



Ministry of Commerce and Industry  
Department for Promotion of Industry and Internal Trade  
Office of the Controller General of Patents, Designs & Trade Marks (O/o CGPDTM)

# BOUDDHIK AAGMAN

An Induction Journey at IP Office



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# History of Intellectual Property

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# Introduction

**This presentation aims to introduce the historical development of intellectual property (IP) globally and the key developments in India's Intellectual Property Rights (IPR) laws from the pre-independence era to the contemporary legislative framework, illustrating the evolution of policies shaped by national priorities and global agreements.**



# History of Intellectual Property

The history of intellectual property reveals a gradual evolution from communal knowledge sharing to formalized rights. This journey reflects the growing recognition of creativity and innovation, emphasizing the importance of protecting intellectual contributions in society.

# Content

- 1. Intellectual Property Rights in the early civilization**
- 2. Evolution of Intellectual Property Rights in India during the Pre-Independence Era**
- 3. Developments during Post-Independence Era in India**
- 4. Contemporary IP Framework in India**
- 5. Conclusion**

# **Intellectual Property Rights in the early civilization**

# Early Evidence of IP

- Lacks formal documentation
- Primitive forms of IP traced back to 500 BCE in the ancient Greece city of Sybaris. Citizens received a year's exclusivity for innovative luxury items.
- Leaders decreed:

*“If a cook invents a **delicious new dish**, no other cook is to be permitted to prepare that dish for one year.”*

- *Inventor shall reap the commercial benefits*
- *Motivate others to innovate and invent*



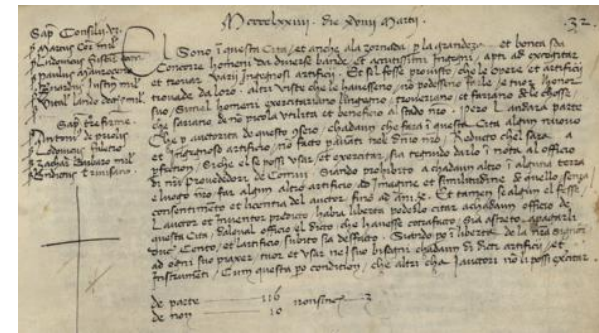
# Early Developments

- 200 BCE: Judge Vitruvius exposed plagiarizing poets in Alexandria.
- Discussions among Roman jurists regarding intellectual property rights in the period of 1-100 BCE
- Emergence of a discourse surrounding IP in legal frameworks.



# First Formal IP Statute

1474: In Italy, senate of Venice passed the first statute protecting intellectual property.



*“Any person in this city who makes any new and ingenious contrivance, not made heretofore in our dominion, shall, as soon as it is perfected so that it can be used and exercised, give notice of the same to our State Judicial Office, it being forbidden up to 10 years for any other person in any territory of ours to make a contrivance in the form and resemblance thereof”*

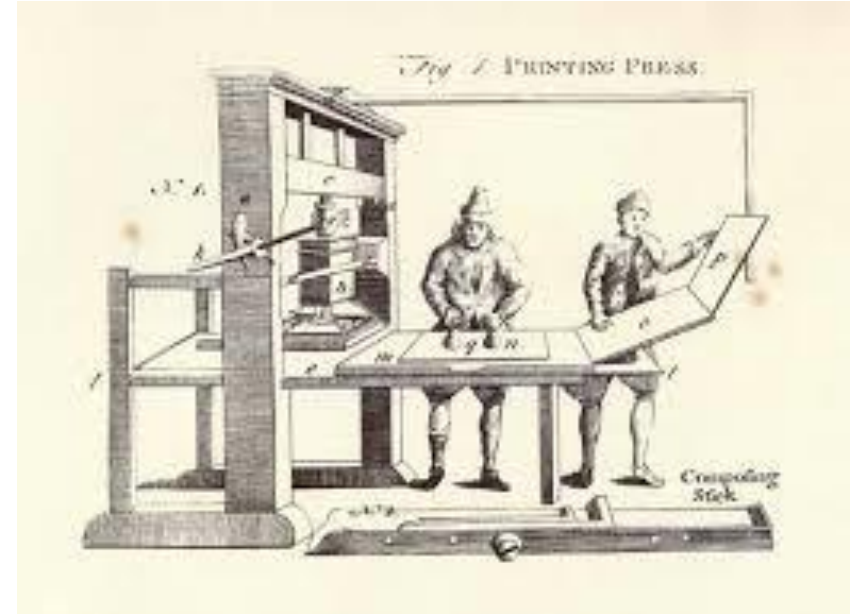
Recognized rights of inventors and provided compensation for infringements.

Set a precedent for IP rights in Europe.

# The Printing Revolution

The invention of the printing press in the 15<sup>th</sup> century revolutionized the dissemination of knowledge.

Led to the development of copyright laws for protecting authors and their works from unauthorized reproduction.



# Medieval Europe and Guilds

1623: Britain enacted a law empowering guilds (association of artisans or merchants) to innovate and trade.

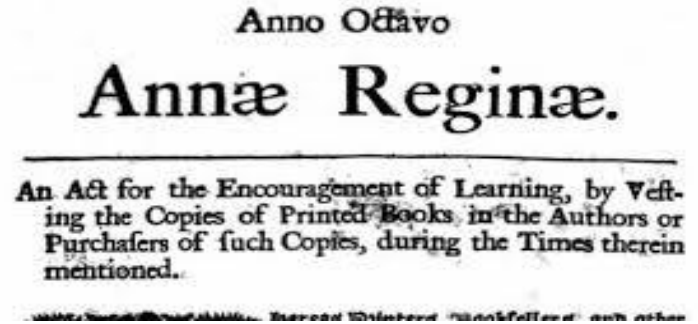
Public discontent led to the replacement by the Statute of Monopolies.

Granted inventors exclusive rights to their creations for a 14-year term.

Established a foundation for modern patent systems.



# The Statute of Anne, 1710



1710: British Parliament introduced the Statute of Anne, a law related to copyright

Awarded authors exclusive rights to reproduce and distribute their works

An option to renew protection for another 14 years

Encouraged creative expression and secured intellectual property rights.

# Global Development of IP Laws

1880-1889: Patent laws began to develop across European countries.

By the end of the 18th and beginning of the 19th century, many countries established IP legislation.

Focused on protecting novel inventions and creations.



# **Evolution of Intellectual Property Rights in India during the Pre- Independence Era**

# Ancient India

Intellectual achievements in arts, literature, and medicine etc. were valued and honored.

Knowledge systems like Ayurveda and architecture thrived through oral traditions and communal sharing.

Focus on the spread of knowledge than on claiming exclusive ownership



# Act VI of 1856



First formal IP law in India

Modelled based on British Patent law of 1852

Provided exclusive rights for 14 years.

Covered inventions that were new and useful.

Repealed after one year due to lack of prior approval from the British Crown.

Significant as the starting point for the evolution of intellectual property rights in India

## **Act IX of 1857**

Addressed procedural deficiencies of the previous Act.

Introduced a structured system for intellectual property rights in India.

# Patterns and Designs Protection Act XIII of 1872

First comprehensive IP law.

To align India's intellectual property regime closely with British laws and practices

Granted protection to inventions and industrial designs.

Patents were typically granted for 14 years.

Required applicants to submit detailed specifications or representations of their inventions or designs to the authorities for registration.

# The Protection of Inventions Act, XVI of 1883

- Supplementary act, providing additional protection and addressing shortcomings of the 1872 Act
- Improved enforcement mechanisms for patent rights
- Provided a grace period of 6 months for disclosures at exhibitions
- Established criteria of novelty and utility for patent qualification
- Facilitated legal action for patent infringement disputes

# The Inventions and Designs Act, 1888

- Replaced earlier laws, refining provisions for patents and designs
- Streamlined administrative processes and consolidated provisions
- Incorporated modifications made in the UK patent law in 1883
- Laid the groundwork for the Indian Patents and Design Act of 1911.

# The Indian Patents and Designs Act, 1911

- Comprehensive law consolidating previous legislation. Remained in force until independence.
- Unified framework for addressing patents and industrial designs combined
- Designed to streamline the registration, enforcement, and protection processes for intellectual property
- Eligibility criteria included newness, utility, and non-obviousness
- Both processes and products protection
- Included legal recourse for infringement and laid down penalties
- Provisions for voluntary and compulsory licensing established.

# The Indian Patents and Designs Act, 1911 (cont..)

- Amended in 1920 - Reciprocal arrangements with UK and other countries for securing priority.
- In 1930 - Further amended to incorporate, inter-alia, provisions relating to grant of secret patents, patent of addition, use of invention by Government, powers of the Controller to rectify register of patent and
- Increase of term of the patent from 14 years to 16 years.
- In 1945 - An amendment to provide for filing of provisional specification and submission of complete specification within nine months.

# **Developments during Post-Independence Era in India**

# Post-Independence Review of IPR Laws

- 1947: After independence, India aimed to reform its IPR laws to align with national priorities
- Focus on public health, industrial development, and self-reliance, particularly in pharmaceuticals and chemicals
- Need was felt for comprehensive patent law due to changes in political and economic conditions and change of priorities

# Committee for Patent Law Review

- 1949: Government constituted a committee chaired by Justice (Dr.) Bakshi Tek Chand
- Recommendations aimed at preventing misuse or abuse of patent rights
- Recommendation for public interests in food and health while granting rights to the patentee
- Suggested amendments to sections 22, 23 and 23A

# Compulsory Licensing Provisions

1950: Act XXXII introduced provisions for working inventions and compulsory licenses/revocation

Government could endorse patents with 'licence of right' for easier licensing through the Controller.

# Ayyangar Committee Recommendations

- 1957-69: Justice N. Rajagopala Ayyangar Committee examined patent law revisions
- Highlighted need to limit monopolistic practices and prioritize public interest in sectors like health and food security
- Recommended abolition of product patents in critical areas like pharmaceuticals, food, and agrochemicals
- Focus on process patents to encourage innovation without restricting market competition
- Establish a more affordable and efficient patent system accessible to domestic inventors

# The Patents Act of 1970

1970: Landmark reform

- abolishing product patents in critical sectors like pharmaceuticals and food
- Allowed only process patents, fostering domestic innovation and affordable access
- Enabling Indian companies to develop cheaper versions of patented drugs
- This Act remained unchanged until substantial reforms in the 90s

# Impact of Globalization and TRIPS

1990s: WTO and TRIPS Agreement in 1995.

TRIPS compliance required patent law amendment

- provide a minimum patent term of 20 years,
- prohibit discrimination in granting patents based on the field of technology, ensure effective enforcement of intellectual property rights,
- allow for compulsory licensing under specific conditions
- India received a 10-year transition period to adapt to TRIPS requirements.

During this period, India implemented a **mailbox system** to accept patent applications for pharmaceuticals and agrochemical products, with a provision for granting “**Exclusive Marketing Rights**” (EMRs) for eligible applications



# Amendments in Patents Act

- 1999:
- First TRIPS-compliant amendments
  - mailbox applications and
  - Exclusive Marketing Rights
  - product patents in the areas of drugs, pharmaceuticals and agro chemicals,
  - applied retrospectively from 1<sup>st</sup> January 1995.
- 2002: Patents (Amendment) Act strengthened laws,
- extended patent terms to 20 years,
  - introduced opposition,
  - introduction of new Patent Rules 2003
- 2005: Reintroduced product patents in pharmaceuticals, chemicals, and food, resulting into fully compliant with TRIPS.

# The Design Act and Comprehensive IPR

Although a separate Patents Act was formed in 1970, the earlier Act continued for the Design IP

2000: The Design Act was passed, separating design legislation from patents

Present: India has a comprehensive IPR regime covering patents, trademarks, copyrights, and more

The framework addresses socio-economic realities and aligns with global economic roles

# Contemporary IP Framework in India

- ❑ **Patents:** Governed by the **Patents Act, 1970 (as amended in 2005)**.
- ❑ **Trademarks:** Regulated by the **Trademarks Act, 1999**.
- ❑ **Copyrights:** Administered under the **Copyright Act, 1957**, with major amendments in 2012.
- ❑ **Geographical Indications:** Protected under the **Geographical Indications Act, 1999**.
- ❑ **Designs:** Managed by the **Designs Act, 2000**.
- ❑ **SICLD:** The Semiconductor Integrated Circuits Layout-Design Act, 2000
- ❑ **Plant Varieties:** The **Protection of Plant Varieties and Farmers' Rights Act, 2001** safeguards the rights of plant breeders and farmers.

**“A country without a patent office and a good patent laws is just a crab and can’t travel any way but sideways and backwards.”**

**-Mark Twain**

**“Patent System adds the FUEL of Interest to the FIRE of Genius.”**

**-Abraham Lincoln**

**“Whenever there is a conflict between human rights and property rights, human rights must prevail.”**

**-Abraham Lincoln**

## **Conclusion**

**The evolution of intellectual property reflects society's changing values towards creativity and innovation. As we move forward, continuous adaptation of laws and practices is essential to protect and promote intellectual endeavours.**

**IP Laws are Dynamic !**

# Thank you!

**Do you have any questions?**

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