A Contemporary IP Regime

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Asia Business Law Journal's latest article – "A contemporary IP regime" explores the Recent developments in India's IP regime, patent and trademark regulations. In this regard, the publication sought Safir Anand's insights.

Speaking of the massive influx of technology into the legal system, Safir stated that a majority of IP processes have moved online. From the digitization of records at the tribunals and courts to e-hearings and online documentation and e-receipts; the entire process of uploading documents is now digital, which empowers better compliance with deadlines and ensures comfort in knowing all that was to be pleaded is on record.

Safir highlighted the many benefits of digitization of IP, such as accelerated exam process and strong document archive.

Among other significant developments, Safir spoke of declaration of trademarks as well-known, sensitization of brand owners to evaluate, value, and enhance the commercial value of their brands, formulation of guidelines prohibiting the misuse of names, and many other advancements that have strengthened the IP regime of the Indian subcontinent.

As India seeks to attract higher foreign direct investment, strengthen its digital economy, and recognise the growing importance of intangible assets in wealth creation, the country's intellectual property (IP) framework is undergoing significant transformation. A series of reforms and systemic changes reflect India's commitment to building a modern, transparent, and business-friendly IP ecosystem that supports innovation, particularly for small and medium-sized enterprises.

A defining feature of this transformation is the rapid digitisation of the IP system. Courts, tribunals, and IP offices have increasingly shifted to online platforms for filing, hearings, documentation, and record management. This digital migration has enhanced compliance with procedural timelines, reduced evidentiary disputes regarding filing and service of documents, and ensured that all pleadings are securely on record. It has also significantly improved transparency, as documents uploaded to digital systems are accessible to opposing parties, thereby strengthening due diligence, searches, and strategic decision-making.

Digitisation has also addressed longstanding inefficiencies. Trademark registration timelines, which once stretched up to 15 years, have been reduced dramatically, with registrations now possible within seven months, including the statutory opposition period. Office actions are issued swiftly, often within two months of filing, allowing brand owners to assess risks early, plan launches with greater certainty, and make informed commercial decisions.

Another notable impact of the digital shift is the ease of communication between parties. With contact details readily available online, stakeholders are increasingly able to engage directly, resulting in a substantial rise in settlements even before oppositions are formally lodged or adjudicated. Amendments to marks or specifications can now be tracked and filed online, facilitating quicker resolution and reducing backlog pressures.

The move to digital archiving has further strengthened IP strategy and enforcement. Evidence, once vulnerable to loss or destruction, is now permanently accessible, enabling brand owners to assess issues such as brand expansion, anti-dilution, and enforcement history with ease. This comprehensive digital record also supports long-term brand positioning and valuation.

The article also highlights the growing importance of "well-known" trademarks in India. With the expansion of digital and social media, brands enjoy unprecedented reach. India has intensified its process for declaring trademarks as well known, exemplified by the recognition of "TCS" as a well-known mark. Courts have encouraged brand owners to seek such declarations, and a dedicated committee now evaluates applications through a structured, quasi-judicial process. This development not only strengthens brand protection but also educates owners on documentation standards and enhances brand valuation, even as formal accounting norms for such valuation continue to evolve.

Finally, IP protection is increasingly being integrated across regulatory frameworks. The Registrar of Companies restricts registration of company names that conflict with existing trademarks; the drug regulator is moving to prevent identical names for different pharmaceutical products; and SEBI now mandates detailed IP disclosures in IPOs and capital market filings. These disclosures cover ownership, licensing, disputes, royalties, and well-known status, reinforcing the central role of IP in corporate governance, valuation, and investor confidence.

Collectively, these initiatives signal a decisive shift towards a robust, transparent, and digitally enabled IP regime aligned with India's broader economic and innovation goals.

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