

INDIA (IN)

I. LEGISLATIVE PROFILE

1. National Legislation

a. Industrial Property

Patents:

- The Patents Act No. 39, September 1970.
- The Patent Rules, 1972.
- The Repealing and Amending Act No. 56 of 1974.
- The Delegated Legislation Provisions (Amendment) Act No. 4 of 1985.
- The Patents (Amendment) Act, March 1999.

Trade Marks:

- The Trade and Merchandise Marks Act No. 43, October 1958, as amended.
- The Trade and Merchandise Marks Rules 1959.
- The Trade Marks Act No. 47 of 1999, not yet in force.

Industrial Designs:

- The Designs Act, 2000, in force since 2001.

b. Copyright and Related Rights

Copyright:

- The Copyright Act No. 14, June 1957, as amended by Amendment Acts of 1983, 1984, 1992, 1994 and 1999.
- The Copyright Rules, 1958

Related Rights:

As above, under Copyright.

c. Other Country-Specific Legislation or Activities

Appellations of Origin / Geographical Indications / Indications of Source:

- The Geographical Indication of Goods (Registration and Protection) Act No. 48 of 1999, not yet in force.

Unfair Competition:

- The Monopolies and Restrictive Trade Practices Act No. 54, December 1969, as amended.

Plant Variety Protection:

- The Protection of Plant Varieties and Farmers' Rights Act of 2001, entered into force in June 2002.



Capital: New Delhi

Population: 1,033,390,000

d. Sources for Information on National Laws

MRTP Commission

Kota House Annex

Shahjahan Road

New Delhi 110011

Title of Head: Chairman

Tel.: (91.11) 23.38.59.71/4

(Chairman)

Fax: (91.11) 23.38.59.77

2. Membership of International Bodies

a. Membership of WIPO treaties:

- WIPO Convention, since May 1975.
- Paris Convention (Industrial Property), since December 1998.
- Berne Convention (Literary and Artistic Works), since April 1928.
- PCT (Patents), since December 1998.
- Geneva Convention (Unauthorized Duplication of Phonograms), since February 1975.
- Budapest Treaty (Deposit of Micro-organisms), from December 2001.
- Nairobi Treaty (Olympic Symbol), since October 1983.

b. WTO: Member and Signatory to TRIPS Agreement, since January 1995.

c. Membership of other bodies/treaties: UCC.

- Member of UCC since October 1957.

II. ADMINISTRATION

1. Industrial Property

Supervisory Ministry:

Ministry of Industry

Department of Industrial Development

Udyog Bhavan

New Delhi 110011

Title of Head: Minister of Industry

Tel.: (91.11) 23.01.02.21 – 91

Fax: (91.11) 23.01.17.70

Industrial Property Office:

Office of the Controller General of Patents,

Designs and Trade Marks

Government of India

Central Government Building

101 Maharshi Karve Road

Mumbai 400 020

Title of Head: Controller General

Tel.: (91.11) 301.36.56

Fax: (91.11) 301.17.14

2. Copyright and Related Rights

Supervisory Ministry:

Ministry of Human Resource Development	Tel.:	(91.11)	23.38.46.87
Government of India			23.38.24.36
B.2/W.3, Curzon Road Barracks			23.38.17.39
Kasturba Gandhi Marg			23.38.43.87
New Delhi 110 001	Fax:	(91.11)	23.38.13.55
<i>Title of Head:</i> Minister of Human Resource Development			23.38.29.47

Copyright Office:

Department of Education	Tel.:	(91.11)	23.38.46.87
Book Promotion & Copyright Division			23.38.24.58
Ministry of Human Resource Development.			23.38.24.36
As above, under Supervisory Ministry.			23.38.25.49
<i>Titles of Head:</i> Registrar of Copyright			23.38.43.87
Secretary, Copyright Board			ext. 12/39/43
Director to the Government of India	Fax:	(91.11)	23.38.46.87
			23.38.13.55
			23.38.29.47

Collective Management Societies:

Indian Performing Right Society Ltd. (IPRS)	Tel.:	(91.22)	23.21.75
717, Dalamal Tower	Fax:	(91.22)	287.38.43
Nariman Point	E-mail:	santan@bom2.vsnl.net.in	
Mumbai 400 021			
<i>Title of Head:</i> General Manager			

Phonogram Performance (India) Ltd. (PPL)	Tel.:	(91.22)	639.13.90/91
Flameroof Equipment Building	Fax:	(91.22)	639.13.94
B-39, Off New Link Road Near Monginis Factory			
Andheri (West)			
Mumbai 400 053			
<i>Title of Head:</i> Secretary General			

Society for Copyright Regulation of Indian
Producers for Film and Television (SCRIPT)

III. AUTHORITIES ENFORCING INTELLECTUAL PROPERTY

Industrial Property Tribunal

Information not available.

Copyright Tribunal

Information not available.

Other

Directorate General of Revenue Intelligence	Tel.:	(91.11)	23.31.94.65
7 th Floor. I.P. Bhavan, I.P. Estate			23.31.13.82
New Delhi 110 002	Fax:	(91.11)	23.31.22.97
<i>Title of Head:</i> Director General			23.31.96.60

IV. EDUCATIONAL INSTITUTIONS TEACHING INTELLECTUAL PROPERTY

University of Delhi	Fax:	(91.11)	27.25.70.49
Faculty of Law			
Delhi 110 007			
<i>Title of Head:</i> Dean and Head			

V. INDUSTRIAL PROPERTY STATISTICS

Applications filed and/or registered for 1999:

		Patents	Trade Marks	Industrial Designs
Applications by:	residents	732	60,985	
	non-residents	2,402	5,393	
Grants to:	residents	633	6,747	
	non-residents	1,527	1,263	

PCT – 2000

Applications by residents and non-residents:	60,942	(90 residents, 60,852 non-residents)
Grants to residents and non-residents:		Information not available.