
NAVIGATING THE LABYRINTH: A COMPREHENSIVE STUDY OF PATENT STRUCTURE IN INDIA

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“A country without a patent office and good patent laws is just a crab, it can't travel any way but sideways and backways” – Mark Twain

ABSTRACT

This study focuses on taking into consideration the factors required to boost patent filings in India. Individual industries are targeted in this study with the motive of understanding various differences that exist in terms of the patent filing, grant, cost and the cost value of such patent in each of these industries. The government cost (mentioned in “The First Schedule” of “The Patent Rules, 2003”) as well as the professional fees are two sets of classified expenditure that incur whilst filing for a patent and therefore in this study, attention is put forth on the current existing system of the cost in India as well as crucially analysing the areas in which the cost proves to be a hinderance to the general public for filing of the patent. Reducing government fees by figuring out the initial steps of filing which can be cut down on, that would not only help in cost cutting but also in time deduction, is one of the methods used in this paper to boost the patent filings in India. Patent claim drafting is considered to be one of the most expensive steps in the filing, the reason behind it is the complexities and intricacies that require to be paid attention to while claiming for protection. Even a minute alteration in the technical details in the claim can result in the violation of such the patent itself, and therefore professional fees is where most of the companies have to spend a large sum of money on. The solutions to reduce such complexities in order to have a more liberal approach to drafting is also one of the key factors that this study focuses on.

The second perspective for boosting of filing is analysing the legislation behind patents in India. The Patents Act, 1970 in the third provision has provided with a list of substances for which patents cannot be filed. Section 3 of the Act, in particular, describes specific subject topics that are regarded unpatentable, with the goal of striking a balance between encouraging innovation and prohibiting knowledge monopolisation. The research takes a broad approach, examining the legislative intent, and shifting judicial

interpretations of Section 3. We hope to shed light on situations where ambiguity in the language of the law has created space for multiple interpretations and legal disputes by reviewing key cases and legal precedents.

INTRODUCTION

What are Patents?

As per Section 2 of The Patents Act, 1970- Definitions and Interpretation, various terms associated with the interpretation of patents are mentioned. To understand patents, one must first understand the reason behind the development of such an intellectual property right. Patents are aimed to protect innovations and inventions. The scope of inventions is very wide and provides for ample of grey area to be researched upon.

Section 2(1) (m) of The Patents Act, 1970 defines patent as:-

(m)- “ patent ” means a patent for any invention granted under this Act¹

As this definition may not be completely explanatory of what the term patent refers to, the interpretation of the other terms associated with the definitions should be referred to. For instance, the term “invention” as referred to under Section 2(1) (j) of The Patents Act, 1970, explains that anything which is capable of being applied to industrial usage through an inventive step is to be considered an “invention”.

Now as per the amendment that took place in this provision, what could be considered under the capacity of being an invention is given.

Section 2(1) (ja) of The Patents Act, 1970 defines inventive step as:-

(ja)- “inventive step” means a feature of an invention that involves technical advance as compared to the existing knowledge or having economic significance or both and that makes the invention not obvious to a person skilled in the art

After taking into consideration the above cited provisions, it becomes clear that an invention is linked with further scientific advancement in the areas of technology or development of newer methodologies when it comes to the economy. Inventions are associated with novelty and therefore they should not be an obvious discovery or something which the general public or even the experts have had a prior knowledge of. Thus, inventions mean advancement of a

¹ IPI India https://ipindia.gov.in/writereaddata/Portal/IPOAct/1_113_1_The_Patents_Act_1970_-_Updated_till_23_June_2017.pdf last visited on 11.11.2023

product or even a process for that matter, which brings awareness regarding a subject matter that did not exist before.

Patents is the exclusive right given to the inventor by a competent authority through which they can protect their creation from being used by any other company. It can not only be restricted to invention but can extend up to any sort of innovation aside from a few exceptions, such as processes (i.e. new methodologies or algorithms) or designs. The filing of a patent has many benefits associated with it, such as:-

1. It allows a person (artificial/natural) to sue in case another person/company tries infringing their patent by the means of using their patented innovation without their permission.
2. It also allows the person to grant license to other people/company for the usage of their patented innovation, which acts as a revenue source for the company. It also helps in cost recovery of filing for one.
3. It provides an exclusive right to the holder to possess complete ownership of the invention be it in the form of innovation, process or designs. And therefore the person can utilize the said invention but also can sell it to the other party.

INDIA'S GROWTH IN PATENT REGISTRATIONS

India as a country has improved considerably in terms of patent filing and the grant of it in the last five years in major industrial areas.

As per the latest *Annual Report of 2021-22 by The Office of the Controller General of Patents, Designs, Trademarks and Geographical Indications*², number of patents filed in fields of major invention has increased from 47,854 in 2017-18 to 66,440 in 2021-22, leading to a 38.83% increase in a span of these five years. Out of these patents filed, 13,045 were granted in 2017-18 (which does not nearly equate to half of those filed) which increased to 30,073 in the year of 2021-22, resulting to 130.5% increase in a span of five years.

There are several factors which are associated with this increase in the filing of patents, one of the basic ones being increase in the awareness regarding the patents but it goes way beyond that. The Patents Act, 1970 is the enacted legislation dealing with patents in India. Since, intellectual property rights is a contemporary and an evolving topic, many amendments in the

² IPI India https://ipindia.gov.in/writereaddata/Portal/Images/pdf/Final_Annual_Report_Eng_for_Net.pdf last visited on 12.11.2023

laws are made in order to make the process of obtaining such legal rights more consumer-friendly and time-saving. One of the major amendments being Patent Amendment Rules, 2019 through which the process of filing was made much more efficient by substituting and modifying certain procedures as prescribed under Patent Rules, 2003.³

The changes are as follows:-

- a) As per the sub-rule 1 of Rule 6 of The Patent Rules, 2003, physical copy of the patent application or any other such document required to be submitted. This was amended by Patent Amendment Rules, 2019, where in documents were to be only submitted through digital means. It was only after the request of the patent office, that the innovator was required to submit an original copy.
- b) Secondly, changes were made in the government fees structure when it comes to filing for patent internationally. PCT (patent cooperation treaty) allows a patent to be filed in multiple countries, but for an Indian local to do that, as per the 48th entry in the First Schedule of The Patent Rules, 2003, the fees for e-PCT used to range from Rs.3200- Rs.16,000 and physical filing of such international application used to range from Rs.3500- Rs. 17,600 which was completely eliminated in 48A after this amendment. In a similar manner, fees for preparation of document that is to be submitted to international bureau is eliminated under 49A.⁴

These are the two substantial changes that occurred in the year 2019 that can be co-related with the increase in percentage of patent filing and grant in the past five years (2017- 18 to 2021-22). The former resulted in time reduction and expediting the application process while the latter resulted in a cost-effective filing of a patent. Not only did the elimination of fees for international filing help the companies cut down on their expenditure, it also allowed Indian innovators to expand their products without additional charges into the international market with protection from infringement, therefore boosting industries and the nation's economy.

After the 2019 amendment, 2021 amendment also has played a significant role in the increase in patent filing, due to:-

- a) As per the first schedule of The Patent Rules, 2003, lower fees are to be charged for

³University of Pittsburgh Law Review <https://lawreview.law.pitt.edu/ojs/lawreview/article/view/79> Last visited on 13.11.2023

⁴ IPI India https://ipindia.gov.in/writereaddata/Portal/Images/pdf/JLL_Neena.pdf last visited on 14.11.2023

Natural Persons/Startups/Small Entities as compared to entities apart from those three which includes larger industries etc. With the amendment of sub-rule (1) of Rule 7 of The Patents Rules, 2003 by Patents (Amendment) Rules, 2021, the term “educational institution” was also included under the former category in order to promote research and development in educational sector. The same was also added to the First Schedule in the headings of the table.⁵

- b) Another factor boosting the grant of patents is the commencement of a major bilateral expedition pilot programme that took place between India and Japan, namely Patent Prosecution Highway (PPH). The Indian Patent Office (IPO) and Japan Patent Office (JPO) commenced their PPH guidelines on 5th December, 2019. PPH initiates a strong build-up of network between two nation’s patent authorities so as to ensure effective communication and develop a standardized procedure for grant of international patent filings. The way a PPH network works is that when an applicant requests a fast-track application for their patent to be submitted to another nation after being granted the patent in their own respective nation, they may be allowed to do so if they meet certain criteria. Once, such criteria are fulfilled, relevant documents shall be given and a standardized procedure must be followed which is agreed by both the nations in their bilateral treaty. This ensures transparency within the authorities of both the nations and saves time of the applicant since the entity would not have to follow different laws and different requirements for filing their patent.⁶

The provisions of Indian Patent Law pertaining to the scope and the procedure to be followed for filing affects the rate of patents registered in India. The scope limits filing of patent for products which are concerned with a particular industry and therefore it has major economic significance. The Procedure for patent filing affects India’s global ranking in terms of grant and filing and therefore both of these topics are analysed and interpreted below in order to understand India’s position today and the amendments required in the current legislation and procedure.

⁵IPI India https://ipindia.gov.in/writereaddata/Portal/News/758_1_Patents__Amendment__Rules__2021.pdf
last visited on 14.11.2023

⁶ IPI India
https://ipindia.gov.in/writereaddata/Portal/News/591_1_PPH_Procedure_Guideline_combined_20191128_final.pdf
pdf last visited on 14.10.2023

1. *Scope of patentability*

Patents apply to any inventive step as per the Section 2(1)(m) of The Patents Act, 1970. The terms inventions as used in the definition of patents under this act has a very wide scope. Usually, inventions are associated with novelty. Novelty, in a sense that it is not priorly known to the general public. This could apply to new innovations, processes or designs. A set of restrictions are imposed on the scope of patentability under section 3 of The Patents Act, 1970 taking into consideration the wide scope of it. The main motive behind it is to promote a healthy competition in the market by preventing patented companies to have monopoly in certain sectors. Section 3 provides a list of innovations and processes which are not patentable.⁷

Section 3 of the Indian Patent Act was established with the purpose of defining the parameters of patentable subject matter. This section outlines the various exclusions that are applicable in this context. The aforementioned restrictions, purportedly implemented to preclude the issuance of patents for certain innovations, actually engender a realm of ambiguity that presents difficulties in comprehending and implementing the legal framework.

This legislative framework restricting the scope of patentability poses an issue to various industries such as biochemical, pharmaceuticals and business-tech, because of its unclear interpretation while describing the excluded subject matters of patents.

a) Section 3(d) of The Patents Act, 1970

Section 3(d) of The Patents Act, 1970- What are not inventions

*(d) the mere discovery of a new form of a known substance which does not result in the enhancement of the known efficacy of that substance or the mere discovery of any new property or new use for a known substance or of the mere use of a known process, machine or apparatus unless such known process results in a new product or employs at least one new reactant.*⁸

Specifically, it restricts the patentability of the following:

(1) the mere discovery of a new form of a known substance that does not enhance its known efficacy,

⁷IP Flair <https://ipflair.com/blog/what-is-a-patent/> last visited on 15.11.2023

⁸IPI India https://ipindia.gov.in/writereaddata/Portal/IPOAct/1_113_1_The_Patents_Act_1970_-_Updated_till_23_June_2017.pdf last visited on 15.11.2023

- (2) the mere discovery of any new property or new use for a known substance, and
- (3) the mere use of a known process, machine, or apparatus, unless the known process results in a new product or involves the use of at least one new reactant.

The purpose of this task is to rephrase the user's text in a more academic manner without introducing any additional information. In relation to this clause, it is stipulated that salts, esters, ethers, polymorphs, metabolites, pure form, particle size, isomers, mixtures of isomers, complexes, combinations, and other derivatives of a known substance shall be regarded as identical substances, unless they exhibit substantial differences in properties in terms of effectiveness, thereby affecting their eligibility for patentability. As previously said, the aforementioned part is categorised into four distinct groups, namely: the simple finding of a new form of a known substance, the mere discovery of any new property for a known substance, the mere discovery of a new application for a known substance, and the sheer use of a known method, machine, or equipment. Any innovation falling within the scope of any of the aforementioned categories is deemed ineligible for patent protection.

Before 2005, Section 3(d) stated that the simple discovery of any new property or novel application of a known process, machine, or apparatus would not be considered patentable, unless such known method resulted in a new product or included at least one new reactant.⁹

According to Section 3(d) of the Indian Patents Act, the patentability of a novel form of a known material is contingent upon its ability to exhibit enhanced effectiveness compared to the known substance. Put simply, making minor alterations to an existing drug does not meet the criteria for obtaining a new patent unless there is a substantial improvement in the substance's medicinal effectiveness.

The phrases 'improvement of known efficacy,' 'derivatives,' and 'differ considerably in attributes with regard to efficacy' are not explicitly defined within the Indian patent legislation. The absence of clear definitions and guidelines pertaining to these concepts, as well as the process of evaluating 'efficacy', has resulted in a flawed comprehension of the chemicals that qualify for patent protection.¹⁰

⁹ JSTOR <http://www.jstor.org/stable/23528031> Last visited on 16.11.2023

¹⁰ Mondaq <https://www.mondaq.com/india/patent/295378/section-3d-of-indian-patents-act-1970-significance-and-interpretation> last visited on 17.11.2023

The Supreme Court of India's significant ruling in the case of *Novartis AG & Ors. .v. Union of India & Others [AIR 2013 SC 1311]*¹¹, which pertained to the patentability of a polymorphic variant of the anti-cancer medication Imatinib mesylate, generated widespread controversy on a global scale, particularly among professionals in the pharmaceutical and drug discovery fields. The concern and confusion around this issue have been further intensified by later rulings made by Indian courts, which have denied patent protection for a range of medicinal compounds. The judgment's conclusion was predominantly limited to the phrase "efficacy." This phenomenon has resulted in several unresolved inquiries and has perpetuated the ongoing state of uncertainty. The primary emphasis in the analysis of section 3(d) by the patent office, IPAB, and Indian courts has been on the examination of direct data pertaining to the augmentation of proven efficacy of medications. However, indirect evidence related to enhanced bioavailability has not been given due attention. The lack of actual proof supporting improved known efficacy in these patent applications has deterred patent offices and courts from exploring the additional provisions outlined in section 3(d).

Criticism of Section 3(d) is that the clause explicitly prohibits the granting of patent protection for the simple discovery of already known compounds, unless such substances exhibit significant effectiveness beyond what is already known. As a result of this restriction, it explicitly prohibits compounds that possess incremental improvements. The contested clause is said to be in violation of the Trade Related Aspects of Intellectual Property Rights (TRIPS) Agreement. This argument is based on two main points: firstly, the provision lacks precise standards for incremental innovation, and secondly, it fails to offer standard protection for all kinds of innovations as mandated by the TRIPS agreement. The case of Novartis highlights the provision within the TRIPS agreement that allows World Trade Organisation (WTO) members the discretion to offer patent rights that are more extensive than the minimum standards set by TRIPS. However, it does not permit members to impose more stringent conditions for acquiring a patent. The court establishes the parameters of the term effectiveness, specifically referring to its medicinal efficacy. However, the precise definition and parameters of treatment effectiveness remain ambiguous. The court does not provide an explanation for the absence of greater effectiveness in the subject matter. As a result, due to the aforementioned interpretation, any form of incremental innovation will not be eligible for patent protection in India.

¹¹ *Novartis AG & Ors. .v. Union of India & Others [AIR 2013 SC 1311]*

b) Section 3(k) of The Patents Act, 1970

Section 3(k) of The Patents Act, 1970- What are not inventions

(k) a mathematical or business method or a computer programme per se or algorithms¹²

The following mentioned above would not be considered as an invention, hence implying that it is out of the ambit of being patentable. The mentioned provision leaves a lot of scope for interpretation mainly because of the use of term 'per se', which infers a word or an object being used alone and not in relation with anything else. The word 'per se' in the context of this clause might have varied meanings. One of the perspectives is that a calculative methodology or a computer programming code in itself might not be patentable but if paired with software or hardware of sort such that it develops a new industrial applicability, the scope of its patentability might increase. This clause aims to restrict the limitation of the areas of practical use of such mathematical methods and algorithms because computer usage has increased in the current times and therefore such innovations (example- in the form of a new code for an online portal) uplift the nation's economy.¹³

In the case of *Accenture Global Service GMBH vs. The Assistant Controller of Patents (OA/22/2009/PT/DEL)*¹⁴, an order dated 28 December, 2012 was passed by the IPAB. In here, the appellants had applied for patent of a software development application which would consist of a portal which would further comprise of various applications that would create a customizable pre-configural environment and a system of development of web- series application. The controller had ruled the application to not be patentable on two grounds. First being, even when a new function is developed, it would not be patentable if the hardware used in performing that function is already known to the general public. So since a tool or a device is already known to the general public, the programming in it cannot be claimed to be patented under the application. Second ground given can be elaborated as, if the new programme causes the hardware to perform the required tasks in such a manner that there no changes are to be made to the hardware to perform the said task, then such a programme cannot be patentable. The appellant argued that these grounds are not mentioned under The Patents Act, 1970 and hence are not justified. IPAB held that the controller had not heard given the opportunity to the

¹² IPI India https://ipindia.gov.in/writereaddata/Portal/IPOAct/1_113_1_The_Patents_Act_1970_-_Updated_till_23_June_2017.pdf last visited on 17.11.2023

¹³ ANM Research <https://www.anmresearch.in/post/decoding-section-3-k-of-the-indian-patent-act-1970-a-comprehensive-guide> last visited on 18.11.2023

¹⁴ *Accenture Global Service GMBH vs. The Assistant Controller of Patents (OA/22/2009/PT/DEL)*

applicant to make their case and the respondent had not correctly interpreted the patents laws. In the case of *Electronic Navigation Research Institute and others Vs. Controller General of Patents and Designs and others [2013] IPAB 103*¹⁵, an application claiming patent over a “A Chaos Theoretical Exponent Value Calculation system” was filed for an invention of a system that calculates accurate value of Chaos Theoretical Exponent Value (CTEV) as compared to other methodologies. While dealing with the question of whether the invention was to be considered patentable under section 3(k), IPAB held the same ground as it did in *Yahoo Vs. Rediff* case stating that when an inventive step is made that results into a novel technological or economic advancement, such advancement should be patentable by law to begin with for the inventive step to be patentable. In this case the system which was claimed for patent calculated a mathematical calculation and therefore the appeal by the applicant was dismissed.

From the above mentioned case, it becomes clear that while interpreting the clause, focus is on striking the right balance between encouraging creativity through inventions and protecting those inventions to be used by everyone through patents. This is the fundamental principle that relies within section 3(k) of the act because a mathematical calculation or a computer programme will be of use to those engaging in research & development to make further innovations but at the same time provision of getting those algorithms or programmes patented and earn through it would encourage them to make such advancements. But the patents have to be granted keeping in mind that mathematical calculations are law of nature and cannot be vested to any particular entity as a part of their intellectual property right.

2. Issues associated with patent procedure

The procedure from filing of patent to the grant of patent is complex and lengthy although amendments have been made to the patent procedure with regards to expedition process as well as cutting down on transmission fees. In order to evaluate the current procedure, each step is briefly discussed below:-

a) Patent Search Report

The patent search report is the step before the actual filing of a patent application. Although an optional step, patent search report proves to be of extreme utility because of the fact that it finds out the most essential factor for patentability, which is novelty. Novelty refers to the fact that an invention is a technological or an economic

¹⁵ *Electronic Navigation Research Institute and others Vs. Controller General of Patents and Designs and others [2013] IPAB 103*

advancement beyond the pre-existing human knowledge, and hence it should be authentic and not a mere modification or imitation. This report is made by professionals after analysing if the invention draws its similarity from any previously made inventions.

b) Patent Application Drafting

Patent Application Drafting is considered to be one of the most expensive steps in the procedure which can be associated with the complex and intricate nature of such a draft. Patent Application Drafting consist of written claims specified in the draft in detail. Claims are parts of the invention which the innovator wants to protect through patent. A drafting should be comprehensive of the description, claims and technological applications/effects of the innovation.

c) Patent Application Filing

Patent filing has undergone immense digitization and therefore in the current period, all of the documents along with the patent application can be submitted digitally. A physical copy only has to be produced upon the request.

d) Publication of Application

Publication is the mandatory step for the grant of patent. It occurs 18 months after filing of the application but it the process can be expedited by requesting an early examination.

e) Examination

In this step, the patent authority gives the application to a patent examiner to complete the process. The following grounds are taken into account in order to check if the invention is capable of being patented or not- Novelty, eligible under Patent Law (should be inclusive of the definition of an invention and should not be a part of excluded subjects) and the claims provide advancement for industrial utility.

Examination process is not an automatic process and therefore begins only after a request.

f) Objection Response

Objections are raised in the First Examination Report (FER) by the examiner. The

innovator with the help of a professional files a reply to all of those objections by presenting convincing points regarding the patentability of the innovation.

g) Grant of Patent

If all the criteria of patentability exist and the objections are cleared, the patent is granted by notifying it in the patent journal.¹⁶

The current procedure is a series of complex and time-consuming steps. The issues associated with the current procedure is that it remains the same for both provisional and complete application in majority of the steps.

- a) The time period between filing and publication of application is of 18 months. This is keeping in mind that the time limit for filing of a complete application after previously filing a provisional application is that of 12 months. But in case of a complete application already filed, the waiting period of 18 months for the publication stands in contradiction with the government's efforts to reduce the time for granting of patents. In order to resolve this issue, a separate time period for complete and provisional application should be created in order to prevent backlogs of applications.
- b) The process of examination is not an automatic step under the Indian Patent Law, rather a separate request has to be filed. In order to make the patent procedure more time and cost efficient, the process should be carried out in direct continuation after publication. This would also result in elimination of examination fees as well as save up time on filing of a separate examination request. Also, in cases where a patentability search report is made, the report should be provided with other documents to ease up the process of examination.

SUGGESTIONS

The objective of increasing patent applications and streamlining the intricate process of patents necessitates the collaboration of numerous stakeholders. By executing a variety of strategic initiatives, we can establish a conducive environment that is both accessible and supportive of innovation. The field of education is recognised as a fundamental pillar, offering extensive curricula that aim to clarify the patent procedure and equip both individuals and organisations with the necessary understanding. This educational initiative ought to transcend the realm of

¹⁶ Cleartax <https://cleartax.in/s/patent-regsitration/> last visited on 19.11.2023

inventors and encompass policymakers, legal professionals, and the general public in order to foster a collective comprehension of the significance of intellectual property. It is imperative that governments and patent offices assume a pivotal position through capitalising on user-friendly interfaces and streamlined processes. Incorporating digital technologies, streamlining bureaucratic complexities, and furnishing explicit directives are all viable strategies that can revolutionise the patent application procedure. In addition to expediting the filing procedure, the implementation of online platforms and artificial intelligence contributes to a more transparent and streamlined system. Personalised assistance for emerging enterprises, encompassing monetary infusions, mentoring schemes, and streamlined application procedures, has the potential to revolutionise the landscape. It is critical that patent standards be harmonised globally. By streamlining the legal structure, simplifying linguistic complexities, and encouraging global cooperation, one can establish a cohesive methodology that mitigates the challenges linked to submitting documents in various jurisdictions. In addition to promoting worldwide safeguarding, this fosters inventors' active participation in the patent system at an international level. Promoting prompt scrutiny and implementing mechanisms for receiving feedback to facilitate ongoing enhancements are fundamental elements of an effective and responsive patent system. By fostering an environment that promotes creativity and flexibility among patent offices, we can guarantee that the system undergoes necessary adjustments to align with the swiftly evolving technological environment. The ultimate objective is to establish a setting in which the advantages of patent protection are evident to all, and the procedure for filing is easily navigable. By integrating user-centric policies, technology, education, and global collaboration, it is possible to surmount the obstacles that have contributed to the patent landscape's complex appearance. Engaging in this practise not only safeguards intellectual property but also cultivates an environment conducive to innovation, which drives society towards a future characterised by ingenuity, advancement, and cooperation.

CONCLUSION

Conclusively, "Navigating the Labyrinth: A Comprehensive Study of Patent Structure in India" has offered a profound and enlightening investigation into the complexities of India's patent terrain. The study has discovered an intricate network of elements that impact patent activity, exposing a dynamic interaction between technical progress, legal structures, and international partnerships. This study highlights the wide range of innovation in different sectors, emphasising the importance of customised strategies to promote growth in individual

industries. Identifying innovation clusters provides significant data for governments and industry stakeholders to strategically deploy resources and provide assistance. The worldwide scope of patent applications emphasises the interdependent character of invention, indicating the need of international cooperation and sharing of information. As India strives to establish itself as a significant participant in the worldwide innovation ecosystem, it becomes crucial to comprehend and exploit these international links. The difficulties and possibilities revealed in this research offer a clear plan for improving current policy. Tackling concerns pertaining to the quality of patents and optimising procedures can enhance the effectiveness and fairness of the patent system. Maintaining a strong and inclusive innovation ecosystem requires finding a middle ground between encouraging innovation and guaranteeing accessibility. As the results of this study become essential for making well-informed decisions, it is clear that the situation regarding patents in India is not unchanging. Consistent surveillance, adjustment, and more investigation are crucial to stay up to date with the changing nature of technology and intellectual property. Future studies should further investigate specific industries, assess the effects of legislative changes, and examine the socio-economic consequences of patent activity.

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