

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

UNSTARRED QUESTION NO:1062

ANSWERED ON:28.11.2014

. INTELLECTUAL PROPERTY RIGHTS POLICY

Arunmozhiathan Shri A.;Gavit Dr. Heena Vijaykumar;Mahadik Shri Dhananjay Bhimrao;Patil Shri Vijaysinh Mohite;Rajesh Shri M. B.;Satav Shri Rajeev Shankarrao;Sule Smt. Supriya Sadanand;Thota Shri Narasimham;Vichare Shri Rajan Baburao

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

- (a) the existing framework of Intellectual Property Right (IPR) regime in the country;
- (b) whether the Government has different IPR policy for different departments, if so, the details thereof and the reasons therefor;
- (c) whether despite having a legal framework, the Government does not have any common IPR policy in place resulting in other countries exposing the lacunae in the present IPR regime;
- (d) if so, whether an Inter-Ministerial Group has been formed on IPR to finalise the broader contours of the new IPR policy and encourage global manufacturers to set up base in India under 'Make in India' campaign and if so, the details thereof along with the time by which the new policy is likely to come into force;
- (e) whether India has also agreed to set up annual high level working group on IPR with United States; and
- (f) if so, the details thereof along with its terms of reference?

**Answer**

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

(a): India has a well-established legal framework to safeguard Intellectual Property Rights (IPRs) which meets its International obligations while utilizing the flexibilities provided in the international regime to address its developmental concerns. India's comprehensive legal framework on IPRs includes the Patents Act 1970 (as amended), the Trade Marks Act, 1999, the Geographical Indications of Goods (Registrations and Protection) Act, 1999, the Designs Act, 2000, the Semiconductor Integrated Circuits Layout Design Act, 2000, the Copyright Act, 1957 (as amended) and the Protection of Plant Varieties and Farmers Rights Act, 2001. The Department of Industrial Policy and Promotion is responsible for four of the seven IP Rights, i.e. Patents, Trademarks, Design and Geographical Indications. The other IP Rights are administered by the Department of Higher Education (Copyright), the Department of Information Technology (Semiconductor Integrated Circuits Layout Design) and the Department of Agriculture and Cooperation (Plant Varieties Protection and Farmers' Rights Act, 2001).

(b) & (c): The IPR Policy is determined by the legal framework for different forms of IPRs i.e. Patent, Trade Marks, Geographical Indications, Design, Copyright, Semiconductor Integrated Circuits Layout Design and Plant Varieties and Farmers Rights. The concerned laws for each form of IPRs are administered by different Departments as mentioned in (a) above.

(d): No Inter-Ministerial Group has been formed on Intellectual Property Rights to finalize the broader contours of the new IPR policy and to encourage global manufacturers to set up base in India under the 'Make in India' campaign.

(e): The mechanism in the form of 'Innovation and Creativity Focus Group' which had existed under the earlier Trade Policy Forum (TPF), now referred to as High Level Intellectual Property Working Group continues to work as a sub-group of the Trade Policy Forum (TPF).

(f): The High Level Intellectual Property Working Group aims, inter alia, to deepen cooperation to build capacity and generate awareness in the field of copyright, identify ways in which trade and innovation policies can enhance access to quality health and affordable medicines and share information on the legal practices in the two countries on trade secret protection.