

Intellectual Property Rights

Introduction

Intellectual property rights (IPR) have emerged as an indispensable strategic tool in today's knowledge economies and societies, particularly in the context of economic globalisation. An entity's ability to compete in the global market depends to a large extent on its capacity to generate new ideas through innovation in science and technology. IPR, by conferring exclusive monopoly rights to its owner for a limited duration, has emerged as a significant factor in creating incentives for innovation and generation of economic value. An effective IPR system is also a constituent of a reliable legal environment, which in turn becomes an important factor for decisions on foreign investment and technology transfer.

Current Scenario

Patent trends: India has witnessed a marked rise in the number of patent applications filed. While in 1992, 3467 applications were filed, in 2006-07, almost 29000 applications were filed.

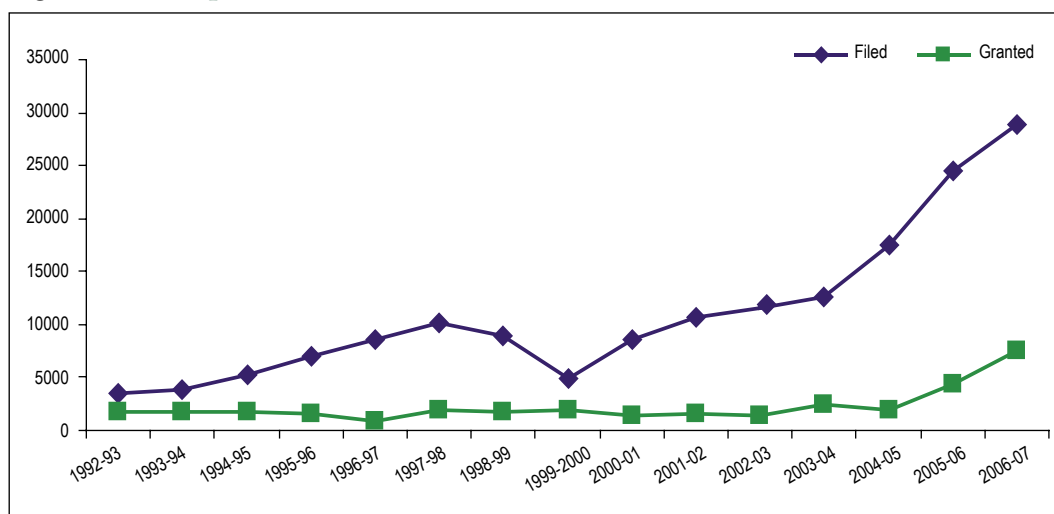
Similarly, number of patents granted has increased – although less rapidly. In the past five years, patent grants have shown a more than five-fold increase.

Further, of the total of 28940 applications in 2006-07, only 18 per cent were filed by Indian residents – the remaining were filed by foreign applicants. This in sharp contrast with countries such as USA, China, France, Germany, Korea and UK, where domestic patent application filing is much higher than foreign applications.

A sector-wise analysis of patents filed in India show that the chemical, mechanical and computer fields rank the highest in terms of number of applications filed. However, the food, biotechnology and electrical industries have seen the highest growth in the last three years.

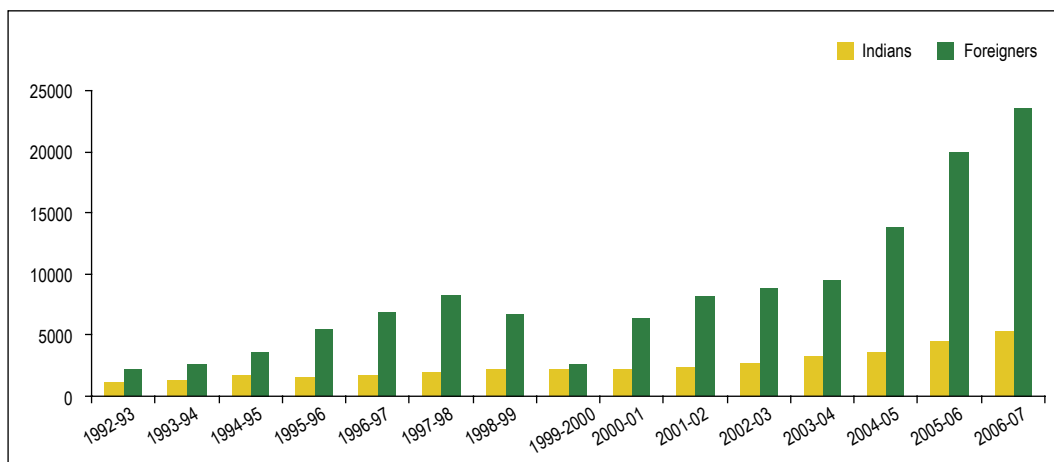
International comparisons: India figures in the top 20 patent offices, both by patent filings and patent grants. Its ranking further improves if one takes into account

Figure 52: Comparative Trend of Patents Filed and Granted



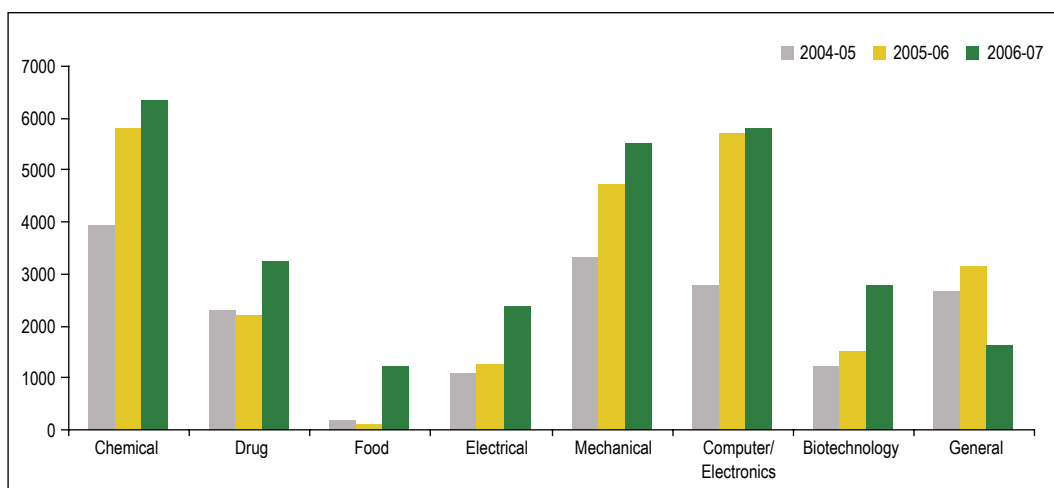
Source: Annual Report of the Office of the Controller General of Patents, Designs, Trademarks, Geographical Indications, Intellectual Property Training Institute, and Patent Information System, 2006-07

Figure 53: Applications filed by Indians and Foreigners



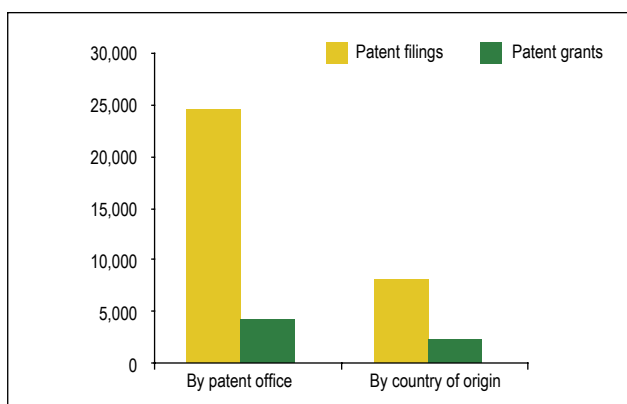
Source: Annual Report of the Office of the Controller General of Patents, Designs, Trademarks, Geographical Indications, Intellectual Property Training Institute, and Patent Information System, 2006-07

Figure 54: Number of patent applications filed under various fields of inventions



Source: Annual Report of the Office of the Controller General of Patents, Designs, Trademarks, Geographical Indications, Intellectual Property Training Institute, and Patent Information System, 2006-07

Figure 55: India patent figures (2005)



Source: WIPO Statistics Database

the data for the year 2006 (WIPO rankings shown below are based on 2005 figures for India and 2006 figures for the other countries). Yet, when one takes into account patent filings as a proportion of population, GDP and R&D expenditure – a better index for innovation – India fares badly.

Table 21: Patent filings by patent office: Top 20 offices, 2006

		2006
1	United States of America	425966
2	Japan	408674
3	China	210501
4	Republic of Korea	166189
5	European Patent Office	135231
6	Germany	60585
7	Canada	42038
8	Russian Federation	37691
9	Australia	26003
10	United Kingdom	25745
11	India (2005)	24505
12	Brazil	24074
13	France	17249
14	Mexico	15505
15	Hong Kong (SAR), China	13790
16	Singapore	9163
17	Israel	7496
18	New Zealand	7365
19	Thailand	6248
20	Norway	6076

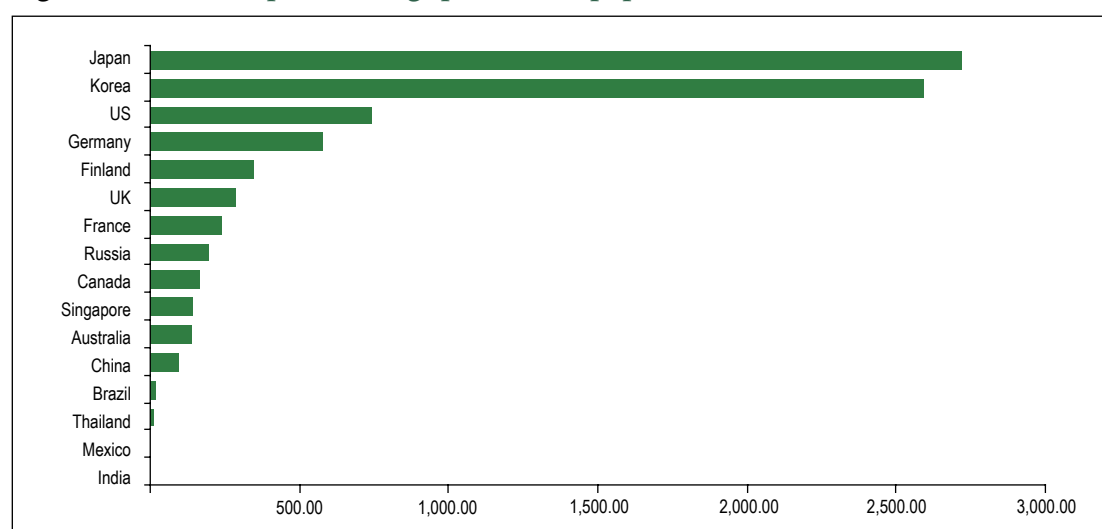
Source: WIPO Statistics Database

Table 22: Patent grants by patent office: Top 20 offices, 2006

		2006
1	United States of America	173770
2	Japan	141399
3	Republic of Korea	120790
4	European Patent Office	62780
5	China	57786
6	Russian Federation	23299
7	Germany	21034
8	Canada	14972
9	France	13788
10	Mexico	9632
11	Australia	9426
12	United Kingdom	7907
13	Singapore	7393
14	Hong Kong (SAR), China	5146
15	India (2005)	4320
16	Ukraine	3705
17	New Zealand	3412
18	Poland	2686
19	Israel	2584
20	Brazil	2465

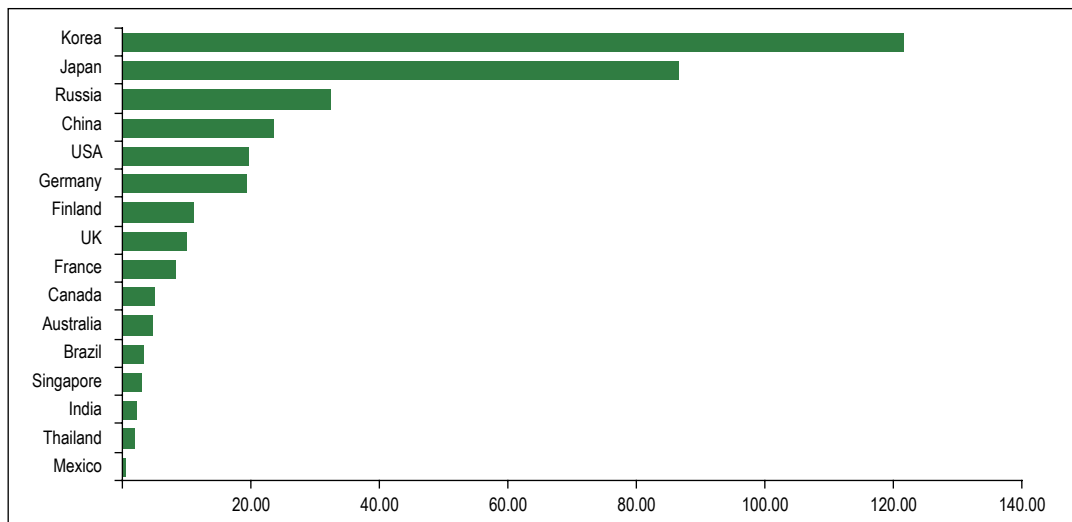
Source: WIPO Statistics Database

Figure 56: Resident patent filings per million population (2006)



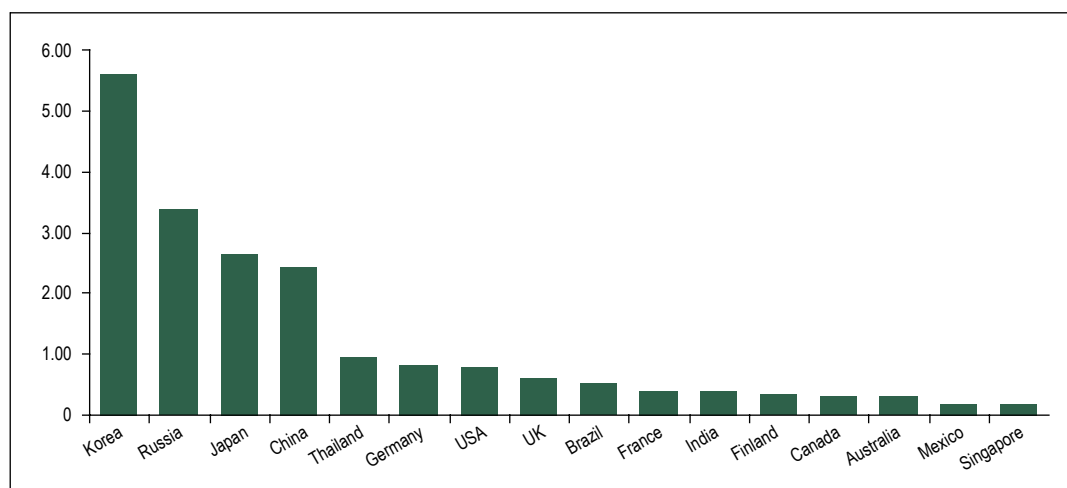
Source: WIPO Statistics Database

Figure 57: Resident patent filings per \$Billion GDP (2006)



Source: WIPO Statistics Database

Figure 58: Resident patent filings per \$Million R&D expenditures (2006)



Source: WIPO Statistics Database