

**GOVERNMENT OF INDIA
COMMERCE AND INDUSTRY
LOK SABHA**

UNSTARRED QUESTION NO:4318

ANSWERED ON:12.12.2016

Promotion of NIPR

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Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

- (a) whether the Government is aware that the National Intellectual Property Rights (NIPR) policy has certain shortcomings causing low patent filing environment and if so, the details thereof along with the corrective steps taken by the Government in this regard;
- (b) whether efforts have been made for simplifying the process from intellectual property up to the production level and if so, the details thereof;
- (c) whether the Government has announced a comprehensive National IPR policy and if so, the salient features thereof along with the response of International commercial institutions thereto;
- (d) whether the Government proposes to provide financial assistance to researchers and scientists for giving market access to their achievements and if so, the details thereof; and
- (e) the other steps taken by the Government to promote awareness, creation, enforcement and capacity building for IPR?

Answer

???????? ???? ?????? ?????????????? (?????????? ????)(???????? ????????? ?????????)

THE MINISTER OF STATE (INDEPENDENT CHARGE)
OF THE MINISTRY OF COMMERCE & INDUSTRY
(SHRIMATI NIRMALA SITHARAMAN)

(a): The National Intellectual Property Rights (NIPR) policy has no shortcomings causing low patent filing environment. Rather, the Policy advocates taking steps to increase domestic filings of patent applications.

(b): Yes, Madam. The Patent Rules were amended in May 2016, aimed at simplifying patent processes. Major changes affected in this regard are as follows:

â€¢ Prior to the amendments, a fee was charged for withdrawal of an application which has now been waived.

â€¢ The excess fee deducted during online filing process earlier is now refunded.

â€¢ There was no provision for the withdrawal of request for examination; now 90% of the fee paid for request for examination will be refunded in case an application is withdrawn before the issuance of first statement of objection.

â€¢ Timelines have been imposed on issuance of report by the Controller as also submission of replies by the applicant.

â€¢ Adjudgments have been limited to 2 adjournments/ party and each adjournment can be of maximum 30 days.

â€¢ Hearing through video-conferencing and other communication devices has been permitted.

â€¢ Expedited examination of patent applications filed by Startups or those selecting India as an International Searching Authority (ISA)/ International Preliminary Examining Authority (IPEA) has been introduced.

(c): Yes, Madam. The National IPR Policy is a vision document that encompasses and brings to a single platform all IPRs, taking into account all inter-linkages within the Indian IP ecosystem, aimed at creating and exploiting synergies between all forms of intellectual property (IP), concerned statutes and agencies. It lists the actionable points under the following seven key objectives –

â€¢ IPR Awareness: Outreach and Promotion

â€¢ Generation of IPRs

â€¢ Legal and Legislative Framework

â€¢ Administration and Management

â€¢ Commercialization of IPRs

â€¢ Enforcement and Adjudication
â€¢ Human Capital Development

Response from international institutions to the Policy has been encouraging.

(d): No such proposal is under consideration.

(e): Various steps have been taken by the Government to promote awareness, creation, enforcement and capacity building for IPRs. Awareness programmes have been organised at various places across the country. An enforcement toolkit has been created as a ready reckoner for police officials in case of Copyright and Trademark violations. Training is imparted at various police and judicial training academies on IPRs. 459 new technically competent Patent Examiners in various fields of technology have been recruited in the patent office in addition to the existing 130. 100 Trademark Examiners have also been appointed on contractual basis.
