

**GOVERNMENT OF INDIA
MINISTRY OF COMMERCE & INDUSTRY
DEPARTMENT FOR PROMOTION OF INDUSTRY AND INTERNAL TRADE
RAJYA SABHA**

**UNSTARRED QUESTION NO. 2918.
TO BE ANSWERED ON FRIDAY, THE 20TH DECEMBER, 2024.**

ELIMINATION OF PROCEDURAL DELAYS IN FILING FOR PATENTS

2918. Shri Tiruchi Siva:

Will the Minister of **Commerce and Industry** be pleased to state:

- (a) the measures being taken to eliminate the procedural delays and complexity in the filing and granting of patents, as noted in the Economic Survey of Financial Year 2022;
- (b) the measures being taken to close the stark gap in the number of patent examiners in the country, as compared to other global economies;
- (c) whether Government intends to release any dedicated policy/guidelines that focus on boosting the share of resident applications for patent acquisition; and
- (d) if not, the reasons therefor?

ANSWER

**THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE & INDUSTRY
(SHRI JITIN PRASADA)**

(a): Answer placed at Annexure-I.

(b): Over the past decade, the Government has periodically reviewed and further augmented manpower in the Patent Office to deliver timely quality services to the stakeholders. With the addition of 500 more posts of Examiners and Controllers during 2022-23, the sanctioned manpower in the Patent Office has been increased by 233% i.e. from 431 in 2014 to 1,433 in 2024. Similarly, the working strength has risen by 196%, from 281 in 2014 to 833 in 2024. Moreover, the recruitment for 550 posts of Examiners has been completed, and they are set to join in January, 2025.

(c) & (d): Answer placed at Annexure-II.

ANNEXURE REFERRED TO IN REPLY TO PART (a) OF THE RAJYA SABHA UNSTARRED QUESTION NO. 2918 FOR ANSWER ON 20.12.2024.

1. Recently, the Patents Rules, 2003 have been amended by the Patents (Amendment) Rules, 2024 in order to further simplify and streamline the patent procedure and create a conducive environment for innovation and protection of Intellectual Property (IP) in India. The amendment includes: -
 - i. The time to submit request for examination has been reduced to 31 months from 48 months to fast-track the patent examination process.
 - ii. Frequency to file 'working statements of patents' has been reduced from once in a year to once in every three years to lessen the administrative burden and compliance costs on the patentees.
 - iii. The requirements and timelines for providing foreign filing details have been streamlined to simplify the patent application process, further reducing processing requirements and costs.
 - iv. The procedure for filing and resolving pre-grant opposition representations has been amended to curb frivolous opposition filings and promote genuine submissions. The amended pre-grant opposition procedure now requires a *prima facie* case for the opposition to proceed. Provisions for expedited examination are extended to applications with pre-grant opposition(s) to compensate for delays arising from pre-grant opposition proceedings and ensure faster resolution of such cases.
 - v. Provisions for claiming benefits of Grace Period have been streamlined with this amendment by incorporating a new form to make it easier for applicants to claim benefits of the grace period, and offer them flexibility to refine the invention before formal application submission, thereby allowing them to disclose inventions confidently without any fear of losing likely future patent rights due to prior public disclosures.
 - vi. 'Certificate of Inventorship' has been introduced to enhance patenting ecosystem in India by formally recognizing efforts of the inventors in the patented inventions. This would incentivize inventors and to strive for more and more inventions for obtaining patent rights.
 - vii. 10% reduction in the official fee for patent renewal is available if the fees for at least four years are paid in advance through electronic mode.
2. Patent Office has been modernized and all operations in the Patent Office have been digitized and made online to make the system more compact, time bound, transparent and easier to use by applicants as well as Examiners and Controllers. This results in that applicants need not to visit Patent Office for filing and processing their patent applications. Over 95% patent applications are filed online.
3. The IP has a robust Grievance Redressal Mechanism which has been further strengthened to ensure the prompt, fair, and transparent resolution of complaints and concerns. Daily Open House Conference was started in Oct. 2022 to enable direct daily communication of the concerned stakeholders with senior officers to provide timely solutions to their problems. Open House IT Helpdesk has been started in Feb. 2024 as a single-window platform to swiftly address queries and grievances across all key areas of Intellectual Property.

ANNEXURE REFERRED TO IN REPLY TO PARTS (c) & (d) OF THE RAJYA SABHA UNSTARRED QUESTION NO. 2918 FOR ANSWER ON 20.12.2024.

The Government introduced National IPR Policy in 2016 and has taken several initiatives to boost the share of the resident applications, which are as under: -

1. Since 2014, Patents Rules have been amended 8 times to streamline and simplify filing and processing of patent applications, remove irregularities, redress procedural delays and complexities in the patent granting system, streamline use of IT and digital technologies. The amendments included 80% fee rebates to Startups, Small Entities (MSMEs) and Educational Institutes in each stages of proceedings; facility of expedited examination to startups, small entities (MSMEs), applicants electing India as International Searching Authority for international applications, female applicants, government institutions/ departments in order to fast-track examination and processing of their patent applications; and facilitating electronic submissions and processing of the patent applications and documents; streamlining timelines and requirements for filing of a priority document and statement regarding working of patents.
2. Start-Ups Intellectual Property Protection (SIPP) Scheme -The Office of the CGPDTM implements “Start-Ups Intellectual Property Protection (SIPP)” to facilitate protection of Patents, Trademark and Designs by interested Startups, and all Indian innovators/ creators, educational institutes using the services of the Technology and Innovation Support Centers (TISCs) established in India. The Scheme was started in 2016 and has been further extended upto 31-03-2026. As on date, there are more than 2700 empanelled facilitators to help start-ups to file applications.
3. National Intellectual Property Awareness Mission (NIPAM) – The IP Awareness Mission, NIPAM, was started in December 2021 to conduct intellectual property (IP) awareness and basic training programs on IP in educational institutes across the country. Since its inception, about 21 lakh students and 2.2 lakh faculties across all the 28 states and 8 UTs, have been trained on IPR.
4. Owing to various steps undertaken by the Government to boost patenting activities in India, over the past decade, the patent filing in India has increased by 115%, from 42,951 in 2013-14 to 92,172 in 2023-24. Patent filing by Indians has increased by 371%, from 10,941 (25% of Total Applications) in 2013-14 to 51,574 (56% of Total Applications) in 2023-24.
