



**FACULTY OF AGRICULTURE SCIENCES AND
ALLIED INDUSTRIES**

(Intellectual Property Rights)

For

B.Sc. Ag (Third Year)



RAMA
UNIVERSITY

www.ramainiversity.ac.in

Course Instructor

Dr Shiv Prakash Shrivastav

FASAI(Genetics and Plant Breeding)

Rama University, Kanpur

Chapter-3

HISTORY OF IPR IN INDIA

George Alfred DePenning is supposed to have made the first application for a patent in India in the year 1856. On February 28, 1856, the Government of India promulgated legislation to grant what was then termed as "exclusive privileges for the encouragement of inventions of new manufactures" i.e the Patents Act. On March 3, 1856, a civil engineer, George Alfred DePenning of 7, Grant's Lane, Calcutta petitioned the Government of India for grant of exclusive privileges for his invention - "An Efficient Punkah Pulling Machine". On September 2, DePenning, submitted the Specifications for his invention along with drawings to illustrate its working. These were accepted and the invention was granted the first ever Intellectual Property protection in India.

Intellectual property legislations in India

India is a member of almost all international conventions. The obligation of the member state arising out of the conventions can be enforced on the basis of reciprocity only. No right or obligation is enforceable unilaterally. Therefore to pass own laws on Intellectual property is in the interest of every country. In 1999, a considerate passage of major legislations with regard to protection of

Intellectual property rights in harmony with international practices and in compliance with India's obligations under TRIPS. These include,

1. The Patents (Amendment) Act, 1999 to amend the patents act of 1970 that provides for establishment of a mailbox system to file patents and accords exclusive marketing rights for five years.
2. The Trade marks Act, 1999 which repealed the Trade and Merchandise Act, 1958
3. The Copyrights (Amendment) Act, 1999.
4. A sui generis legislation for the protection of geographical indications called the Geographical Indications of Goods (Registration and protection) Act, 1999.
5. The Industrial Designs Act, 2000 which replaced the Designs act, 1911.
6. The patents (Second Amendment), 1999 further to amend the Patents Act, 1970.

This was a beginning of a new era in the field of Intellectual property. To streamline and strengthen the Intellectual property administration system in the country the government has taken several measures. Projects relating to the modernization of patent information services and trademarks registry have been implemented with the help from WIPO/UNDP. The government has implemented projects for upgrading of patent office's incorporating several components such as human resource development, recruiting additional examiners, infrastructure support and strengthening by the way of computerization and re-engineering work practices and eliminating backlog of patent applications, an amendment to the patent rules also was notified to simplify the procedural aspects. The first Indian patent laws were first promulgated in 1856. From time to time these were modified. New patent laws Indian Patent Act 1970 were made after the independence. The Act has now been radically amended to become fully compliant with the

provisions of TRIPS. The most recent amendment was made in 2005 which were preceded by the amendments in 2000 and 2003.

India's journey to intellectual property right protection:

Year	Event
1967	The patent bill is introduced in parliament.
1972	The patents act 1970 comes into force.
1994	The Uruguay round negotiations are ratified.
1994	India accepts WTO membership.
1994	Ordinance to amend patent laws is promulgated.
1995	The Uruguay round agreement come into force.
1995	The patents (amendment) ordinance lapses.
1995	The patent (amendment) bill is introduced in the Lok Sabha.
1996	A patent Bill, 1995 Lapses after the Rajha Sabha fails to clear it.
1997	The US complains to the WTO that India is violating the TRIPS agreement.
1997	EU files complaint with the WTO on the failure to setup mailbox facilities.
1997	The WTO's dispute settlement body rules (DS 13) against India.
1997	India appeals against the DS 13 ruling.
1997	The WTO's appellate body rejects India appeal.

1998	The WTO formally asks India to amend her patent laws.
1998	India agrees to 15 month implementation period.
1998	The introduction of the amended patent act is deferred.
1998	India decides to accede to Paris convention.
1998	The DSB rules against India in EU complain.
1999	Deadline for complying with the recommendations of the DSB.
1999	"I" amendment in patents act 1970.
2001	Protection of plant varieties and farmers rights act 2001 passed.
2002	Doha declaration on TRIPS agreement and public health.
Jun-02	"II" patent (amendment) bill 2002 passed. New drug policy 2002 and drugs (price control) order 2002 published. (presently under litigation in supreme court)
Oct-02	Central government appeals in supreme court against stay on pharmaceutical policy 2002 by Karnataka high court.
Dec. 2002	The biodiversity bill 2002 passed by parliament.
2003	"I" patent ordnance.
2004	"II" patent ordnance
2004	The patent (amendment) act 2005 and the patents (amendment) rules 2005 passed W.E.F. - 1 -1- 2005.
4th April 2005	Act published in gazette.

Global Intellectual Property Trends

- With over 3 million applications filed per year, trademark protection is the most sought after form of IP worldwide with growth rates of a similar magnitude as those for patents.
- In 2009, one quarter of all trademark applications were filed at the China Trademark Office. When combined with the shares held by India, the Republic of Korea and Japan, these four offices located in Asia accounted for 37 percent of total trademark applications. India showed the highest five-year growth (13.5%) from 2005 to 2009, whereas China had one of the highest annual growth rates (20.8%) from 2008 to 2009.
- In 2009, China accounted for 50 percent of total industrial design filing activity while growing by 12.3 percent from 2008 to 2009. India was in the 9th place.
- In 2009, 1,41,943 trademark applications were filed, 34,287 patent applications were filed and 6,092 Industrial designs applications were filed.