New Rules Impact IP Rights and Patent Protection

Thought Leadership • October 10, 2016

Recent times have witnessed a paradigm shift in India towards protection and promotion of intellectual property rights and, in particular, protection of patents. The startup boom, the ruling government's 'Make in India' campaign and judicial intervention in the case of *Nitto Denko Corporation v. Union of India* have all contributed to the passing of Patents (Amendment) Rules, 2016.

To foster innovation and promote investment in India, the rules now specifically recognize start-ups as patent applicants. The rules define a start-up as being any entity working towards innovation, development, deployment or commercialization of new products, processes or services driven by technology or IP, provided not more than five years have elapsed from the date of incorporation of such an entity, and the turnover does not exceed ₹250 million (US$3.7 million) for the said five financial years. Taking into account initial difficulties faced by such businesses, the rules provide for lower fees for prosecuting patent applications filed by such start-ups.

Authored by Pravin Anand and Geetanjali Visvanathan.

This article was published in Asia Business Law Journal July-August 2016. Read more

RELATED PRACTICES

PATENTS