



The Evolution of IP Rights

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Pravin Anand and Dhruv Anand examine how IP has evolved in India over the past 30 years, focusing on legislation, the courts and other bodies, press coverage, teaching and training. In the past there was no predictability in the process of legislation. A close group would decide on what the law ought to be without any wide consultation. This has radically changed for the better. The government of India has now got a certain pattern for legislating and the pattern appears to be to form core groups of specialists, normally comprising about 20 people. These experts hold group meetings and a report is generated by way of a recommendation. The concepts of trans-border reputation, well-known trademarks being protected well beyond their goods and new torts such as phishing, hyperlinking, metatagging and spamming have all been subject to decisions of Indian courts. These are the areas in which India has done exceptionally well. This has been thanks to the efforts of the Delhi High Court and partly to a few other courts but not all of the 500-plus courts. Spreading the message to other courts is an important mission to be achieved. This article was published in Managing Intellectual Property September 2009. To continue reading, please contact us at email@anandandanand.com



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