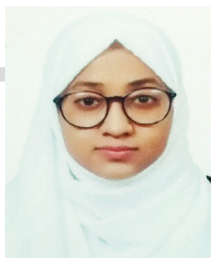


Bharat's IP Transformation: Bridging Traditional Wisdom and Global Innovation Economy

As India progresses towards becoming Viksit Bharat by 2047, intellectual property rights have become more than just legal instruments. India with its innovative approach, technological capabilities, and cultural heritage has emerged as a significant player in intellectual property landscape on the global platform. Company Secretaries and governance professionals, with their knowledge and expertise can provide their services in strengthening India's strategic position in the global IPR ecosystem and guide organizations through the complexities of international business and innovation management.



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INTRODUCTION

India's journey in the global intellectual property landscape has undergone a remarkable transformation over the past few decades to emerging as a significant player in innovation and creativity. As we progress towards becoming **Viksit Bharat by 2047**, intellectual property rights have become more than just legal instruments. They represent India's creative potential, technological capabilities, and cultural heritage on the global platform. For Company Secretaries and governance professionals, understanding this evolution and India's strategic positioning in the global IPR ecosystem has become essential to guide organizations through the complexities of international business and innovation management.

The significance of IPRs in India's global positioning cannot be overstated. These rights serve as crucial tools for protecting indigenous knowledge, fostering innovation, attracting foreign investment, and establishing India as a knowledge economy. In an increasingly interconnected world where ideas and innovations transcend geographical boundaries, a robust IPR framework becomes the foundation for sustainable economic growth and international competitiveness. The Indian government's recognition of this reality has led to comprehensive policy reforms, technological upgrades, and institutional strengthening aimed at creating an IP-friendly ecosystem that resonates with global standards while addressing domestic needs.

INDIA'S IPR JOURNEY: FROM RELUCTANCE TO RECOGNITION

India's approach to intellectual property rights has evolved significantly since independence. The early years were marked by a focus on socialist principles and self-reliance, which often translated into policies that prioritized access over protection. The Patent Act, 1970, for instance, abolished product patents in pharmaceuticals and agrochemicals, allowing only process patents. This approach, while criticized internationally, enabled India to develop a robust generic pharmaceutical industry that later became instrumental in providing affordable medicines globally. However, as India integrated into the global economy, particularly after the economic liberalization of 1991, the need for aligning with international IPR standards became apparent.

The signing of the Trade-Related Aspects of Intellectual Property Rights agreement under the World Trade Organization in 1995 marked a turning point in India's IPR journey. This commitment required India to bring its IP laws in conformity with international standards, leading to comprehensive amendments in patent, trademark, and copyright laws. The Patents Amendment Act, 2005 reintroduced product patents in pharmaceuticals, a controversial move that sparked debates about balancing innovation incentives with public health needs. Despite initial concerns, this transition has positioned India as a destination for research and development investments while maintaining its position as the pharmacy of the world through compulsory licensing provisions and other safeguards.

Over the years, India has strengthened its institutional framework for IPR administration. The establishment of specialized IP divisions within courts, the modernization of patent and trademark offices, and the introduction of digital filing systems have significantly improved the efficiency of IP administration. The National IPR Policy of 2016 provided a comprehensive vision for India's IP ecosystem, emphasizing the need for IP awareness, generation, legal protection, administration, management, enforcement, and capacity building. These developments reflect India's maturing approach to intellectual property, recognizing it as a tool for economic development rather than viewing it merely through the lens of access versus protection.



INDIA'S GLOBAL IPR PERFORMANCE: CURRENT STANDING

India's performance in the global intellectual property landscape has shown encouraging trends in recent years. According to the World Intellectual Property Organization statistics, India has consistently ranked among the top countries in terms of patent filings, trademark registrations, and industrial design applications. The country has climbed significantly in the Global Innovation Index, reflecting improvements in innovation capabilities and the conducive environment for creative activities. This upward trajectory demonstrates that India's efforts to strengthen its IPR ecosystem are yielding tangible results on the international stage.

The patent filing trends reveal interesting patterns about India's innovation landscape. While India has traditionally been strong in pharmaceutical and chemical innovations, there has been a notable increase in patent filings related to information technology, biotechnology, and telecommunications in recent years. Indian entities, both public sector research institutions and private companies, are increasingly filing patents not just domestically but also in major international markets through the Patent Cooperation Treaty route. This international patent filing activity indicates growing confidence among Indian innovators about the commercial viability of their innovations in global markets.

In the trademark domain, India has witnessed exponential growth in applications, reflecting the increasing importance of brand protection in a competitive marketplace. The Madrid Protocol, which India joined in 2013, has facilitated easier international trademark registration for Indian businesses, enabling them to protect their brands across multiple jurisdictions through a single application. Similarly, the growth in industrial design registrations, particularly in sectors like automotive, textile, and consumer electronics, showcases India's design capabilities and the manufacturing sector's recognition of design as a competitive advantage.

However, challenges remain in converting these quantitative achievements into qualitative outcomes. While India has made progress in IP enforcement, concerns about counterfeiting and piracy persist, affecting both domestic creators and foreign investors. Addressing these challenges while maintaining the momentum of growth will be crucial for establishing India as a true IP powerhouse on the global platform.

LEVERAGING INDIA'S CULTURAL AND TRADITIONAL KNOWLEDGE

One of India's unique strengths in the global IPR landscape lies in its rich repository of traditional knowledge and cultural heritage. The country's ancient wisdom in areas such as Ayurveda, Yoga, Traditional Agricultural Practices, and Handicrafts represents invaluable intellectual assets that deserve protection and recognition. However, the challenge has been to fit this traditional knowledge into modern IPR frameworks that were primarily designed to protect contemporary innovations. India has pioneered innovative approaches to address this challenge, creating models that other countries with similar cultural wealth are now studying and emulating.

The Traditional Knowledge Digital Library represents one of India's most significant contributions to global IP jurisprudence. Developed to prevent the misappropriation of India's traditional knowledge, particularly in Ayurveda, Unani, Siddha, and Yoga, this database has been made accessible to international patent offices. This initiative has successfully prevented several wrongful patent grants on traditional knowledge, including famous cases related to turmeric, neem, and basmati rice. The TKDL demonstrates how technology can be leveraged to protect traditional knowledge while maintaining its accessibility for legitimate research and innovation.

Geographical Indications have emerged as powerful tools for protecting India's regional specialties and traditional products. From Darjeeling tea to Banarasi sarees, from Kanchipuram silk to Alphonso mangoes, GI tags have

helped Indian products establish distinct identities in global markets. These tags not only protect producers from imitation but also enable them to command premium prices by assuring consumers of authenticity and quality. The success of GI-tagged products in export markets demonstrates how traditional knowledge and craftsmanship, when properly protected and marketed, can create significant economic opportunities for local communities.

The integration of traditional knowledge with modern innovation presents exciting possibilities for India's global positioning. The pharmaceutical and cosmetics industries are increasingly exploring traditional medicinal formulations, while the fashion industry is reviving traditional textiles and crafts with contemporary designs. This fusion creates products that are rooted in Indian heritage yet relevant to global consumers. For this potential to be fully realized, however, there needs to be a balance between protecting traditional knowledge holders' rights and enabling innovation that builds upon this knowledge base. The benefit-sharing mechanisms and prior informed consent requirements under various laws attempt to achieve this balance, though implementation challenges persist.

STRATEGIC SECTORS FOR INDIA'S IP LEADERSHIP

Certain sectors present strategic opportunities for India to establish IP leadership globally. The Pharmaceutical industry, where India already holds a strong position as a generic drug manufacturer, is transitioning towards innovation-led growth. Indian Pharmaceutical companies are increasingly investing in research and development, filing patents for new chemical entities, and developing biosimilars. The COVID-19 pandemic highlighted India's capabilities in vaccine manufacturing and distribution, with Indian companies playing crucial roles in global vaccination efforts. Building on this foundation, India can position itself as a hub for affordable innovation in healthcare, developing solutions that address both domestic and global health challenges while respecting patent rights and access considerations.

The information technology and software sector represents another area of significant potential. India's IT industry has traditionally focused on services, but there is growing emphasis on product development and innovation. The increasing number of startups in areas such as artificial intelligence, machine learning, fintech, and health-tech reflects this shift. For these innovations to translate into global competitiveness, strong IP protection becomes essential. Software patents, though subject to stringent criteria in India, can provide the necessary protection for genuinely innovative solutions. Additionally, copyright protection for software code and trade secret protection for proprietary algorithms play crucial roles in this sector.

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The renewable energy and clean technology sector offers immense opportunities for India to contribute to global sustainability while building IP assets. With ambitious targets for renewable energy capacity and electric vehicle adoption, India is driving innovation in solar technology, battery systems, and energy storage solutions. Patents in these areas not only support India's domestic transition to clean energy but also position Indian companies to participate in the global green technology market. The intersection of environmental sustainability and innovation presents a space where India can lead both in terms of technology development and in shaping global IP policies that facilitate technology transfer for climate action.

Agriculture and food processing, sectors central to India's economy and employing a large portion of the population, also present IP opportunities. Plant variety protection, which balances breeders' rights with farmers' rights, has enabled the development of improved crop varieties while protecting farmers' traditional practices. The development of climate-resilient varieties, organic farming techniques, and value-added food products creates IP assets that have relevance beyond India's borders. As global food security becomes increasingly important in the context of climate change and population growth, India's innovations in sustainable agriculture can contribute significantly to addressing these challenges.

BUILDING IP CAPACITY: ROLE OF INSTITUTIONS AND PROFESSIONALS

Creating space for India on the global IP platform requires not just policy reforms and legal frameworks but also robust institutional capacity and skilled professionals. The Patent Office and the Office of the Controller General

of Patents, Designs and Trademarks have undertaken significant modernization efforts, including digitization of records, online filing systems, and expedited examination procedures. These improvements have reduced pendency periods and enhanced transparency, bringing Indian IP offices closer to international best practices. However, further capacity building is needed to handle the increasing volume and complexity of IP applications while maintaining examination quality.

Educational institutions play a crucial role in building IP awareness and capacity. The inclusion of IP modules in engineering, management, and law curricula helps create a generation of professionals who understand the importance of IP in innovation and business strategy. Specialized IP management courses and certification programs are producing skilled IP professionals who can guide organizations through the complexities of patent drafting, trademark prosecution, and IP portfolio management. Research institutions and universities are also establishing technology transfer offices that help commercialize research outputs, bridging the gap between academic innovation and market applications.

For Company Secretaries and governance professionals, IPR management has become an integral part of corporate governance. Their role extends beyond ensuring compliance with IP laws to strategic functions such as IP audit, due diligence in mergers and acquisitions, and IP risk management. As companies increasingly recognize intellectual property as valuable assets that need protection and management, the demand for professionals who can integrate IP considerations into corporate decision-making has grown. This includes understanding how to leverage IP for raising capital, structuring licensing agreements, and managing IP-related disputes.

Industry associations and professional bodies have contributed significantly to building IP capacity through training programs, awareness campaigns, and policy advocacy. Organizations representing specific sectors have developed sector-specific IP guidelines and best practices that help their members navigate IP challenges. The collaboration between government, industry, and professional bodies in creating IP awareness and capacity building demonstrates the multi-stakeholder approach necessary for strengthening India's IP ecosystem.

INDIA'S IP DIPLOMACY AND INTERNATIONAL ENGAGEMENT

India's engagement in international IP forums has evolved from being primarily defensive to increasingly proactive. At the World Intellectual Property Organization, India has actively participated in discussions on various issues, from patent law harmonization to protection of traditional knowledge and genetic resources. India has advocated for a balanced IP regime that promotes innovation while ensuring access to essential technologies and medicines, particularly for developing countries. This positioning has earned India respect as a voice for emerging economies in global IP debates.

The negotiation and implementation of free trade agreements present both opportunities and challenges for India's IP regime. These agreements often include IP chapters that go beyond the TRIPS agreement, requiring higher levels of protection in areas such as data exclusivity, patent term extension, and enforcement measures. India's approach to these negotiations reflects the need to balance international commitments with domestic interests, particularly in sectors like pharmaceuticals where public health implications are significant.

Bilateral cooperation on IP matters has strengthened India's international presence. Partnerships with countries like the United States, Japan, and European nations have facilitated knowledge exchange, capacity building, and collaboration on IP enforcement. These engagements have helped Indian IP offices adopt international best practices while also allowing India to share its experiences and innovations with other countries. The cooperation extends to areas such as patent examination highways, which expedite patent processing by allowing applicants to leverage examination results from partner countries.

CHALLENGES IN ESTABLISHING GLOBAL IP PRESENCE

Improving the quality of patent applications requires better understanding of patentability criteria among inventors and patent agents, as well as enhanced examination capacity in patent offices. The focus should shift from merely increasing filing numbers to ensuring that applications represent genuine innovations with commercial potential.

While specialized IP divisions in courts have improved adjudication, issues such as lengthy legal processes, inadequate damages awarded in infringement cases, and difficulties in border enforcement of IP rights continue to be areas of concern. Strengthening enforcement mechanisms, including through faster disposal of cases and deterrent penalties for infringement, is essential.

THE PATH FORWARD: STRATEGIC RECOMMENDATIONS

Investment in research and development must be significantly increased to generate IP assets that can compete globally. This requires not just government funding but also incentives for private sector R&D investment. Tax benefits, grant programs, and public-private partnerships can stimulate innovation activities. Equally important is creating mechanisms that ensure research outcomes translate into commercial products and services, rather than remaining confined to laboratory settings. Strengthening linkages between research institutions, industry, and entrepreneurship ecosystems can facilitate this translation.

Creating an IP-friendly business environment involves multiple elements beyond just legal protection. Access to capital for IP-intensive startups, availability of skilled IP professionals, and infrastructure for IP management all contribute to this environment. The development of IP marketplaces where IP assets can be traded, licensed, or used as collateral for financing would unlock the economic value of intangible assets. Similarly, insurance products that protect against IP infringement risks could encourage more aggressive IP strategies by businesses.

International collaboration should move beyond traditional frameworks to explore innovative approaches to global IP challenges. India can lead initiatives on issues such as IP and climate change, IP and public health, and IP and traditional knowledge that resonate with many countries. By positioning itself as a bridge between developed and developing countries, India can shape global IP norms in ways that reflect diverse interests and promote balanced outcomes. Participation in standard-setting organizations and contribution to technical standards also represents opportunities for India to embed its innovations in global systems.

ROLE OF COMPANY SECRETARIES IN IP MANAGEMENT

Company Secretaries, as governance professionals, have an increasingly important role in organizational IP management. Their traditional responsibilities of ensuring

legal compliance naturally extend to IP laws, requiring them to ensure that organizations obtain necessary IP registrations, maintain IP assets, and comply with licensing requirements. However, the modern CS role goes beyond mere compliance to strategic involvement in how organizations create, protect, and leverage IP assets. This includes conducting IP audits to identify protectable innovations, managing IP portfolios to align with business strategies, and ensuring that IP considerations are integrated into corporate decision-making processes.

In the context of mergers, acquisitions, and other corporate restructuring activities, IP due diligence has become a critical function. Company Secretaries must ensure thorough assessment of target companies' IP assets, identify any encumbrances or litigation risks, and verify ownership of IP rights. This due diligence extends to evaluating the strength and validity of IP assets, assessing their commercial value, and identifying dependencies on third-party IP through licensing agreements. Proper IP due diligence can prevent costly surprises post-transaction and ensure that the expected value from IP assets materializes.

The governance framework for IP management requires board-level attention, and Company Secretaries play a key role in facilitating this oversight. This includes ensuring that boards receive regular updates on the organization's IP portfolio, significant IP risks, and opportunities for IP monetization. IP policies covering aspects such as employee invention ownership, confidentiality agreements, and IP licensing procedures need to be developed and implemented with CS involvement. When IP disputes arise, Company Secretaries coordinate with legal counsel and management to develop response strategies and ensure that the board is appropriately informed.

As organizations increasingly operate in international markets, Company Secretaries must understand the complexities of cross-border IP protection. This includes knowing how to obtain IP protection in multiple jurisdictions, managing international IP portfolios, and ensuring compliance with IP-related provisions in international agreements. The ability to navigate these complexities while advising management on IP strategies that support business objectives positions Company Secretaries as valuable contributors to organizational success in the knowledge economy.

CONCLUSION

India's journey to create space on the global IP platform is well underway, marked by significant achievements in strengthening legal frameworks, improving institutional capacity, and increasing IP generation. The country has moved from being viewed skeptically as a jurisdiction with weak IP protection to being recognized as a growing innovation hub with improving IP standards. This transformation reflects deliberate policy choices, sustained institutional reforms, and the increasing innovation capabilities of Indian enterprises and research institutions.

Sustaining the momentum requires continued focus on improving IP quality, strengthening enforcement mechanisms, and building awareness across all stakeholder groups. The opportunities presented by India's traditional knowledge, strengths in strategic sectors, and growing research capacity must be leveraged through smart policies and effective implementation. At the same time, India must navigate the complex global IP landscape, balancing international commitments with domestic interests and advocating for a more equitable global IP architecture.

For governance professionals, particularly Company Secretaries, the evolving IP landscape presents both challenges and opportunities. Their role in helping organizations understand, protect, and leverage IP assets will only grow in importance as knowledge and innovation become central to competitive advantage. By developing expertise in IP management and integrating IP considerations into corporate governance frameworks, they can contribute significantly to India's emergence as a global IP leader.

The vision of Viksit Bharat by 2047 cannot be realized without establishing India as a significant player in the global knowledge economy. Intellectual property rights provide the foundation for this transformation, protecting the fruits of creativity and innovation while incentivizing further advances. As India continues to strengthen its IP ecosystem and increase its global engagement, the combination of its rich traditional knowledge, growing innovation capabilities, and large domestic market positions it uniquely to create meaningful space on the global IP platform. Success in this endeavour will not only benefit India economically but also contribute to global innovation and sustainable development by bringing diverse perspectives and solutions to pressing challenges facing humanity.

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