Who Owns India's IP Data? Commercial Scraping and Copyright Protection

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Patent applications, trademark registrations, design records and intellectual property judgments form an important part of India's public IP infrastructure. Businesses, lawyers, researchers and technology platforms use these records to conduct searches, monitor applications, examine ownership and track developments in intellectual property law.

As these resources become increasingly accessible online, a separate commercial ecosystem has emerged around collecting, organising and presenting IP information through searchable databases and legal technology platforms. The distinction between accessing public information and commercially reproducing the resources through which that information is made available has now attracted the attention of India's intellectual property administration.

On 10 November 2026, the Office of the Controller General of Patents, Designs and Trade Marks (CGPDTM) issued a public notice addressing the unauthorised commercial use of Intellectual Property India's name, logo, content, databases and digital resources, including its IP Lex repository. The notice, published on the official IP India website on 11 November, brings an important question into focus: does public access to intellectual property records also permit their commercial extraction and redistribution?

What Does the IP India Notice Address?

The notice identifies concerns involving individuals, entities, legal technology platforms and mobile applications that allegedly copy, scrape, extract, mirror or republish official IP India resources for commercial gain.

The resources identified include statutory electronic registers, patent and trademark search databases, journals, manuals, guidelines, official orders, forms and IP Lex. The notice also addresses the unauthorised use of the names Intellectual Property India, IP India and IP Lex, official logos and deceptively similar identifiers, particularly where a service creates an impression of official affiliation or endorsement.

The Office called upon those already engaged in the activities identified in the notice to stop and remove the relevant material within seven days of its issuance. It also indicated that violations could attract civil, criminal and administrative action under applicable intellectual property, information technology and other laws.

Importantly, the notice does not identify any particular platform or business as a violator. It addresses the activities and forms of commercial use that the Office considers unauthorised.

Are Public IP Records Protected by Copyright?

The legal position requires a distinction between the information contained in a database and the way someone selects, organises and presents that information.

Section 2(o) of the Copyright Act, 1957 expressly includes tables and compilations, including computer databases, within the definition of literary works. Section 13 protects original literary works, while Section 14 recognises the exclusive right to reproduce a protected work or a substantial part of it, including through electronic storage.

However, copyright does not automatically extend to every fact, entry or item of information contained in a database. The originality of the compilation itself remains relevant.

The Supreme Court examined this distinction in *Eastern Book Company v. D.B. Modak* (2008). The dispute concerned copyright in edited versions of Supreme Court judgments published in law reports. The Court rejected the proposition that labour and investment alone automatically establish copyright. It required a sufficient degree of creativity in the work, while recognising that original editorial contributions could qualify for protection.

The decision is relevant to government IP databases because it distinguishes the underlying information from the original elements involved in its compilation and presentation.

For example, the existence of a trademark registration, its application number or its filing date represents information about an official record. The selection, arrangement, classification and presentation of a substantial collection of such records may raise a separate copyright question, depending on the originality involved.

Does Public Availability Mean Commercial Reuse is Permitted?

The fact that an IP record is publicly accessible does not, by itself, settle whether a third party can reproduce an entire database or create a commercial service around its contents.

Section 51 of the Copyright Act addresses infringement where a person exercises an exclusive right belonging to the copyright owner without authorisation. Accordingly, the legal assessment of database scraping may depend on what the third party extracts, whether the extraction reproduces a protected work or a substantial part of an original compilation, and how the third party

subsequently uses that material.

At the same time, the Copyright Act does not establish a separate, standalone database right that gives an owner exclusive control over every fact contained in a database. A claim based solely on the extraction of unprotected information would therefore require a different legal basis.

The IP India notice also addresses the commercial use of official names, logos and identifiers. Such conduct raises questions distinct from copyright, including trademark infringement and misleading representations of official association. A platform's presentation, branding and representations may therefore require examination independently of the copyright status of the underlying records.

What Does This Mean for Legal Technology Platforms?

Legal technology platforms increasingly depend on public IP records to provide trademark monitoring, patent searches, litigation research, portfolio tracking and analytical services. Their products may combine information from multiple official sources with proprietary software, classification systems, search functionality and additional analysis.

The distinction between independently developing a search or analytical service and reproducing an official database is therefore significant. A platform may develop its own interface and analytical tools while still relying on third-party information. Whether its particular method of obtaining and reproducing that information infringes any enforceable right depends on the material used and the applicable legal restrictions.

The CGPDTM notice does not establish a blanket prohibition on every reference to IP India records. It distinguishes unauthorised commercial exploitation from bona fide, lawful, non-commercial use that acknowledges the source and does not imply official association.

The Limits of Database Protection in India

The November 2026 notice brings the relationship between public information, government copyright and commercial data services into sharper focus. However, a public notice does not independently create a new intellectual property right or determine infringement in every instance.

The Copyright Act protects original works and qualifying compilations, not facts simply because a government authority maintains them. Similarly, the use of official names and logos raises separate questions from the reproduction of database contents.

The distinction between accessing public records and commercially reproducing protected elements of the systems that organise them will remain central to the development of India's legal technology

and intellectual property information ecosystem.

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