A conversation with Pravin Anand

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With the rapid advancement of AI, block-chain, and other emerging technologies, what do you see as the most pressing intel-lectual property challenges facing Indian businesses today, and how should compa-nies prepare for them?

Intellectual property (IP) is the foundation of protecting innovation, creative works, and proprietary technology. A key challenge for Indian businesses today is understanding the different dimensions of the intersection of AI with Intellectual Property. The first is that IPR is critical for the protection of the AI system that you develop. You need to be clear which IP protection applies to you. For example, when it comes to patentability of AI innovations, enterprises need clear strategies for docu-menting human involvement to strengthen patent claims. Second, if you are building an AI application, IPR laws become relevant for the training stage when you are collecting and processing data. Third, if you are deploying a built system, IPR is relevant for the output that an AI system creates, both from a contractual perspective to reduce your liability and how you protect yourself if the output violates someone's rights. Enterprises must define policies on AI-generated outputs, specifying whether rights belong to the organisation, customers, or partners. Fourth, AI govern-ance is critical. AI governance models must integrate compliance with laws, frameworks, rules, standards and risk mitigation must be the overall focus that feeds directly into enter-prise operations.

India's patent landscape has evolved significantly in

recent years. What trends are you observing in patent prosecu-tion and litigation, particularly in sectors like pharmaceuticals, technology, and biotechnology?

India's patent landscape is fast maturing into a robust system and offers real momentum. First, on prosecution, filings have risen sharply, mostly driven by pharma, biotech and cutting edge technologies such as AI and communications. As many as 110,000+ patent applications were filed in FY 2024–25. The recent amendments to the Patent Rules have further tightened timelines for examinations from 48 months to only 31 months. Prima facie assessment has been introduced in pre-grant opposition. Coupled with sustained measures to reduce pendency and expanded access to expedited examination, these steps are translating into noticeably faster grants than a few years ago. Pharma applicants are facing heightened Section 3(d) scrutiny, requiring submission of robust efficacy data upfront to the Indian Patent Office, however the Courts have ensured that such IPO objections are well reasoned, which have aided the diligent pharma applicants.

Second, on the enforcement front, the Indian courts are increasingly viewing patents as enforceable commercial assets, making India a credible venue for strategic enforcement. In technology matters, there is a line of SEP/ FRAND decisions ruling on protem security, constituting confidentiality clubs, injunctions and licensing conduct, thus aligning India with global norms. In pharma matters, the Courts are more willing to grant interim relief such as in pre-launch quia timet actions discouraging at-risk launches, while still weighing public health and export considerations.

Given India's growing integration into the global economy, how do you advise clients on managing their IP portfolios across multiple jurisdictions, and what unique considerations apply to the Indian market?

With India's deepened integration into global value chains, I always advise clients to treat cross border IP management as a single portfolio, multi front strategy, and not a mere collection of IP filings. For the Indian market specifically, followings considerations stand out:

- India now handles most filings digitally through online portals, with a sharply rising grant rate and shortened timelines. It must be ensured that applications are structured to leverage expedited

exami-nation and avoid unnecessary objections (for example, under Section 3(d) in phar-maceuticals or over broad claiming in technology applications).

- Compliance issues that are less promi-nent elsewhere, include resident-first filing and foreign-filing permissions under law, and submission of working state-ments (Form-27) with realistic commer-cial data.
- India's trademark practice has moved toward greater scrutiny of speculative or defensive filings, it is therefore recom-mended to build commercially justified portfolios aligned with core product lines, digital channels, and foreseeable expan-sion plans.
- The Indian Courts are increasingly willing to grant interim relief and engaging in cross border IP disputes. It is therefore advised that licensing, collaborations and supply chains are structured with India's litigation risk profile in mind.
- Particularly, in trademark cases, where there is clear evidence of confusion, own-use, market share, and brand-repu-tation injury, I recommend contempo-raneous documentation of advertising spend, consumer-feedback, distribution networks, and online-activity metrics to strengthen injunction and infringement claims.

What are the most effective enforcement mechanisms available in India for combating counterfeiting and IP infringement, and how has the legal landscape improved in this area over the past few years?

Brand owners can avail both Civil and Crim-inal remedies against counterfeiters in India and their effectiveness varies depending on jurisdiction and scale of the counterfeiter, amongst other factors.

A civil suit can be filed against a counterfeiter, and an ex-parte injunction is granted on the first date of hearing, along with appointment of a Local Commissioner who visits the prem-ises of the Defendants to inventorize and seize counterfeit products. These cases are usually settled against offer of damages and costs by the counterfeiter and do not reach the trial stage.

A criminal complaint can be filed with police authority having jurisdiction over the location of the counterfeiter. Some states also have special units such as the DIU in New Delhi, IPREC in Chennai, Crime Branch in Mumbai and Enforcement Branch in Chennai, to register such complaints.

With the promulgation of Bharatiya Sakshya Adhiniyam, 2023 (new statue on Evidence), digital recording of the criminal raid by the Investigating Officer has become mandatory which automatically becomes part of the evidence by the State in the proceedings.

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