ideas, not the ideas themselves, ensuring creators maintain control over how their works are used.

#### **Ownership and Transfer:**

As per Section 17-19, the author is the first owner of copyright. The Act allows assignment, licensing, and transmission of rights, either wholly or partially, enabling creators to commercially exploit their work while retaining recognition.

#### **Terms and Limitations:**

Section 22 specifies that copyright generally lasts for the author’s lifetime plus 60 years. Limitations, such as fair dealing for research, education, or criticism, ensure a balance between creator rights and public access.

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<sup>12</sup> The Copyright Act, 1957 (Commercial Law Publishers (India) Pvt. Ltd., 2025 ed.).

### Infringement and Remedies:

Infringement occurs when copyrighted works are used without authorization. Sections 51-55 provide remedies like injunctions, damages, and account of profits, safeguarding creators' rights against unauthorized use.

## **Trademarks (Based on the Trade Marks Act, 1999)**

### Introduction:

A trademark is a distinct sign, logo, word, or symbol that identifies and differentiates goods or services of one business from another. It protects brand identity, fosters consumer trust, and prevents unfair competition. In India, trademarks are governed by the Trade Marks Act, 1999.<sup>13</sup>

### Foundational Provisions:

The Act begins with the short title, extent, and commencement under Section 1. Section 2 lays down essential definitions, including “trademark”, “applicant”, and “registrar”. A trademark is described as a mark capable of graphical representation that distinguishes one person's goods or services from those of others.

### Registration Mechanism:

Section 18-25 govern trademark registration before the Registrar, granting statutory rights and protection against infringement. Unregistered marks may still receive limited protection under the common law principle of passing off.

### Rights and Legal Protection:

Section 28 grants the owner exclusive rights to use the registered mark for the specified goods or services. It empowers owners to prevent others from using identical or confusingly similar marks, safeguarding brand identity and market reputation.

### Duration and Renewal:

Registration under Section 25 is valid for 10 years from the date of application and can be renewed indefinitely in successive 10-year periods, ensuring sustained protection of the trademark.

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<sup>13</sup> The Trade Marks Act, 1999 (Commercial Law Publishers (India) Pvt. Ltd., 2026 ed.).

### Enforcement and Remedies:

Sections 135-138 define infringement and provide remedies. Civil remedies include injunctions, damages, and account of profits, while willful infringement attracts criminal penalties. These provisions ensure robust protection and enforcement of trademark rights.

## **Industrial Designs (Based on the Designs Act, 2000)**

### Introduction:

An industrial design refers to the aesthetic or visual feature of a product, such as shape, pattern, or ornamentation, which make it appealing and distinguishable. Designs enhance marketability, encourage creativity in manufacturing, and protect the appearance of products rather than their functional aspects. The Designs Act, 2000 governs registration and protection of industrial designs in India.<sup>14</sup>

### Core Provisions:

The Act begins with the short title, extent, and commencement. Section 2 defines important terms, including “Design”, “Article”, and “Registrar”. A design must be new or original and must appeal to the eye. Only the visual aspect of a product is protected, not its technical or functional features.

### Registration Procedure:

Applications are filed with the Controller of Designs, and the design is examined for novelty and originality. Registration grants exclusive rights to the owner to use the design and prevent unauthorized reproduction. Registration is particularly important for industries like textiles, furniture, and consumer goods where visual appeal drives commercial success.

### Rights Conferred:

Upon registration, the owner obtains the exclusive right to apply the design to articles in India for 10 years, renewable for 5 more years. The rights protect the design from being copied, sold, or commercially exploited by others without permission.

### Legal Protection and Remedies:

The Act provides remedies for infringement, including civil action, injunctions, and damages. Criminal penalties may also apply for willful violation, ensuring protection of creative

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<sup>14</sup> The Designs Act, 2000 (Professional's, Commercial Law Publishers (India) Pvt. Ltd., latest ed.).

industrial output.

## **INSTITUTIONS HANDLING INTELLECTUAL PROPERTY RIGHTS** **IN INDIA**

The institutional framework for IPR in India ensures proper protection, enforcement, and administration through courts, regulatory authorities, and administrative bodies that collectively manage the IPR system.

### **Role of Courts in IPR Enforcement:**

The judiciary plays a central role in enforcing intellectual property rights by adjudicating disputes and providing remedies such as injunctions, damages, and accounts of profits. High Courts in India exercise jurisdiction over IPR matters and have developed specialized benches to deal with complex issues relating to patents, trademarks, and copyrights. Judicial intervention ensures that rights granted under statutes are meaningfully protected and infringement is effectively addressed. Strong enforcement through courts is essential to maintain trust in the IPR system and promote innovation.<sup>15</sup>

### **Intellectual Property Offices and Regulatory Authorities:**

Administrative bodies such as the Patent Office, Copyright Office, and Trade Marks Registry function under the “Controller General of Intellectual Property Rights”. They play a vital role in maintaining records, processing applications, and ensuring compliance with statutory requirements. The institutional strength of these offices is critical for building an efficient IPR ecosystem and encouraging innovation-driven growth.<sup>16</sup>

### **Practical Functioning and Implementation:**

In practice, the implementation of IPR laws involves both administrative efficiency and enforcement mechanisms. While India has developed a structured legal and institutional framework, challenges such as delays in registration, backlog of cases, and lack of awareness continue to affect its effectiveness. The proper functioning of institutions requires coordination between authorities, improved infrastructure, and increased public awareness to ensure that rights are not merely theoretical but effectively realized.<sup>17</sup>

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<sup>15</sup> Kislay Chauhan, Intellectual Property Rights and Innovation: A Study of India’s Legal Framework, Indian Journal of Law (2024).

<sup>16</sup> Aditi Chauhan & Kashmir Singh, National IPR Policy and Institutional Framework in India (2013).

<sup>17</sup> Bikash Kumar Halder, IPR in India: Challenges and Opportunities, International Education & Research Journal

## **ISSUES AND CHALLENGES IN THE IPR FRAMEWORK:**

The Indian intellectual property regime, despite significant development, continues to face several practical and emerging challenges, particularly in the digital and technological landscape. One of the most pressing issues is digital piracy and unauthorized reproduction of content, which has increased with the rapid growth of online platforms. The ease of copying and distributing digital material has made enforcement difficult, thereby weakening the effectiveness of copyright protection.<sup>18</sup>

Another major challenge arises from the impact of artificial intelligence (AI) on intellectual property rights. The use of copyrighted data for training AI models has created legal uncertainty regarding ownership and infringement. A notable example is the dispute involving Asian News International (ANI) and OpenAI before the Delhi High Court, where issues relating to unauthorized use of news content for AI training were raised. This case highlights the lack of clear legal provisions governing AI-generated content in India and its intersection with copyright law.

Further, recent judicial developments indicate evolving complexities in IPR enforcement. Courts have increasingly dealt with issues such as personality rights, digital content regulation, leading to doctrinal inconsistencies. For instance, recent decisions have shown a shift in trademark and personality rights jurisprudence, raising concerns about over-expansion of protection and its impact on freedom of expression and fair use.<sup>19</sup>

Additionally, institutional challenges such as delays in case disposal, backlog of pending matters, and limited technical expertise, continue to hinder effective enforcement of IPR laws. The abolition of the IPAB has transferred jurisdiction to High Courts, improving consistency but adding to the judiciary's workload.

Overall, the Indian IPR framework faces the challenge of balancing technological advancements with legal certainty, requiring continuous reforms to address emerging digital and global issues.

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(IERJ) (2024).

<sup>18</sup> S. Prasanna, Challenges in Indian Intellectual Property Rights Law, ILEDU (2024).

<sup>19</sup> Top IP Developments and Emerging Challenges in India, SpicyIP (2025).

## **CASE STUDY**

### **R.G. ANAND v. DELUXE FILMS**

Case Name: R.G. Anand v. Deluxe Films

Citation: AIR 1978 SC 1613

Court: Supreme Court of India

#### **Facts of the Case**

The plaintiff, R.G. Anand, authored a play titled Hum Hindustani. The defendant produced a film titled New Delhi, which the plaintiff alleged was based on his play. He filed a suit claiming copyright infringement.<sup>20</sup>

#### **Issues Raised**

- Whether the film constituted an infringement of the plaintiff's copyright.
- Whether similarity in theme amounts to copyright violation.

#### **Judgement**

The Supreme Court held that there was no infringement, as the similarities were based only on general ideas and themes, not on the expression of the work.

#### **Ratio Decidendi**

The Court established the idea-expression dichotomy, stating that copyright law protects only the expression of ideas and not the ideas themselves.

#### **Legal Principles Laid Down**

- Mere similarity of ideas is not infringement.
- There must be substantial copying of expression.
- The test is whether an ordinary viewer would find the works substantially similar.

#### **Significance of the Case**

This case is a cornerstone of Indian copyright law and continues to guide courts in determining copyright infringement, especially in creative works like films and literature.

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<sup>20</sup> R.G. Anand v. Deluxe Films, AIR 1978 SC 1613 (India).

**NOVARTIS AG v. UNION OF INDIA**

Case Name: Novartis AG v. Union of India

Citation: (2013) 6 SCC 1

Court: Supreme Court of India

Date of Judgement: 1 April 2013

**Facts of the Case**

The appellant, Novartis AG, applied for a patent for the beta-crystalline form of Imatinib Mesylate, marketed as “Glivec”, a drug used for treating chronic myeloid leukemia. The Indian Patent Office rejected the application on the ground that the invention did not satisfy the requirements under Section 3(d) of the Patents Act, 1970, as it was merely a new form of a known substance without enhanced therapeutic efficacy.<sup>21</sup>

**Issues Raised**

- Whether the beta-crystalline form of Imatinib Mesylate qualifies as an “invention” under the Patents Act.
- Whether it satisfies the requirement of enhanced efficacy under Section 3(d).

**Arguments**

- Appellant: Claimed improved bioavailability and better physical properties.
- Respondent (Union of India): Argued that such modifications amount to “evergreening” and do not meet the threshold of enhanced therapeutic efficiency.

**Judgement**

The Supreme Court upheld the rejection of the patent application, holding that the drug did not demonstrate a significant enhancement in therapeutic efficacy as required under Section 3(d).

**Ratio Decidendi**

The Court interpreted “efficacy” strictly as therapeutic efficacy, thereby preventing pharmaceutical companies from extending patent monopolies through minor modifications.

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<sup>21</sup> Novartis AG v. Union of India, (2013) 6 SSC 1 (India).

### Significance of the Case

This landmark judgement strengthened India's stance against evergreening and ensured access to affordable medicines, balancing patent rights with public health concerns.

## **CONCLUSION**

The study of Intellectual Property Rights in India reveals that although the country has established a comprehensive legal and institutional framework in line with global standards, its true effectiveness depends on efficient enforcement and the ability to adapt to emerging challenges. Judicial interpretations have significantly contributed to the development of important principles, particularly in areas such as patentability and copyright protection. Nevertheless, concerns such as digital piracy, the growing impact of artificial intelligence, and institutional delays continue to highlight the gap between legal provisions and their practical implementation.

The analysis further indicates that the mere existence of strong statutory laws is insufficient in the absence of robust enforcement mechanisms and institutional efficiency. Accordingly, reforms should prioritize strengthening digital enforcement, enhancing technical expertise within the judiciary, and ensuring timely resolution of disputes. Moreover, the introduction of clearer legal frameworks for emerging technologies is necessary to reduce ambiguity and prevent misuse.<sup>22</sup>

In conclusion, the sustainability of India's IPR regime will depend on its capacity to evolve with technological advancements while maintaining an equitable balance between private and public interest.