



# India IP SME Helpdesk

Intellectual Property Protection in India

Bulgarian - India Business Forum

3rd June, 2025

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*India IP Helpdesk*

# India Country Facts

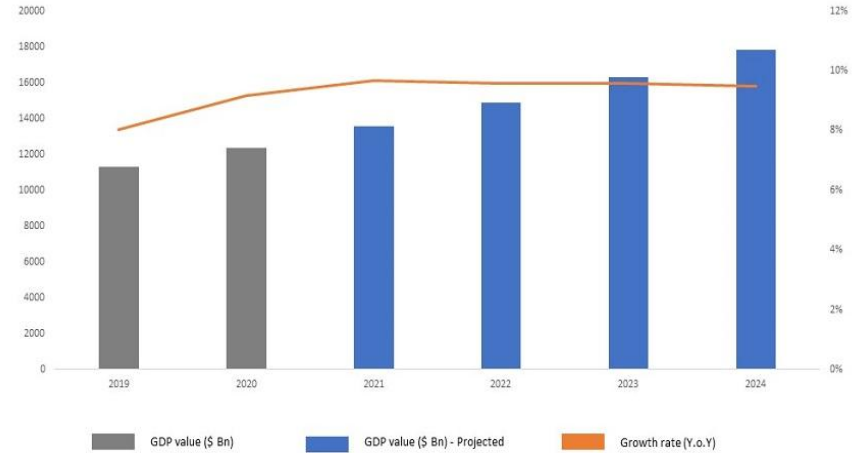
- 28 states with 8 Union territories.
- Population - 1.4 Billion
- GDP – \$ 4Trillion Economy.
- 23 Official languages.
- Religion – Hindus, Sikhs, Buddhists, Jains, Muslims and Christians,



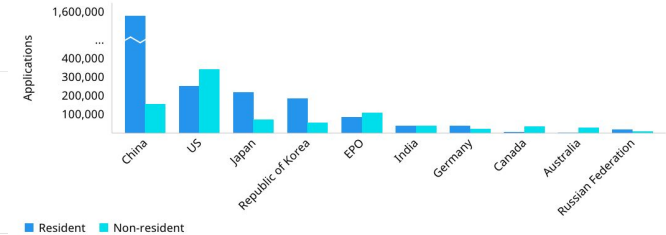
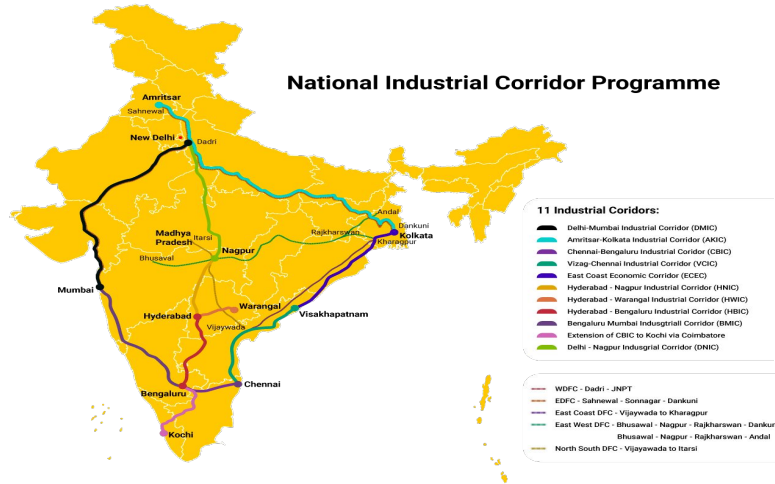
# India Country Facts

1. Aiming to be 5 Trillion Economy in 2025
2. India to witness an estimated GDP Growth of **7.6% in 2023-24**
3. Total FDI inflows in the country in the FY 2023-24 is **\$971.521 Bn** (Apr 2000 to Dec 2023) and total FDI equity inflows stands at **\$666.477 Bn** (Apr 2000 to Dec 2023).

India is projected to be the third largest economy  
in Gross domestic product in Purchasing Power Parity terms measured at current prices



Source: International Monetary Fund

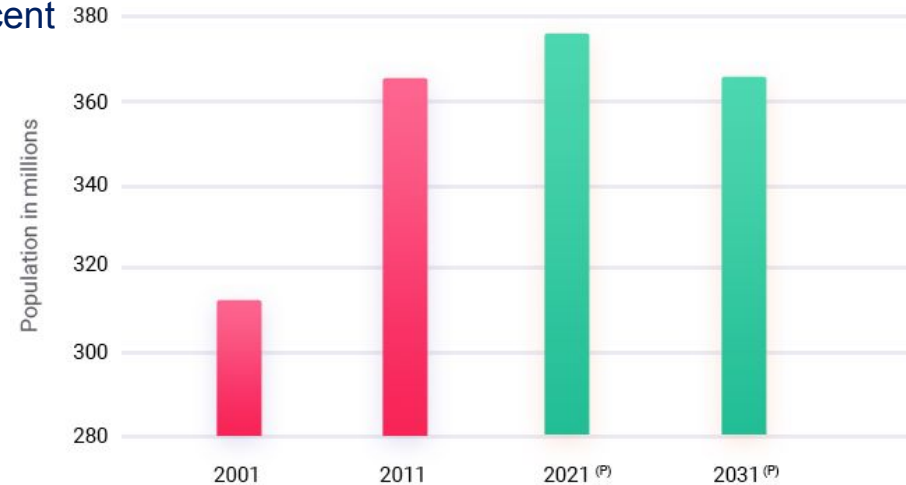


# India Country Facts

- **Demographic Dividend** – Largest youth and adolescent population.
- India has the **third-largest group of scientists and technicians in the world**. (BCG Report)
- By 2030, it is estimated that around 42% of India's population would be urbanised from 31% in 2011.

## Home to world's largest youth population

Indian population between age group 10-24 years



Source: Central Statistics Office, Government of India, 2017 \*P : Projections

Production Linked  
Incentive (PLI) schemes  
for 14 sectors

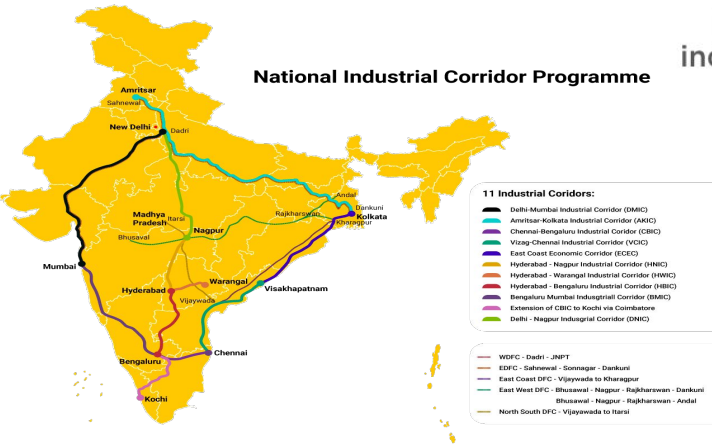
Semiconductor  
mission

Promotional policies for  
Micro, Small and Medium  
Enterprises

11 industrial corridors with 32  
projects underway to develop  
industrial cities with plug-and-play  
infrastructure

Government e-commerce portal  
for procurement with  
63k Government buyers,  
6.2 million suppliers

National Industrial Corridor Programme



The Indian manufacturing industry is diversifying into higher value-added production of goods such as auto components, specialty chemicals, engineering goods and electronics

# Democratising Digitization

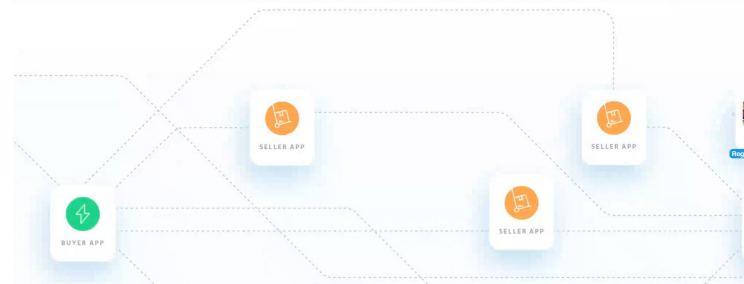
Open Network for Digital Commerce

## Everyone's Commerce!

Where anyone can sell and everyone can buy from each other online.

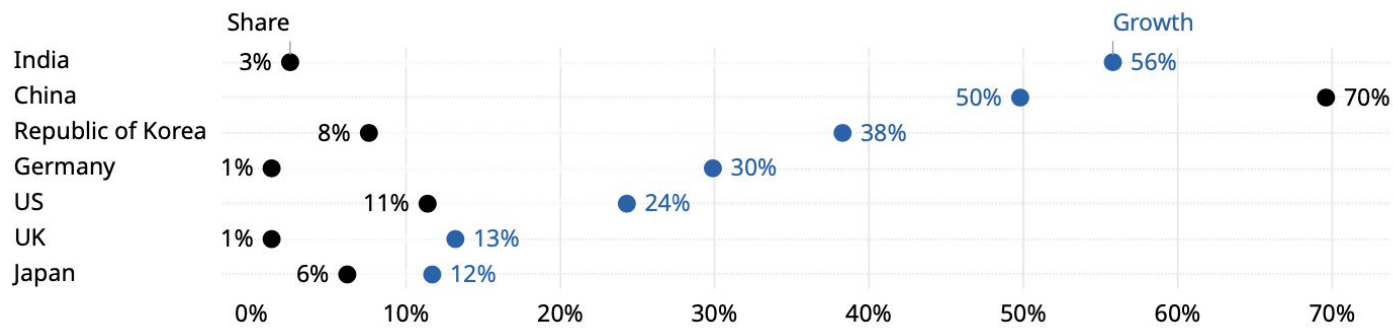
[How To Join](#) →

[Learn About ONDC](#)



Payments	Lending	Insurtech	Investech	Blockchain	Other

# Generative AI innovations



Source: WIPO, based on patent data from EconSight/IFI Claims, Orbit by Questel and PATENTSCOPE, April 2024.

# Opportunities

- Agriculture
- Skill Development and Mobility
- Fin-tech
- Defence and Aerospace
- Infrastructure
- Renewable Energy
- Manufacturing –
- Pharmaceuticals
- Electronics.
- Services ( IT, Tourism and Retailand E-Commerece)



# Intellectual Property Challenges

**Table 1 – Estimated direct and indirect infringement economic costs – selected IPR intensive industries in the EU (average annual figures, 2012-2016)<sup>25</sup>**

Sector	Direct Lost Sales (€ billion)	% of Sales	Total Lost sales (€ billion)	Direct Employment Loss	Total Employment Loss	Government Revenue Loss
Smartphones *	4.2	8.3%	Not calculated	Not calculated	Not calculated	Not calculated
Pesticides & Agrochemicals	1.0	9.8%	2.1	1,749	7,993	0.3
Pharmaceuticals	9.6	3.9%	16.5	33,133	80,459	1.7
Spirits & Wine	2.4	5.9%	6.1	6,049	38,885	2.1
Recorded Music	0.1	3.6%	0.2	580	1,343	0.1
Jewellery & Watches	0.9	6.2%	1.7	5,683	11,882	0.3
Handbags & Luggage	1.0	7.4%	2.1	8,169	16,550	0.4
Toys & Games	1.0	7.4%	1.6	3,679	8,158	0.3
Sports Goods	0.3	4.1%	0.6	1,756	3,625	0.1
Clothing, Footwear and Accessories	28.4	9.7%	45.9	335,053	473,031	8.6
Cosmetics & Personal care	7.1	10.5%	11.2	71,984	118,654	2.6
<i>Total all sectors</i>	<i>56.0</i>	<i>7.4% (avg.)</i>	<i>92.3</i>	<i>467,835</i>	<i>760,579</i>	<i>16.3</i>

# INTELLECTUAL PROPERTY ADVICE FOR YOUR BUSINESS



Six EU-funded helpdesks offer free resources to your small or medium-sized business to help you manage your intellectual property.

<https://ec.europa.eu/ip-helpdesk>

# Helpdesk services

Training Workshops  
& Webinars



One-on-one  
sessions



Self-learning  
materials



Website IP tools  
& Blog



## FREE OF CHARGE!

# IMPORTANCE OF IP IN YOUR INNOVATION STRATEGY

**Signaling Tool** to attract investments, provide consumer confidence and sense of reliability

**Exclusive Rights** to manufacture, sell, distribute, use, import, license

**Key to enter new markets** attractiveness to **develop partnerships & collaborations** + secure your position on a new market

**Freedom to operate** for defensive portfolio, cross-licensing



# AUDIT

# STEP 1 - KNOW YOUR IP BY PERFORMING AN IP AUDIT

**Conduct an IP Audit :** Conduct a systematic review of all the intellectual property rights (whether registered or not) that you **own**, use or that you have **acquired** from a third party, or perhaps **outsourced** to a third party.

- ❖ Create an inventory of your potential IP assets.
- ❖ Ascertain legal status, territorial coverage, value, and related risk.
- ❖ IP Audits should be carried out regularly (at least once a year).

Description of the Asset	Type of the IP Right	Do you own the IPR?	Is it EU/India wide?	Is the IPR new or modification of an existing IPR?	Registration Fee?	Is the IPR subject to legal disputes	Licensed in/out?	Any buy-in of other IPR to take this forward?	What benefits does the IPR bring to your business	Can the IP be enhanced to gain funding?	Is there any other use for the IP to generate funding?	Do you have historic revenue?	What is the size of the potential market	What is the value of the potential market?	What is the life cycle of the product?

# STRATEGIZE

# STEP 2 – UNDERSTAND WHAT TO PROTECT AND HOW TO PROTECT

## Align the IP strategy with your business strategy

### ☐ **What IP assets are essential to achieve your business goals**

- ❖ Prioritize protection needs
- ❖ Expected ROI/ risks if lack of protection/ budget/ ...

### ☐ **Assess territorial coverage**

- ❖ what are your markets (current, future, potential)?
- ❖ what are your competitor's markets?
- ❖ where are your potential investors ?
- ❖ where will you manufacture or outsource development?

## Having an IP Strategy is a must – evolving strategy



# **INTERNATIONALIZE Conduct Searches**

## STEP 3 – INTERNATIONAL SEARCHES

Carry out a worldwide Preliminary Search.

### Why ?

- ☐ Avoid Infringing Others' Rights.
- ☐ You can claim an Exclusive Right
- ☐ Provides you Strategies & Insights for market entry.( Competitors and Collaborators)



Source : EPO, <https://www.epo.org/searching-for-patents/technical/espacenet.html>

# PATENT SEARCH



**inPASS**  
Indian Patent Advanced Search System

**Patent Search** | Patent E-register | Application Status | Help

Publication Type: ☒ Published ☐ Granted

Select Search Field: Application Date (National) From: From Date (MM/dd/yyyy) To: To Date (MM/dd/yyyy)

Select Search Field: Title Please Enter Title e.g. ORBGARD VEHICLE DIGITAL IDENTIFICATION TRANSMISSION

Select Search Field: Abstract Please Enter Abstract e.g. COMPUTER IMPLEMENTED

Select Search Field: Complete Specification Please Enter Complete Specification e.g. VEHICLE DIGITAL IDENTIFICATION

Select Search Field: Application Number Please Enter Application Number e.g. 123456789012345

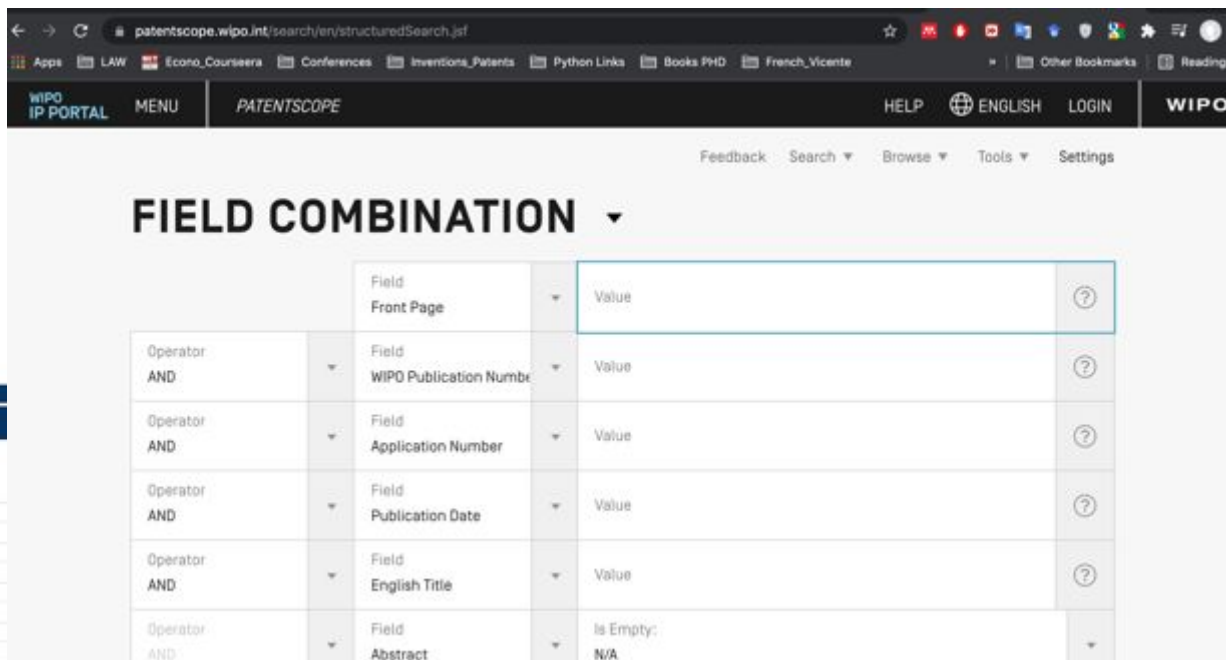
Select Search Field: Patent Number Please Enter Patent Number e.g. 2345678

Select Search Field: Applicant Name Please Enter Applicant Name e.g. SRM Institute of Science and Technology

Select Search Field: Applicant Country Please Enter Patent Number e.g. INDIA

Select Search Field: Applicant Address Please Enter Patent Number e.g. Delhi

Select Search Field: Inventor Name Please Enter Inventor Name



patentscope.wipo.int/search/en/structuredSearch.jsf

WIPO IP PORTAL MENU PATENTSCOPE HELP ENGLISH LOGIN WIPO

Feedback Search Browse Tools Settings

## FIELD COMBINATION

Field	Value
Front Page	Value
Operator AND	Field WIPO Publication Number Value
Operator AND	Field Application Number Value
Operator AND	Field Publication Date Value
Operator AND	Field English Title Value
Operator AND	Field Abstract Is Empty: N/A

<https://patentscope.wipo.int/search/en/search.jsf>

<https://ipindiaservices.gov.in/publicsearch>

# TRADE MARK SEARCH



Government of India  
Ministry of Commerce & Industry  
Department of Industrial Policy & Promotion  
Controller General of Patents Design & Trade Marks  
Public Search of Trade Marks

[Class Details](#) | [Well Known Marks](#) | [Prohibited Marks](#) | [Vienna Code Classification](#) | [International No](#)

Search Type : Wordmark

Key Word	Value
Wordmark	Start With <input type="text"/>
Class	<input type="text"/> <i>*Enter one class at a time</i>
Goods Description	<input type="text"/> <i>*Will be available soon</i>

<https://www3.wipo.int/branddb/en/>

<https://ipindiaonline.gov.in/tmrpublicsearch/frmmain.aspx>

WIPO IP PORTAL MENU Global Brand Database Covid-19 Update HEL

Perform a trademark search by text or image in brand data from multiple national and international sources, in origin and official emblems. V: 2021-06-30 06:9  
[ew free webinars](#)

Data from Kyrgyzstan available Over 11,000 records added 2021-05-07  
Data from Vanuatu available Over 2,000 records added 2021-05-04  
Data from Cuba available Over 100,000 records added 2021-03-08  
Data from Zambia available Over 20,000 records added 2021-01-26  
Data from India available Close to 2 million added

SEARCH BY Brand Names Numbers Dates Class Country

Text =

Image class =

Goods/Services =

FILTER BY Source Image Type Status Origin

AE TM	226,518	AL TM	19,950	AU TM	1
BT TM	20,129	BW TM	38,034	CA TM	1
CR TM	351,526	CU TM	100,599	DE TM	2
EE TM	63,434	EG TM	140,440	EM TM	1
GE TM	46,532	GH TM	31,225	GM TM	
IN TM	2,484,788	IS TM	118,851	IT TM	1

Display: List Sort: Value - asc

1 - 30 / 45,583,699 TM view Display: 30 per page options

	Brand	Source	Status	Relevance	Origin	Holder	Holder count	Number	App. Date
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<input type="checkbox"/>	EVEN CAPITAL	NZ TM	Pending	1		NZ EVEN CAPITAL GP LIMITED	NZ	1182712	2021-06-21
<input type="checkbox"/>	EVEN	NZ TM	Pending	1		NZ EVEN CAPITAL GP LIMITED	NZ	1182711	2021-06-21

☐ No Visual Elements A17 TM Pending 1 A17 Australian Made Campaign Limited A11 1189710 2001-06-21

INDIA  
IP SME HELPDESK



# **INDIAN LAWS AND SPECIFICITIES**

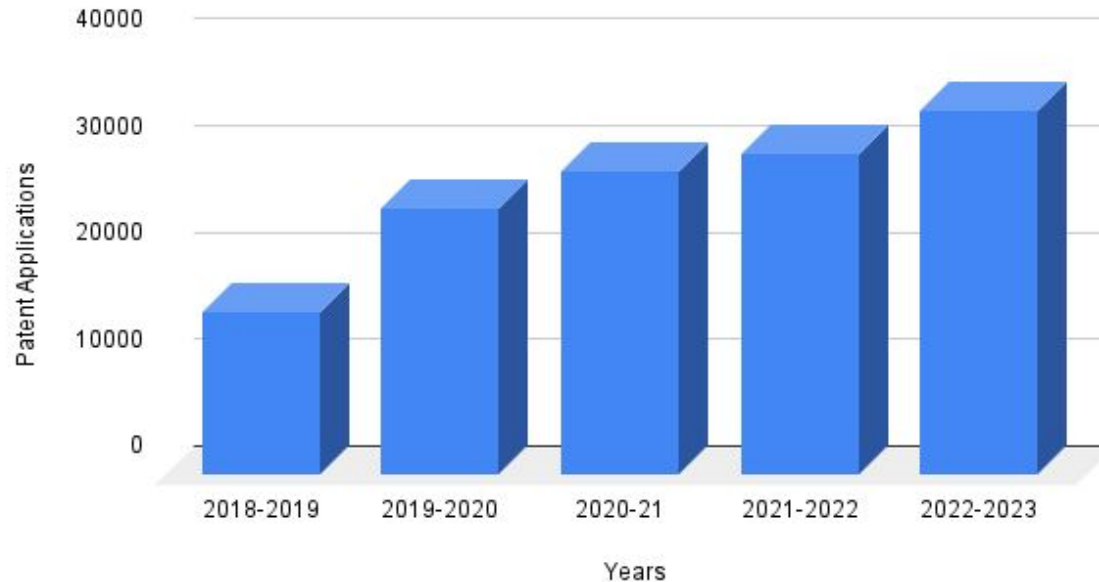
# IP STATISTICS

Trends in last five years with respect to filing of IP applications:

Application	2017-18	2018-19	2019-20	2020-21	2021-22
Patent	47854	50659	56267	58503	<b>66440</b>
Design	11837	12585	14290	14241	<b>22699</b>
Trade mark	272974	323798	334805	431213	<b>447805</b>
Geographical Indication	38	32	42	58	<b>116</b>
Copyrights	17841	18250	21905	24451	<b>30988</b>
Semiconductor Integrated Layout Designs (SCILD)	02	NIL	Nil	05	<b>01</b>
<b>Total</b>	<b>350546</b>	<b>405324</b>	<b>427309</b>	<b>528471</b>	<b>568049</b>

# Patent Trends

Patent Applications vs Years



## INDIA CLIMATE CRISIS

- Every second patent granted in India between 2016 and 2021 is related to green technology.
- Overall 61,186 patents related to green tech were granted in that period, out of which 26% are related to alternative energy production”.
- The most notable trend since 2002 is the growth of solar technology. In 2002, solar accounted for just over a quarter of published PCT applications for renewables, while in 2019, they accounted for over half of them.





## Indian Patent Office

- Filing of patent applications has increased by 13.57%, from 58503 in 2020-21 to 66440 in 2021-22.
- The patent applications filed by nationals have surpassed the patent applications filed by foreigners in India.
- Patent granted for patent applications have increased by 5.95%, from 28385 in 2020-21 to 30073 in 2021-22. d.
- Average pendency of patent applications at first **examination level has been reduced to less than 12 months** from the date of request of filing of request for examination (RQ) in all fields of technology.

# PATENTS

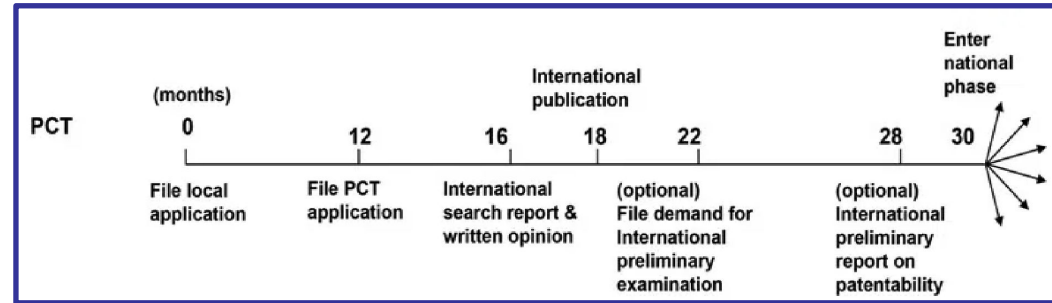
## Filing Patents In India:

Two paths- International , National Office.

- **During** Processing Of Patent Application : Furnish Details.
- **After** Patent Is Granted : Statement of Working.

Software – Patents and Copyright protection.

## The PCT application timeline.



# THE PATENTS ACT, 1970

## Section 8

### Information and undertaking regarding foreign applications

(b) an undertaking that, up to the date of grant of patent in India, he would keep the Controller informed in writing, from time to time, of detailed particulars as required under clause (a) in respect of every other application relating to the same or substantially the same invention, if any, filed in any country outside India subsequently to the filing of the statement referred to in the aforesaid clause, within the prescribed time.

**“FORM 27**  
**THE PATENTS ACT, 1970**  
**(39 of 1970)**  
**AND**  
**THE PATENTS RULES, 2003**

**No Fee**

**STATEMENT REGARDING THE WORKING OF PATENTED INVENTION(S) ON A COMMERCIAL  
SCALE IN INDIA**

**[See section 146(2) and rule 131(1)]**

1. Insert name, address, nationality, patent number(s).	I/ We, the Patentee(s)/ Licensee ....., in respect of patent number(s) ....., furnish this statement, (Explanation: One form may be filed in respect of multiple patents, provided all of them are related patents, wherein the approximate revenue / value accrued from a particular patented invention cannot be derived separately from the approximate revenue/value accrued from related patents, and all such patents are granted to the same patentee(s)).
2. State the financial year to which the statement relates.	in respect of the financial year .....

3. Worked / not worked. Please state whether each patent in respect of which this form is being filed is worked or not worked.	Patent Number(s)	Worked [Tick (✓) if applicable]	Not worked [ Tick (✓) if applicable]

4. If worked.	(a) Approximate revenue / value accrued in India to the patentee(s)/ licensee furnishing the statement from patent number(s) where the working is through:	
	(1) Manufacturing in India ..... (in INR)	(2) Importing into India ..... (in INR)
	(b) Brief in respect of (a) above <b>(maximum 500 words)</b>	

5. If not worked.	Reasons for not working the patented invention(s) and steps being taken for working of the invention(s). <b>(maximum 500 words)</b>
-------------------	---

	The facts and matters stated above are true to the best of my/ our knowledge,
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# TRADEMARKS

## The International Trademark Registration Process



Source- WIPO

- A distinguishing mark or sign, should link to the origin (product/ enterprise).
- Duration - 10 years and can be renewed.
- Sourcing from India, make sure proper contracts are entered into with manufactures.

# TRADEMARKS

- Protection of “Non-traditional trademarks” and “Well-known Trademarks”
- Term of Trademark protection is for a period of 10 years with possibility of renewal
- Provision for registration of multi-class trademark applications
- Unregistered Trademarks protection under common law
- Principle of **first to use versus first to file**

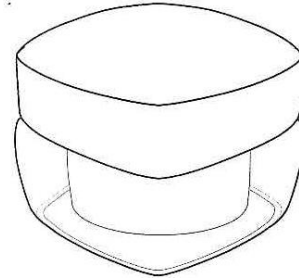
## Watch out for CHALLENGES

- Issues with registration due to first to use
- Infringement
- Difficult enforcement of unregistered trademarks

# DESIGNS & COPYRIGHTS

**Designs** In India:

- **Registration Of Design Mandated In India For Protection.**



**Copyright** protection for **software** In India

- Databases protected under copyright legislation.
- Registration of Source Code- **First 10 pages – last 10 pages** of entire source code. (Rule 70(5) Copyright Rules 2013)
- Manuals can be protected with copyright notice.

# DESIGNS & COPYRIGHTS

- Term of Design protection is for a period of **10 years** with possibility of extension for **additional 5 years**
- **Grace period** of 6 months, conditions apply...
- Duration of the Copyright protection depends on **nature of work**
- Works published outside India are automatically protected under Berne Convention BUT registration is mandatory to initiate action against infringement

## Watch out for **CHALLENGES!**

- Unlike in the EU, unregistered industrial design is not enforceable
- Be careful about overlap between the industrial design and copyright



# INDIAN LAWS & PARTICULARITIES

## **Trade secrets** are protected under Indian Penal Code, The Contract Act.

“Google utilizes a wealth of information about its users, such as previous search queries, locations, social networking data, and other personal information, which it may maintain as a trade secret well beyond the expiration date of its patents, to improve its current search queries and its targeted advertising to those users”.- Brenda M Simon & Ted Sichelman

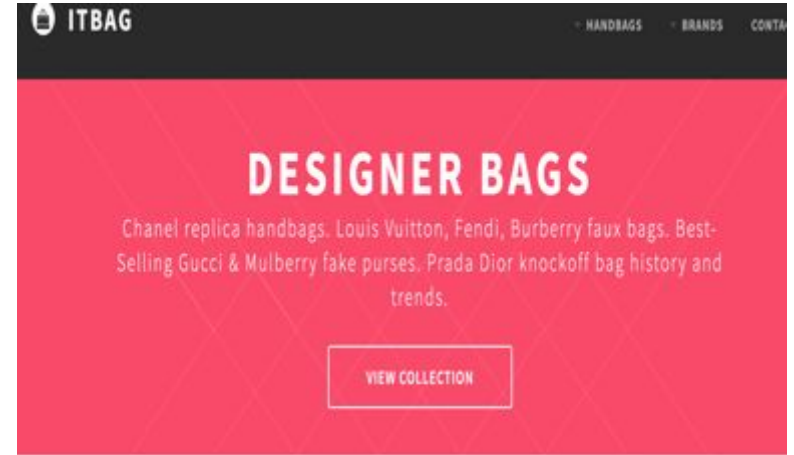
Make sure trade secrets and IP are in general protected through relevant contractual agreements.

- **Technology contracts** (co-development, tech transfer, consultancy and service agreements)
- **Trade mark and patent licensing agreements**
- Manufacturing agreements (OEM, outsourcing, etc.)
- **Non-Disclosure Agreements (NDA)** and confidentiality agreements
- **Employment agreements.**
- IT-related agreements.

# BRANDING- Indian E-Commerce Market



# Challenges of IP Infringing Products



## DESIGNER REPLICA HANDBAGS

Discount sale of imitation satchels, clutch and shoulder bags, totes.

### The Most Iconic Chanel Bags

Chanel is one of the many brands that come to mind when you talk about designer bags. The brand established itself as a prominent fashion line that also manufactures the best bags used by high profile individuals. This brand's popularity resulted to numerous Chanel replica bags distributed in the market.



# Enforcement

## Civil Remedies-

- Interlocutory Injunctions,
- Mareva, Anton Piller Orders (Search and Seizures)
- Damages or Accounts of Profit

## Criminal Remedies-

- Falsifying and falsely applying trademarks
- False descriptions.

## Custom Measures

- Prohibit import/ export of goods.

## Criminal Enforcement



## Civil Enforcement



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<https://ec.europa.eu/ip-helpdesk>

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## Helpline

Our Intellectual Property experts provide professional, confidential and tailor-made answers to your IP-related questions within a maximum of 3 working days.

[Register and ask](#)

[Request a meeting with our IP experts](#)

[IP Institutions](#)

## Do you have a question about IP?

Submit your question and receive an answer from our IP experts within 3 working days – and it's free of charge!

[Ask us >](#)

## FAQs

- We have a patent/trademark in Europe, can I protect in India ?
- We have the algorithm/program on cloud, how can I protect it ?
- What will be the approximate costs of patenting in India ?
- How does the enforcement mechanisms function ?

# Good Practices

## Early and Comprehensive IP Assessment

- Identify and Catalogue IP Assets: Clearly identify all IP assets (patents, trademarks, designs, copyrights) before entering the Indian market
- Check Existing Registrations: Verify what is already registered in India and what needs to be protected under local law.

## 2. Register IP Rights Locally

File for Protection in India: Register trademarks, patents, and designs with the Indian IP Office to secure rights within the jurisdiction. India does not automatically recognize EU registrations.

## 3. Use Clear and Enforceable Agreements

- Draft Robust Contracts: Ensure all licensing, manufacturing, and distribution agreements explicitly state IP ownership, usage rights, and confidentiality obligations.
- Include IP Transfer Clauses: In employment and supplier contracts, include clauses that assign any new inventions or developments to the SME.
- Use Non-Disclosure Agreements (NDAs): Protect sensitive information with NDAs, especially during negotiations and collaborations

# Good Practices

## 4. Educate and Monitor Partners

- Train Local Partners and Employees: Educate Indian partners, employees, and licensees on proper IP handling and confidentiality.
- Monitor Compliance: Regularly monitor partners and licensees to ensure they adhere to IP terms and do not infringe or misuse your IP

## 5. Leverage Support Services

- Use the India IP SME Helpdesk: Access free, tailor-made advice, training, and resources specifically designed for EU SMEs in India.
- Attend Workshops and Webinars: Participate in events focused on IP protection in India to stay updated on best practices and regulatory changes



