GLOBALIZATION AND TRANS-NATIONAL LEGAL ORDER AND THEIR IMPACT ON LAWS AND POLICY RELATING TO PATENTS IN INDIA

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ABSTRACT

The aim of the globalization is to unify the world into a single society that functions together. Now a day the nature of patents has become global. Harmonization of patent laws is the need of today and it is needed because of the dissatisfaction that results from the fragmented patent system's failure to offer effective and efficient protection. The Indian Patent Act tries to achieve an appropriate balance between the development of technology, the general interest, and the specific demands of the nation, on the one hand, and the requirement for adequate protection, on the other. The aim of the paper is to study the evolution of the system of patents in India and to assess how Indian laws have changed in light of international agreements.

Keywords: Patent, Trips, Globalisation

INTRODUCTION

The spread of international and cross-cultural trade in commodities, services, information, technology, and jobs is known as globalization. It alludes to how free trade in terms of economics has aided the interconnectivity of nations around the world.

Inventions produced by human ingenuity have substantial commercial worth due to the possibility of widespread social usage not only in the country in which they were created but also in other countries around the world this is the true sense of globalization. Someone who has invented a novel, valuable product, enhanced an already existing one or devised a novel method of manufacturing a product gets granted a patent, which is a special right. For a specific period of time, this special right is granted. After the patent term has passed, anyone may make use of the invention. Patents serve as a means of protection and, consequently, promotion of scientific discoveries having the potential for industrial use.

To encourage regional creative and innovative activity, the applicability of patentability was formerly restricted to national borders. Eventually, as trade and industry grew, concern began to transcend national boundaries. The cost of international protection and enforcement has soared as the value of intellectual property as a component of international trade continues to increase. Therefore, patent owners continue to explore ways to better acquire and protect their exclusive rights in a globalized economy.

PATENTS IN THE GLOBALISED WORLD

Patent laws have always been unique because of various factors, including territoriality, the different political objectives and the cultural backgrounds of each country. But as fragmented patent laws became more of an issue as a result of globalization, the case for unifying patent rules won overwhelming support in worldwide communities.

The debate on international patent unification is motivated by the frustration that comes from the fragmented patent system's inability to provide effective and efficient protection. Because of this, industrialized nations have started international conversations to unify several domestically regulated problems, including the technical character of inventions, the definition of the prior art, and exclusions from patentability[1].

[1] DONG WOOK CUN, "Patent Law Harmonization in the Age of Globalization: The Necessity and Strategy for a Pragmatic outcome", "https://scholarship.law.cornell.edu/lps_clacp/45/"

Earlier, to protect an invention from being copied off, it was kept a secret. But with time inventions were publicly exhibited as a symbol of the country's pride. The very first public exhibit happened in Paris where Germany was recognized as an industrial nation. Again, in the year 1873, such an exhibition was taken place in Vienna, but Americans boycotted the exhibition reason being that they want the protection of their innovation from being copied off. This gives rise to the need for internationally recognized conventions to protect the intellectual creation of any person. As a result, in the year 1883 Paris convention was formulated. The major objective of this treaty was to recognize intellectual property rights at the global level and also to protect the intellectual creation of national of one country in all other countries who all are signatories of this treaty.

Another significant change happened with the formation of BIRPI in 1893, for the safeguard of Intellectual property, in the year 1970 it transformed to become WIPO. Then in the year 1978, The PCT system was formed. To prevent duplication of efforts, submit one application in one language to a single patent office. Then, in 1995, "The TRIPS agreement," termed "the most important international pact on intellectual property," was created.

Now a day the nature of patents has become global. This fact is recognized when there is a surge of applications for patents being filed by foreigners in almost every country in this world. International associations are needed to bring more standardization and coordination between national patent regimes for the protection of patents.

INDIAN PATENT SYSTEM: A BRIEF

Currently, the patent regime in India is protected and directed by the Indian Patent Act of 1970. The Act tries to achieve an appropriate balance between the development of technology, the general interest, and the specific demands of the nation, on the one hand, and the requirement for adequate protection, on the other.

The patent for an invention is only granted in India if it meets the requirements listed below: -

1. Must be original
2. It should have required creative thinking and be not known to someone normally knowledgeable in the field.

3. It needs to be suitable for industrial use.

4. The limitations specified in Sections 3 and 4 of the Patent Act should not apply to it.

To be aligned itself with internationally recognized regimes dealing with intellectual property, Indian become a signatory of several treaties namely-

- The Budapest Treaty;
- The Paris convention for the protection of Intellectual property;
- The Patent Cooperation Treaty;
- TRIPS.

The Act was revised many times to fulfil India's commitment to the various Treaties on an international level, while also making it a unified, streamlined, and user-friendly piece of legislation that sufficiently safeguards national and public interests.

EVOLUTION OF PATENT LAWS IN INDIA

Indian Patent law has always been on par with changing world scenarios.

1) BEFORE THE INDEPENDENCE

Indian Patent law was influenced by UK Patent laws. India's first patent-related law dates back to *Act VI of 1856*.

This law was intended to promote the development of innovative, useful products and to compel inventors to divulge their trade secrets.

- Another significant change that happened in Indian Patent law is the *Act XV of 1859*, new legislation for the granting of "special privileges," was introduced. This legislation changed the previous law by raising the priority period from six to twelve months and restricting the granting of exclusive privileges to valued discoveries.

- To preserve designs, the Act of 1859 was consolidated in 1872. Its name was amended to "*The Patterns and Designs Protection Act (Act XIII of 1872)*". A provision was added

to the Act of 1872 in "*1883 (Act XVI of 1883)"* to protect the originality of innovations that had been made known to the public before being submitted for protection at the Exposition in India.

- "*The Indian Patents and Designs Act, 1911*" repealed all earlier legislation about patents, which was a significant development in the country's patent rules. This law was further altered in 1920 to establish a reciprocity agreement with the UK and other countries to ensure primacy.

- With changing world scenario, "the Patent Act" was again modified in 1930. This time amended added the provision relating to the "grant of secret patents, patent 0f addition, use of the creation by the administration and the authority bestowed upon the controller to rectify the register of patent and the tenure of patent protection was increased from fourteen years to sixteen years".

2) AFTER THE INDEPENDENCE SCENARIO

- India got its independence in the year 1947, and after it gained its independence, it was felt that the goal of its patent-related legislation was not being met. Thus, owing to the change in the scenario of Indian society, it was found desirable to bring comprehensive change in the laws relating to patents in India.

- To make patent laws beneficial to India's national interest, the Indian government established a panel in 1949 to examine the country's current patent laws. The commission was headed by retired Lahore High Court judge "Justice (Dr.) Bakshi Teek Chand". The committee made several recommendations in its interim report, which was given in 1949, for the preservation of "patent rights in India" and the prevention of their being misused or abused[2].

- In 1950, "the act of 1911" was amended in connection to the operation of creations and obligatory license/cancellation on the committee's advice. Another amendment to the statute was made by the Indian government in 1952, allowing for compulsory licenses

[2] It also recommended amending sections 22, 23, and 23 A of "the Patents and Designs Act, of 1911". Along with providing the patentee with fair compensation, the committee recommended that the legislation ensure that food, medication, operating, and curative devices are made readily available to the general people at the lowest cost.

for patents covering "foodstuffs, drugs, pesticides, antimicrobials, germicides, and a technique for generating chemicals or any invention relating to operating or therapeutic instruments." Upon Union Government notification, the mandatory license was also made available. Based on the committee's proposal, a bill was proposed, but it failed[3].

- The Indian government once more established a committee in 1957, this time under the leadership of "Justice N. Rajagopalan Aiyengar", to investigate the issue of updating laws related to patents and suggest recommendations to the government. The Patents Bill, of 1965, was based on these recommendations.

- The Patents Act, of 1970 was passed in response to the Joint Parliamentary Committee's final recommendation. This Act replaced and revoked the 1911 Act in respect of law relating to patents. But provisions related to the Designs were still covered under the 1911 Act.

- "On 20/04/1972, the Patent Rules, 1972" were published, bringing the majority of the 1970 Act's provisions into effect.

- Later, to advance its patent system and keep up with the rest of the world, India joined several international accords. To accomplish this goal, entering the "Trade-Related IPR" framework is considered a very important step. For over 24 years up to December 1994, this Act was in effect without any modifications. On December 31, 1994, a decree was issued that amended some provisions of the Act, however, it only lasted for a brief period.

- Also, it ratified the Budapest Treaty on December 17, 2001, along with the "Paris Convention" and "the Patent Cooperation Treaty" on December 7, 1998, respectively.

CHANGES IN INDIAN PATENT LAW BY INTERNATIONAL CONVENTIONS/TREATIES

1. PATENT ACT AND PARIS CONVENTION

To preserve industrial property, the government has opted to join the Paris Convention.

[3] In 1953, a bill was submitted in the Parliament based on the Committee's recommendations (Bill No.59 of 1953). The law was allowed to lapse since the government did not push for its consideration.

This is anticipated to give the nation's inventive and innovative activities as well as scientific research a huge boost.

Being a member[4] of the Paris Convention is crucial to getting better services for filing international patents. Indian patenting abroad is growing significant for India from an export perspective. International patent protection for Indian inventions will promote scientific research in India. Participation in the revision of the convention will be made easier for India with membership. Faster information flow on patents is a key requirement for smart decisions on overseas cooperation, and this requirement can only be met by Paris Convention members.

2. INDIAN PATENT ACT AND PATENT COOPERATION TREATY

On September 7, 1998, India deposited its instrument of ratification with the "Director Gener al of the WIPO" in Geneva[5].

The applicant must be a national or resident of one of the PCT Contracting States to benefit from the PCT system[6].

By ratifying the treaty, there were changes made by way of amendment to the principal act of 1970. All international applications made were deemed to be made under the PCT[7]. Every worldwide entry for a patent is made under the Treaty that names "India" and if a similar submission is also submitted before the Controller in India, then it is presumed to be an application made under this Act[8]. This arrangement would help patent offices that are overburdened with work. Under the PCT system, an international application would have already been searched by the time it reached the Indian office, providing the Indian office with the relevant search report on which it could base its evaluation. However, the Indian Patent

[4] India deposited its instrument of ratification with the Director General of the WIPO in Geneva on September 7, 1998

[5] India Accedes to the Pris C0nventi0n and the Patent C00peration Treaty (PCT), WIPO, https://www.wip0.int/pressroom/een/prdocs/1998/wipo_upd_1998_32.html#:~:text=Geneva%2C%20September%208%2C%201998&text=On%20Monday%2C%20September%207%2C%201998,Patent%20Cooperation%20Treaty%20(PCT).

[6] Primary Goals of the PCT System,

- To lodge one worldwide application in a single language that may be effective in all PCT parties' nations that the applicant specifies in his request for patent protection.
- To facilitate business
- To prevent duplication of efforts, submit a single application in one language to a single patent office. This will streamline and expedite access to technical information on inventions.

[7] THE PATENT ACT, 1970, SECTION 2(ia)

[8] THE PATENT ACT, 1970, SECTION 7 (1A).

Office, which will review the application within the parameters of domestic law, would be in charge of the final examination and granting of the "patent".

Additionally, 20 years from the intercontinental filing date recognized by the "PCT" will be the duration of the patent for foreign applications submitted under the Patent Cooperation Treaty designating India[9].

3. PATENT ACT AND BUDAPEST TREATY

The Budapest Treaty, which was adopted in 1977, addresses microorganisms specifically in the framework of global patent law. No matter where the depositing authority is located, all countries that have ratified the Treaty are required to accept microorganisms that have been deposited as part of the patenting process. This implies that, while seeking patent protection, microorganisms are no longer necessary to be submitted to every national agency.

India has permitted microbe patentability for it to be a TRIPS-compliant member state. Additionally, as a signatory[10] to the Budapest Treaty, it amended "Section 10(4)(ii)"[11] of "the Patents Act, 1970", and "Rule 13(8) of the Patents Rules, 2003". Both contain regulations that apply to patent requests involving biological material and their deposit with a global depository[12] body as required by the Budapest Treaty.

4. INDIA AND TRIPS

The WTO was founded as a result of the Uruguayan GATT negotiations. As a result, India was legally required to revise its Patents Act to meet TRIPS' standards. Even though the agreement entered into force on "01/01/1995", developing nations like India were given a "grace time" of 4 years to correct the accord and adopt legislation that complied with it within their domestic legal systems.

[9] THE PATENT ACT, 1970, SECTION 53.
[10] India ratified the Budapest Treaty on December 17, 2001.
[11] When biological material is mentioned in a specification but is not generally accessible and cannot be fully and particularly described as required by Sections 10(4)(a) and (b) of the Patents Act, the material must be deposited with the Budapest Treaty's International Depository Authority on or before the date of filing, as stated in Section 10(4)(ii) of the Act.
[12] The two recognized worldwide depositories of microorganisms in India are the "Micr0bial Type Culture C0llection and Gene Bank at the Institute of Microbial Technology (IMTECH)", and the "Microbial Culture Collection (MCC)", at Chandigarh and Pune, India.

To meet India's commitments under the TRIPS Agreement, the Act was updated and while doing so the act was kept as a contemporary, unified, and user-friendly piece of legislation that effectively safeguards societal and national interests. The major amendments occur in Indian Patent law after adopting the TRIPs Agreement by amending the act of-

1) *The Amendment Act of 1999*
2) *The Patent Amendment Act of 2002*
3) *The Patent Amendment Act of 2005*

To keep up with modern demands and developments on a global scale, the Patents Rules, 2003 were further revised in the years 2005, 2006, 2012, 2013, 2014, 2015, 2016, 2017 and 2019, and the latest in the year 2021 among others.

1) THE AMENDMENT ACT OF 1999[13]

The primary modifications are as follows:

I. Patent applications may now be submitted in the areas of drugs, medicines, and agrochemicals under Section 5(2). In the "black box" or "mailbox[14]," these applications were kept pending. On January 1st, 2005, this mailbox was supposed to be unlocked.

II. "Exclusive Marketing Rights (EMR)"[15] were introduced in "Chapter IV (A)". Thus, "pipeline protection" was granted to producers of pharmaceutical and agrochemical goods while the uses of their goods remained a mystery.

III. Section 39 of the Act was repealed, enabling Indian citizens to file concurrent applications for patent registration abroad.

IV. Regarding International Applications under PCT, Chapter II (A) of the Indian

[13] The Patents (Amendment) Act of 1999 became effective on March 26, 1999, beginning on January 1, 1995.
[14] TRADE-RELATED ASPECTS INTELLECTUAL PROPERTY, Article 70.8
[15] In addition, "Article 70.9" of India was required by the TRIPS Agreement to provide exclusive marketing rights (EMRs) for particular mailbox applications. These EMRs grant the exclusive right for a product to be marketed or supplied in that nation if it is protected by a patent or patent application.

Patent Rules was added.

V. A new section 157A was inserted.

2) THE PATENT AMENDMENT ACT OF 2002[16]

The following were the amendments' main elements:

1. The full specification's filing date served as the patent's commencement date, and the patent's lifespan was increased from 14 to 20 years[17]. Additionally, the distinction between a drug or foodstuff patent's duration and other patent periods was eliminated[18].

2. The meaning of innovation[19] was expanded to include the concept of creative steps to fulfil TRIPS Agreement standards[20].

3. The enactment of the deferred examination system[21].

4. Adding the requirement that applications be published 18 months after filing, bringing India into line with the rest of the world.

5. While common knowledge-related discoveries were included, a list of non-innovations was added, making microorganisms patentable[22]. Microorganisms were made automatically

[16] The second change was made by "the Patents (Amendment) Act of 2002", which went into effect on 20/05/ 2003.
[17] In order to comply with Article 33 of the TRIPS agreement.
[18] According to Section 53 (1) of the Principal Act, the term of the patent used to be five (5) years from the date of sealing the patent or seven (7) years from the date of the patent, whichever was shorter, for inventions relating to a method or process of producing a substance that is used or capable of being used as food, medicine, or a drug. According to Section 53(2) of the Principal Act, the original patent term for other inventions was fourteen (14) years starting from the date of the patent.
[19] THE PATENT AMENDMENT ACT 38 OF 2002, SECTION 2(1)(j).
[20] An "innovation" is defined as a novel and valuable art, process, method, way, substance, machine, apparatus, or another object in section 2(1)(j) of the Principal Act. "A new product or technique that involves an inventive step and has industrial use," is the revised definition. An "inventive step" was added to the definition of the phrase. These further adjustments preserve the terminology included in Article 27.1 of the TRIPS Agreement (See 2002 Act, Sections 2(j) and (ja)).
[21] THE PATENT (AMENDED) ACT OF 2002, SECTION 9(B) "whereby applications for patents shall not be open to the public for a period of eighteen months from the date of filing or date of priority, whichever is earlier as that a patent application would not be examined unless a request for examination is filed with the Patent Office to initiate examination proceedings.
[22] The following are some examples of the 2002 Act's exclusions:

- animals and plants besides microorganisms;
- using computer programmers, algorithms, and business methods;
- a system, rule, or process for playing a game or performing a mental task;
- information presentation;

patentable[23] in India as of 2002 by removing them from the list of things that are not patented.

6. The reinstatement of Section 39[24], which makes it unlawful for Indian nationals to apply for visas abroad without first getting permission or submitting an application in India.

7. The 2002 Act also introduced changes to India's system of compulsory licensing. According to the WTO, forced licensing is when a government agrees to allow a third party to utilize a patented creation without first getting consent from the patent owners[25].

8. The idea of Licenses of Rights, which was once covered under Section 86 of the Principal Act, was eliminated in the 2002 amendment. The words "licensing of right" must be included in the patent for the patent holder to be able to apply to the Controller-General of Patents three years after the date the patent was awarded.

9. Bolar provisions were made under Section 107(a) for the benefit of the pharmaceutical and agrochemical industries[26].

10. The concept of Parallel importation was incorporated under section 107 (b) of the Patent Act, of 1970. The clause permits export from a nation where the Indian patent for the product is unprotected[27].

3) THE PATENT AMENDMENT ACT OF 2005[28].

1. "The Patents (Amendment) Act of 2005" provides patent protection for food, drugs, and agricultural chemicals. Pharmaceuticals compounds are now covered by product

- Topography of integrated circuits;
- Traditional components, or traditional knowledge.

This section therefore substantially complied with Articles 27.1 and 27.2 of the TRIPS Agreement.

[23] THE PATENT AMENDMENT ACT 38 OF 2002, SECTION 3(J).

[24] THE PATENT AMENDMENT ACT 38 OF 2002, SECTION 39.

[25] The 2002 Act also specified the three criteria for granting a compulsory license (Sections 84(1)(a), (b), and (c), 2002 Act), as well as the steps to be taken to apply for a compulsory licence. It was changed to match TRIPS, particularly Article 33 of the TRIPS Agreement, in both phrase and spirit (see Sections 84 -92 of the 2002 Act).

[26] Section 107 A (a) of the Patents Act provides that any act of making, constructing, using, selling or importing a patented invention solely for uses reasonably related to the development and submission of information for regulatory approval will not amount to infringement.

[27]Patented goods may be imported in parallel under Section 107A(b). The clause states that importing patented goods by anyone from a company that is legally permitted to create, sell, or distribute the product is not regarded to be an act of infringement.

[28] The Patents (Amendment) Ordinance of 2OO4 introduced the 3rd and another modification to the Patents Act of 1970; it was later replaced by the Patent Act of 2005 and the Rules of Patents of 2006, all of which went into force with immediate effect on January 1, 2005.

patents, which is one of the Act of 2005's most significant reforms[29].

2. The Act also changed the definition of subject matter that is patentable and what counts as an inventive step[30] and also a new invention[31]. The change to Section 3 (d) which exempts discoveries of novel formulations of chemicals that are already known from the patentability requirement is particularly notable. These discoveries may only "result in the enhancement of the known efficacy of that chemical", according to a provision of the 2005 Act.

3. The Act's provisions outline specific pre-grant and post-grant opposition processes. Sections 25 and 26 of the 2005 Act, which defines how an opposer may lodge an opposition before or after the issuance of a patent, replace Sections 23 of the Principal Act. The Controller-General of Patents examines the grounds for the opposition procedures described in "Sections 25(1) and 25(2)" and may then inform an Opposition Board of the proceedings. Consequently, to continue to conform with TRIPS, the opposition procedures should take these broad ideas into account.

4. The 2005 Act underwent yet another important revision regarding mandatory licensing, adding mandatory licensing for the export of some patented pharmaceutical products[32]. These goods are intended for exportation to countries that either have no production capabilities at all or have insufficient manufacturing capacity to create the required goods to address the issue of public health. In this case, the license had to be approved by the recipient nation or have allowed the entry of the product from India[33]

SOME JUDICIAL ORDERS IMPACTING THE PATENT REGIME

USA

"Diamond Vs Chakraborty"[34], a case filed in US Supreme Court is a landmark case dealing

[29] This type of patent was not patentable prior to the repeal of Section 5 of the Original Act, which had previously stated that only the procedure or technique of manufacturing such compounds, and not the substance itself, was entitled to patentability.
[30] THE PATENT ACT 15 0F 2005, SECTION 2(1.) (ja).
[31] THE PATENT ACT 15 0F 2005, SECTION 2(1.) (l).
[32] THE PATENT ACT 15 0F 2005, SECTION 92A.
[33] Id.
[34] Diamond Vs Chakraborty 447 U.S. 303 (1980).

with the issue related to the patentability of micro-organisms[35]. It is a significant legal ruling, especially in light of the patent rules and the biotechnology sector. This case decision is referred by many countries for granting patent protection to micro-organisms. Significantly, TRIPS also include micro-organism under patent protection.

INDIA

In the "Novartis AG v. Union of India"[36] case, Indian courts were first confronted with questions over India's compliance with the TRIPS Agreement. A Swiss pharmaceutical corporation named Novartis filed the complaint in this case and sought to patent the cancer medication "Glivec". The Supreme Court ruled that Gleevec did not significantly change in features about the efficacy and was essentially a "beta crystalline" form of a well-known medicine, namely Imatinib mesylate. As a result, it was not patentable in India.

The ruling further states that the provider complies with the "Doha Declaration" and the "TRIPS" agreement. India seeks to strike a balance between its commitments to safeguard and advance public health and socio-economic well-being through Section 3(d). This decision was followed by many countries to impose restrictions on patent grants to their current socioeconomic conditions[37]. It said that doing so guarantees the expansion of generic drug producers and the general community's access to reasonably priced medications.

ONCOMOUSE CASE

The first mammal to receive a patent was Onco-Mouse[38]. For potentially advantageous purposes, such as medical research, improved food production, and the manufacture of proteins or organs, transgenic animals have been created[39]. It was granted protection of patent first in

[35] For his genetically altered microbe, in which no naturally existing bacteria have the ability to break down crude oil, the respondent submitted a patent application. The new bacteria patent application's claims were rejected by the Patent Office Board of Appeals on the grounds that life forms are not eligible for patents under the laws of the USA. The ruling was overturned by the "Court of Customs and Patent Appeals, which determined that the existence of living microorganisms has no impact on the law as it pertains to patents. The Court of Customs and Patent Appeals' judgement was upheld by the Supreme Court in Chakrabarty's favour.

[36] Novartis AG v. Union of India 2007, 4MLJ 1153.

[37] Sruthi Darbhamulla, Explained | The Indian patent regime and its clash with the U.S. n0rms, THE HIINDU, "hhttps://www.thehindu.com/news/national/explained-the-indian-patent-regime-and-its-clash-with-the-us-norms/article65464988.ecee/"

[38] The OncoMouse, also known as the Harvard mouse, is a breed of laboratory mouse that has undergone genetic modification to carry an activated oncogene, a particular gene. The mouse is an ideal model for cancer research since the active oncogene considerably enhances the rodent's vulnerability to cancer.

[39] Bioethics and Patent Law: The Case of the Oncomouse, WIPO MAZAGINE, WIPO, "https://www.wipo.int/wipo_magazine/en/2006/03/article_0006.html/

the USA in 1988 and then, received protection from the European Patent Convention in the year 1992 and the year 2003 granted patent protection in Canada.

Several issues, including ethics, the environment, morality, and animal rights, will always be raised by the patenting of non-human living forms. These issues must be weighed by legislators early on and by the patent office or the courts while hearing various cases.

CONCLUSION

The freedoms provided to individuals over their original works are known as intellectual property rights. Holders of a patent are given the temporary right to prevent others from creating, utilizing, or commercializing the innovation in return for disseminating an informative public declaration of the concept. The Patents Act has been updated to reflect India's growing technological capability as well as the necessity of harmonizing our country's intellectual property laws with global norms and regimes. As seen by the adjustments made to catch up to the rest of the world, India has always understood the need for a thorough patent system for the development of business and industry. A paradigm shift in the pursuit of increased intellectual property rights is indicated by recent revisions in India's patent policy. On the one hand, this has led to worries being expressed about the coming failure of local businesses; on the other hand, there is hope amid expectations of a significant increase in patent activity of domestic act

While analyzing major features of the post-international conventions, India it is evident that the Indian parliament made considerable, although inadequate efforts to safeguard the interest of the larger population of India while maintaining her international obligations. Though there are a few gaps in the law, it is possible to overcome these if they are creatively interpreted by the agencies implementing it. In light of the current global environment, where a knowledge-based economy and a digital economy are the new standards, India needs an effective intellectual property system with quick processing times. The patent system teaches that this double edge sword needs to be carefully calibrated again and again to ensure maximum efficiency.

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