

RESEARCH ARTICLE

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TRENDS IN IPRS IN INDIA WITH A SPECIAL FOCUS ON PATENTS-AN ANALYSIS

L. Krishna Veni

Siva Sivani Institute of Management, Secunderabad-500100

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Abstract

Key words:-Inventions, Applications, Patents, Trade Marks, Designs, Geographical Indications, Institutes, Universities

..... This study makes an attempt to analyse the trends in India's Property Rights (IPRs) with a special focus on Patent rights. Initially, the trends in the applications for IPRs such as Patents, Trademarks, Design and Geographical Indications are examined during the period 2008-09 to 2017-18. The average number of filed applications in trademarks are higher (207349.6) than other forms of IPRs like Designs, Trademarks and GIs during the study period 2008-09 to 20017-18. Further the number of Patent applications filed from 2013-14 to 2017-2018 under major fields of inventions are also analysed. The results reveal that in mechanical and chemical fields significant number of Patent applications are found during the period 2013-14 to 2017-18. Lastly this study also analyse the number of Indian applicants for Patents from Institutes and Universities during the period 2008-09 to 2017-18. The number of applicants from Indian Institute of Technology (all IITs) have significantly increased from 152 to 540 during 2011-12 to 2017-18. Similarly the number of applicants from Indian Institute of Science(IIS)have constantly grown during the study period from 21 to 58, which indicates more scientific development in India. Finally it is interesting to note that 17 private universities have applied for the patents, which indicates the rapid growth of them during recent decade in India. This study also exposed that the total number of total Indian applicants for Patents from Institutes and universities have significantly increased from 196 in 2008-09 to 1300 in 2017-18. All the conclusions suggest that there is an immense need for further growth of research in science and technology and wide spread expansion of business in all sectors

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Corresponding Author:- Dr. L. KrishnaVeni.

Address:- Siva Sivani Institute of Management, Secunderabad-500100.

Introduction:-

As an engine of economic growth, Intellectual Property Rights (IPRs) contribute a lot for the rapid economic development of any economy. PRs work as an intangible asset that plays a vital role in the socio, economic and technological eco systems. Thus the creation and protection of IPRs is very important for the sustainable growth of the economy.

All over the world, the Intellectual Property Rights are accepted since they provide incentive to the individual for new creations, provide due recognition to the creators and inventors, ensure the material reward for intellectual property, ensuring the availability of the original products. For acceleration of economic growth and advancement in technology sector, protection of Intellectual property is very important. Besides IPRs are very beneficial for the growth and expansion of business in the field of technology.IPRs can be classified into four types namely Patents, Designs, Trademarks and Geographical Indications.

Patents:

Patent means it is an official right to be the only person or an organisation is allowed to make or sell a new product for a certain period of time. There are three major types of patents.

- 1. Design patents: Anyone who creates a new design for a product can apply for a design patent. Examples are ornamental designs, beverage bottles or furniture.
- 2. Plant patents: Botanists involved in grafting and creating new hybrid plant forms can apply for a plant patent. Examples are the Smooth Angel rose or Drought-Tolerant and Pest Resistant Seeds.
- 3. Utility patents: Anyone who invents any new and useful process, machine, article of manufacture, or composition of matter, or any new and useful improvement thereof can apply for a utility patent.

Design:

Industrial design is the title granted by an official authority, generally the Patent office, to protect the aesthetic or ornamental aspect of an object. This protects exclusively the non-functional features of an industrial product and does not protect any technical features of the object to which it is applied. Industrial design rights are granted to the creator of designs to reward them for their effort and investment in manufacturing the product. These rights enable the owner to make articles to which the design is applied. The holder of this legal title has the special right to make, import or sell any objects to which the design is applied. They can permit others to exploit the design and bring a legal action against anyone using the design without authorisation. In general the period of protection granted is from 10 to 25 years.

Trademark:

Trademark is a name or symbol on a product that shows it was made by a particular company and that it cannot be used by other companies without permission. Trademarks are issued for a predetermined period of time, but they can (in the proper circumstances) be renewed. A trademark protects something that is used to identify where a product or a service comes (origin) from. An example of a trademark would be a corporate identity, such as a logo, which is placed on products to inform consumers that the product is originated from that particular company.

Geographical Indication(GI):

A Geographical Indication (GI) is a name or sign used on products which corresponds to a specific geographical location or origin (e.g. a town, region, or country). The use of GI ,as a type of indication of source acts as a certification that the product possess certain qualities, is made according to traditional methods or enjoys a certain reputation ,due to its geographical origin. Industrial design renders an object attractive or appealing thus including its marketability and adding to its commercial value. The design may be associated with the shape, surface of the object, colour, novelty, originality and appeal are essential if an industrial design is to be patented

Review Of Literature:

Some of the studies on intellectual property rights are reviewed as follows:

LiviaIliea(2014) made an attempt to analyse the intellectual property rights from an economic perspective. This paper discussed the viewsof prominent economists in relation to the positive and negative impacts of the intellectual property systems. It also assess the role of IPR as a barrier to entry and a mean to restrict competition and to favour monopoly situations.

LalitJajpura, BhupinderSingha and Raj Kishore Nayak(2017) undertaken a study which is mainly based on secondary data. This paper presents anoverview of the innovation policy framework in India in order to assess its role in innovations and enterprise development in the Indian industry during the period 2008-09 to 2017. India's innovation strategies have been guided by the policy statements of Science &Technology, whereas the industrial policy statements have given direction to the development of manufacturing enterprises over a period of time. These twin processes have tried to ensure that India is able to develop a vigorous manufacturing base and at the same time build a sound S&T infrastructure and create a high-skilled manpower base. This study examines the Indian scenario with respect to technological capability of its industry and draw suggestive international comparisons. It also devotes more focus on the emerging issue of innovations in the SME sector in India and discuss in detail technological interventions in two traditional industry clusters in India. Finally, it highlights the existing bottlenecks in India's innovation system and suggest certain measures.

SrinivasaRao(2014) in his study focussed on the overview of Intellectual Property Rights (IPRs) in India and their trends. The IPR trends during the period 2003-13 reveals that the approved rate of designs and trademarks registrations were significantly higher than the granted patents in India. Though, the patents (63.26%) have generated huge revenues than the designs, trademarks and GIs over last decade. Total number of patent grantsoverthe last 10 years was 69,745 out of which 21.71% were granted to Indians and 78.29% wereto foreign applicants. In filing patents, Maharashtra, Delhi and Southern states are leading. Streams like chemical and mechanical engineering have produced highest number of patents whereas bio-technology and foods field were at the low preference. This paper also deals with the patent grants in Asian countries in Japan, Korea and Taiwan. China has shown massive interest in patent filing in recent years and the overall patent grants during last 12 years of his study.

AshishArora in his study made to explain the issues relating to international technology transfer and raises some basic challenges. He summarized some quantitative estimates of the international flow of technology. This study also provides an analytical framework for how IPRs may condition the international flow of technology and provides a short discussion of the key conceptual and data-related challenges. This is followed by a very brief overview of empirical papers in Economics on the relationship between IPRs and international technology transfer. Lastly the author summarises the potential areas for further research in developing countries on some of the topics related to IPRs.

Albert has conducted a review of the Economics literature on the relationship between IPRs and the international transfer of technology in the context of developing countries. The thoughtful research agenda that he set out will no doubt be a useful guide for empirical researchers working in this area. The author's comments will largely involve elaborating on some of the themes touched upon in Arora's paper and also highlighting some of the conceptual and measurement challenges researchers often find themselves wrestling with in this literature. This study furthertries to bring out some of the empirical observations of the experiences of the newly industrialized East Asian economies and China.

Research Methodology:-

This study mainly focussed on the following objectives. They are aimed -

- 1. to analyse the trends in the number of applications filed, examined, registered and disposal of patents, design, trademarks and geographical indications from 2008-09 to 2017-18,
- 2. to examine the number of Patent applications filed from 2013-14 to 2017-18 under major fields of inventions and
- 3. to studytheIndianapplications for patents from different Institutes and Universities during the period 2008-09 to 2017-18

This study is mainly based on secondary data and the study period is confined to 10 years i.e from 2008-09 to 2017-18. The data for this study has been collected from Intellectual Property India, Annual Reports, Published by Government of India, Ministry of Commerce and Industry, Department of Industrial Policy and Promotion.

Using the excel sheet, the averages and percentages are calculated at various levels and appropriate figures are drawn to analyse the time series data.

Data Analysis:

All three objectives of the study are analysed under this heading.

Initially discussion starts with the first objective to understand the status of intellectual property rights and different types of Patents. Subsequently second and third objectives are analysed to understand the status of Patent applications indifferent (9)fields and to assess the increase in the number of Indian applicants for patents from institutes and universities. The entire analysis provides a macro picture about growth of the economy in different dimensions like Science and Technology(S&T), Research and Development (R&D), primary sector, industrial (secondary) sector& service sector and business sector. Increase in the number of applications for IPRs represents the growth of the economy indirectly, therefore it can be taken as a proxy to the overall development of the country.

Trends in Applications for Intellectual Property Rights-2008-09 to 2017-18:

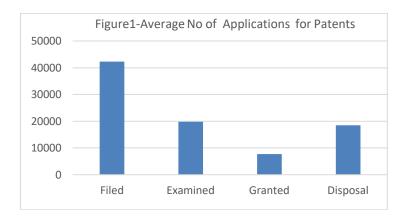
The Trends in Applications for Intellectual Property Rights namely patents,trademarks,designs and geographical indications during the period 2008-09 to 2017-18 are analysed (Table1)below. The number of applications Filed, Examined, Granted and Disposed for different Intellectual Property Rights are considered for this study.

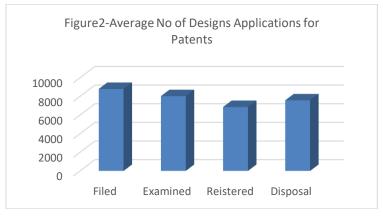
Year	2008-	• • • •	PATENT APPLICATIONS												
		2009-	2010-	2011-	2012-	2013-	2014-	2015-	2016-	2017-	Averag				
	09	10	11	12	13	14	15	16	17	18	e				
Filed	36812	34287	39400	43197	43674	42951	42763	46904	45444	47854	42328.				
											6				
Examine	10298	6069	11208	11031	12268	18615	22631	16851	28967	60330	19826.				
d											8				
	16061	6168	7609	4381	4126	4227	5978	6326	9847	13045	7776.8				
Dispose	17136	11339	12851	8488	9027	11411	14316	21987	30271	47695	18452.				
d											1				
DESIGNS APPLICATIONS															
Year	2008-	2009-	2010-	2011-	2012-	2013-	2014-	2015-	2016-	2017-	Averag				
	09	10	11	12	13	14	15	16	17	18	e				
Filed	6557	6092	7589	8373	8337	8533	9327	11108	10213	11837	8796.6				
Examine d	6440	6266	6277	6511	6776	7281	7459	9426	11946	11850	8023.2				
Register	4772	6025	9206	6590	7252	778	7147	7906	8276	10620	6857.2				
ed															
Dispose	4897	6045	9221	6705	7300	7226	7218	8023	8332	10788	7575.5				
d															
					MARKS			1	1	1	1				
Year	2008-	2009-	2010-	2011-	2012-	2013-	2014-	2015-	2016-	2017-	Averag				
	09	10	11	12	13	14	15	16	17	18	e				
Filed	13017	14194	17931	18358	19421	20000	21050	28306	27817	27297	207349				
	2	3	7	8	6	5	1	0	0	4	.6				
Examine	10521	25875	20506	11626	20238	20308	16802	26786	53223	30625	213226				
d	9		5	3	5	6	6	1	0	9	.9				
Register	10225	67490	11547	51735	44361	67876	41583	65045	25007	30091	110680				
ed	7		2						0	3	.2				
Dispose	12654	76310	13250	57867	69736	10475	83652	11616	29044	55577	161375				
d	0		7			6		7	4	7	.6				
							APPLIC		1	1					
Year	2008-	2009-	2010-	2011-	2012-	2013-	2014-	2015-	2016-	2017-	Averag				
	09	10	11	12	13	14	15	16	17	18	e				
Filed	44	40	27	148	24	75	47	17	32	38	49.2				
Examine	21	46	32	37	30	42	60	20	28	14	33				
d															
Register ed	45	14	29	23	21	22	20	26	34	25	25.9				
cu															

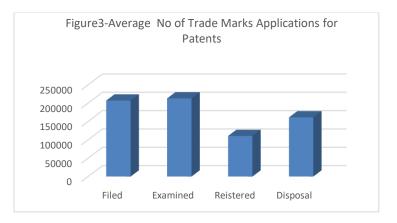
Table-1:- Trends in Applications for Intellectual Property Rights-2008-09 to 2017-18.

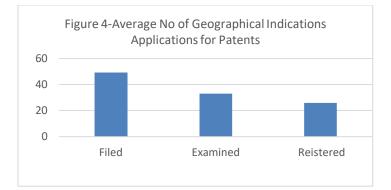
As shown in Table1, the average number of filed applications in trademarks are higher (207349.6) than other forms of IPRs during the study period 2008-09 to 20017-18. Simultaneously, the average number of filed applications in Patents (42328.6) and Designs (8796.6) and GIs (49.2) occupied the second, third and fourth places. The status of applications filed, examined, granted and disposed on average during the study period in case of Patents, Designs, Trademarks and GIs are shown in Figures 1 to 4.

Based on the data given in Table I, it is estimated that the number of applications disposed in filed applications is 86.12% in Designs and 72.83% in Trademarks, 52.64% in GIs and 43.59 in Patents on average during the study period.





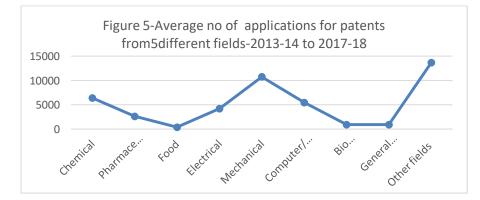




Number of Patent Applications Filed under Major Fields of Inventions during 2013-14 to 2017-2018

The second objective of this study deals with the number of Patent applications filed for a period of 5 years i.e., from 2013-14 to 2017-2018 under major fields of inventions. Based on the availability of data, nine (9)fields like chemical, pharmaceuticals, food, electrical, mechanical, computer/electronics, bio technology, general engineering and other fields are considered for this analysis.

Table 2-Number of Patent Applications Filedunder Major Fields of Inventionsfrom 2013-14 to 2017-18												
year	2013-	%	2014-	%	2015-	%	2016-	%	2017-	%		
	14		15		16		17		18			
Chemical	6769	15.7	6454	15.0	6463	13.7	5911	13.0	6343	13.2		
		6		9		8		1		5		
Pharmaceuticals	2507	5.84	2640	6.17	2966	6.32	2122	4.67	2741	5.73		
Food	387	0.90	395	0.92	387	0.82	283	0.62	344	0.72		
Electrical	4371	10.1	4031	9.43	4102	8.74	4141	9.11	4278	8.94		
		8										
Mechanical	11318	26.3	10031	23.4	10164	21.6	10715	23.5	11572	24.1		
		5		6		7		8		8		
Computer/Electronic	4410	10.2	4285	10.0	5988	12.7	6443	14.1	6089	12.7		
S		7		2		7		8		2		
Bio technology	647	1.51	1035	2.42	887	1.89	876	1.93	992	2.07		
General Engineering	652	1.52	775	1.81	757	1.61	1225	2.69	1032	2.16		
Other fields	11890	27.6	13117	30.6	15190	32.3	13728	30.2	14462	30.2		
		8		7		8		1		2		
Total	42951	100	42763	100	46904	100	45444	100	47854	100		



From Table 2, it is strong that 23.49% of patent applications are madein mechanical field and 14.19% of patent applications are made in chemical field on average during the study period.

The number of patent applications in miscellaneous fields are shown under other fields. It has increased from 27.68% in total patent applications in 2013-14 to 32.38% in 2015-16 but declined to 30.22% in 2017-18.

Figure 5 represents the total number of applications in nine fields together during the study period of five years(2013-14 to 2017-18). This number has gradually increased from 42951 in 2013-14 to 47854 in 2017-18.

The number of Indian applicants for Patents from institutes and universities during the period 2008-09 to 2017-18:

Lastly, this study also attempts to examine the number of Indian applicants for Patents from institutes and universities during the period 2008-09 to 2017-18.

The results represented in Table 3 shows that the number of applicants from Indian Institute of Technology (all IITs) have significantly increased from 152(2011-12) to 540 (2017-18) during the study period. Similarly ,the number of applicants from Indian Institute of Science(IIS) have constantly grown during the recent decade from 21 to 58, which indicates more scientific development in India. Finally it is interesting to note that 17 private universities also have applied for the patents, which shows the rapid growth of private universities during the recent decade in India. On the whole the number of as an indication of technological progress, the number of patent applications filed from 2013-14 to 2017-18.

	Applicants	2008- 09	2009- 10	2010- 11	2011- 12	2012- 13	2013- 14	2014- 15	2015- 16	2016- 17	201 7- 18
1.	All India Institute of Medical Sciences				12						
2.	Amity University	33			114	140	92	43	99	106	119
3.	Amrita Viswavidyapeeth am University					10					
4.	Bharat University						37		65	45	66
5.	Central Institute of Fisheries Technology		13								
6.	Central Institute of Research on Cotton	12									
7.	Central Power Research Institute					11					
8.	Centre for Development of Advanced Computing(C- DAC)		7	16	13						
9.	Centre for Materials And Electronics Technology					10					
	Chandigarh Group of Colleges									30	58
	Chitkara University								46	29	
12.	Council of Scientific and		162								

 Table 3:- Indian Applicants for Patents from Institutes and Universities

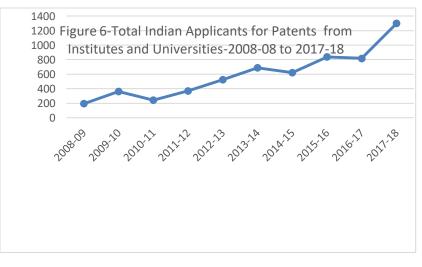
 Applicants
 2000
 2010
 2012
 2014
 2015
 2016

Industrial				T						
Research										
13. Defence		80								
Research and										
Development										
Organisation										
14. Dr.MGR								15		
Educational and										
Research										
Institute										
15. GH Raisoni								33	49	
								33	49	
College of										
Engineering/GH										
R Labs and										
Research Centre										
16. GH Raisoni						27				56
College of										
Engineering										
17. GHR Labs and					10					56
Research Centre					10					50
							01		20	
18. Hindustan							31		28	
Institute of										
Technology &										
Science										
19. Indian Council		55								
of Research										
Organisation(ISR										
O)										
20. Indian Council of		6		1						
Medical		0								
Research										
21. Indian Institute	21		38	14	31	32	46	46	54	58
of Science										
22. Indian Institute	91									
of Technology										
23. Indian Institute			58							
of Technology(00							
Bombay)										
			16							
24. Indian Institute			16							
of Technology(
Delhi)				Ļ		ļ				
25. Indian Institute			32							
of Technology(
Kanpur)										
26. Indian Institute			29							
of Technology(
Kharagpur)										
	1	-	20	+		+				1
27. Indian Institute			20							
of Technology										
(Madras)				<u> </u>						
28. Indian Institute				152	205	342	337	391	400	540
of										
Technology(Coll										
	1									1
ection)										
ection) 29. Indian Space		17		<u> </u>						

Research					1			1	1	1
Organisation							52	22		
30. JanardhanRai							53	22		
Nagar Rajastha	n									
Vidyapeet										
(Deemed)										
University										
31. Jawaharlal Nehr	ru			9	9					
Centre for										
Advanced										
scientific										
Research										
32. KarpagamUnive	er						18			
sity										
33. KCG college of										40
Technology										10
34. King George								15		
Medical								15		
University 35. MsRamaiah					13					
					15					
School of										
Advanced										
Studies										
36. National Institut		7			12					
of Immunology										
37. National Institut	te				9					
of Ocean										
Technology										
38. National Institut	te 8	10	11		15			15		
of										
Pharmaceutical										
Education and										
Research										
(NIPER)										
39. National Institut	te				10				26	
of					10				20	
Technology(Col	11									
	11									
ective)	c .				12					
40. Parul Institute o					12					
Engineering and	1									
Technology										
41. Punjab	4									
Agricultural										
University										
42. Raja Rambapu						13				
Institute of										
Technology										
43. SAL Institute of	f						22			
Technology										
Engineering &										
Research										
44. Sandeep		1	1	1	1	1	21		1	46
Foundation's										
Sandip Institute										
of Engineering										
or Engineering		1	1	1	1	1	1	1	1	L

	and Management										
45.	Sandeep							33			
	Foundation's							00			
	Sandip Institute										
	of Technology										
	and Research										
	Centre										
16	Saveetha						74		33		
40.							/4		55		
	College of										
	Engineering										
	,Saveetha										
47	University										110
47.	Saveetha Dental										118
	College and										
	Hospitals,										
	Saveetha										
	University										
48.	Sasthra						13				
	University										
49.	Shoolini										62
	University										
50.	Shoolini								22		
	University of										
	Biotechnology										
	and Management										
	Sciences										
51	Siddaganga						24		17		
	Institute of								17		
	Technology										
52	Siddaganga							18			
52.	Institute of							10			
	Technology and										
	Institution of										
	SreeSiddaganga										
	Educational										
52	Society	7									
53.	SN Bose	7									
	National Centre										
	for B.S										
54.	Society for		6								
	Employed										
	Microwave										
	Electronics										
	Engineering										
	&Research										
55.	Sri ChitraTirunal				15		20				
	Institute for										
	Medical Sciences										
	and Technology										
56.	SRM University										81
	Tamilnadu				15	16					
	Agricultural										
	University										
58	TamilnaduVetern				9			1		1	1
20.	ary and Animal										
L		1	l	L	I	L	L	I	l	I	I

Sciences										
University										
59. Thaigarajagar	6									
College of										
Engineering										
60. The Energy and			13		12					
Resources										
Institute(TERI)										
61. The Energy and				17						
Resources										
InstituteforMedic										
alsciences and										
Technology										
62. University of			11		9	15				
Calcutta	_									
63. University of	7									
Delhi								20		
64. VeltechDr.Rr&Sr								20		
Technical										
University										
65. VeltechHigh/Mul									50	
ti Tech										
DrRr&Dr.Sr										
College and										
University	107	262	244	250	524	(00	(22	020	015	120
Total Applicants	196	363	244	370	534	689	622	839	817	130
										0



As an indication of technological progress, results show that the number of applicants from Indian Institute of Technology (all IITs Bombay, Delhi, Kanpur, Kharagpur and Madras) have significantly increased from 152(2011-12) to 540 (2017-18) during the study period(Table3).

National Institute of Pharmaceutical Education and Research(NIPER) also occupied the significant position among the Indian applicants for patents during the study period.

Similarly, the number of applicants for patents from Indian Institute of Science(IIS) have constantly grown among the total Indian applicants during the recent decade from 21 to 58, which indicates more scientific development in India. Finally it is interesting to note that 17 private universities also have applied for the patents, which shows the

rapid growth of private universities during the recent decade in India. Among them, Amity University maintained the top position with the significant number of patent applications. Bharat University has occupied the second place and University of Calcutta and SaveethaUniversity,JanardhanRai University also maintained the significant position. As shown tn Table3, rest of the Indian applicants for patents from institutes and universities have appeared hardly once or twice during period considered for this analysis.

The number of totalIndian applicants for Patents from Institutes and universities havesignificantly increased from 196 in 2008-09 to 689 in 2013-14 and further increased to 1300 in 2017-18 as shown in Figure 6.

Summary Conclusions:-

Based on the entire analysis, the following conclusions are established:

- 1. The average number of filed applications in trademarks are higher (207349.6) than other forms of IPRs like Designs, Trademarks and GIs during the study period 2008-09 to 20017-18.
- 2. It is clear that the number of applications disposed in filed applications is 86.12% in Designs and 72.83% in Trademarks, 52.64% in GIs and 43.59 in Patents on average during the study period.
- 3. Among the number of patent applications filed under major (9) fields of inventions, of more patent applications(23.49%) are made in mechanical field and followed by chemical field (14.19%) on average during the period considered for analysis. Under other fields also, the number of patent applications have increased from 27.68% in total patent applications in 2013-14 to 32.38% in 2015-16, then declined to 30.22% in 2017-18.
- 4. This study concludes that the total number of applications in nine fields of inventions during the study period of five years (2013-14 to 2017-18 has gradually increased from 42951 in 2013-14 to 47854 in 2017-18.
- 5. The number of Indian applicants for Patents from institutes and universities during the period 2008-09 to 2017-18 discloses that Indian Institute of Technology (all IITs) and IndianInstitute of Science(IIS) have shown significant increase during the study period as an indication of technological and scientific progress in the economy.
- 6. Further it is evident from this study that 17 private universities also have applied for the patents during the recent decade in India which shows the significant progress of private universities in higher education .This study also exposed that the number of total Indian applicants for Patents from Institutes and universities have significantly increased from 196 in 2008-09 to to 1300 in 2017-18.
- 7. All the above conclusions suggest that there is an immense need for further growth of research in science and technology and wide spread expansion of business in all sectors.

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