

IPR regime – INDIA

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The idea of providing a (much needed) structured impetus towards paving a path wherein, inventors, corporates, and the like are not impeded by lack of directions or even lack of knowledge (ignorance) of Intellectual Property Rights (IPR), for that matter, has been flirting in the minds of senior personnel already active in the (IPR) field. What is lacking, however, is the aligning of forces in one particular mega-direction in order to snowball the efforts. A 3-pronged approach, as detailed below, can be attempted to channelise the flow of processes in the IPR regime.

The envisioned pathway should follow the outlined pattern, thus:

- 1) Schools and educational institutes mainly should comprise the bandwagon for nurturing a professional's thoughts. A first tier of the recipients of such education should be the professionals servicing the IPR industry. Lack of experience, relative newness of the Indian Patent Act, flimsy attempts by the IPO to write and re-write the patent manual, relatively less exposure, are some of the major stumble-blocks in today's Indian IPR scene. As reported here [1], the Kerala government has initiated a drive to introduce IPR as a compulsory subject in schools and universities. With training at the grassroots level, the Kerala government affirmatively hopes to align students' thought processes and

attempt to solve the country's shortage of trained professionals; thus expanding the current realm.

2) Meticulous gardening of thoughts and weeding out the randomness in a plausible inventor is a firm step that ought to be taken by corporates towards training/mentoring their employees which include understanding the genesis of a technology over the years through patents and its concurrent effects on the industry in the progressive time scale. The strings of this causal relationship between innovations and industry growth become visible clearly, by this study [2]. Particularly, Indian SMEs currently only invest in need-based research and development (or only when they have exhausted the option of 'not-copying'). A recent development as reported here [3] is a definite positive step towards creating awareness of a strong IPR regime to impress and authorise their work at the national and international level, without trespassing each other's domains and subsequently conform to uniform global standards. Finally, this recognition is bound to translate into economic benefits for the company at a micro-level as well as for the nation at a macro-level.

3) Miscellaneous:

An active lobby of current IPR professionals need to progressively create awareness within their sphere of influence in an unbiased manner. E.g. keeping an inventor involved at all times, creating adequate transparency in the process, propagating the finer points of the IPR spectrum in relation to theoretical knowledge as well as from derived practical exposure ensures the smoothness of the

learning curve for newer professionals, and hence, aids in stimulating this endeavour.

Nipping the brain drain is just as important. Increasing off-shore activity (i.e. foreign MNCs recruiting Indian talent, and claiming protection as a derivative of their work for the company), relatively less stimulation in Indian companies from an innovation point of view, and restricted resources for such innovative steps and research hinder the innovative flow-chain and provide only for transient surges in the patenting scenario, if any. As can be seen here [4], foreign firms have increasingly filed patents with Indian employees as the inventors. This results in a total loss of economy for the nation and home firms in parallel sectors.

For India to boast a comprehensive enforceable patent docket in various sectors of technology, it needs to exhibit an un-impeded continuum of enforce-able patents; one where the genesis is easily traceable, without gaps, and one such that commands international value. Further, it should be coupled with able personnel manning the IPR regime (typically, IPR agents, IPR attorneys, IPR valuation services, judicial system bolted by strong precedents and laws and the like). With a start [1] in the training segment, we are definitely on our way to come of age.

References:

- [1] <http://www.livemint.com/2008/08/26232915/Kerala-to-introduce-intellectu.html?h=B>
- [2] <http://www.livemint.com/2008/06/08235610/Foreign-firms-drive-surge-in-t.html>
- [3] <http://www.livemint.com/2008/08/18190329/Training-programme-for-Indian.html>
- [4] <http://www.livemint.com/2008/06/08235610/98E45802-64F5-4CF6-A9A5-FD112B66658BArtVPF.pdf>

