



The Institution of Engineers (India)

U.P. State Centre, Lucknow



cordially invite you to the Technical Talk on

“Patent Laws and copyright protection”

ADVOCATE RAJ VIKRAM SINGH

**Solicitation & Arguing Council-High Court Judicature,
Lucknow & Supreme Court**

will be the Keynote Speaker

on Saturday 09th May, 2026 at 04:00 PM

Venue:

Engineers' Bhawan, IEI, River Bank Colony, Lucknow



Er. N K Nishad, FIE
Hony. Secretary



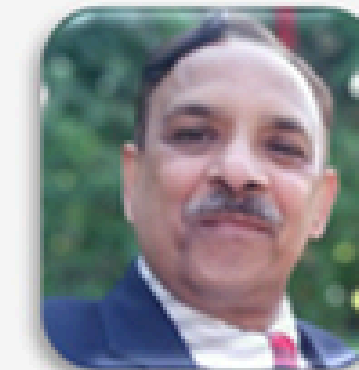
Er. K P Tripathi, FIE
Convener



MR. RAJ VIKRAM SINGH
Keynote Speaker



Er. Satya Prakash, FIE
IP Chairman



Er. V P Singh, FIE
Chairman



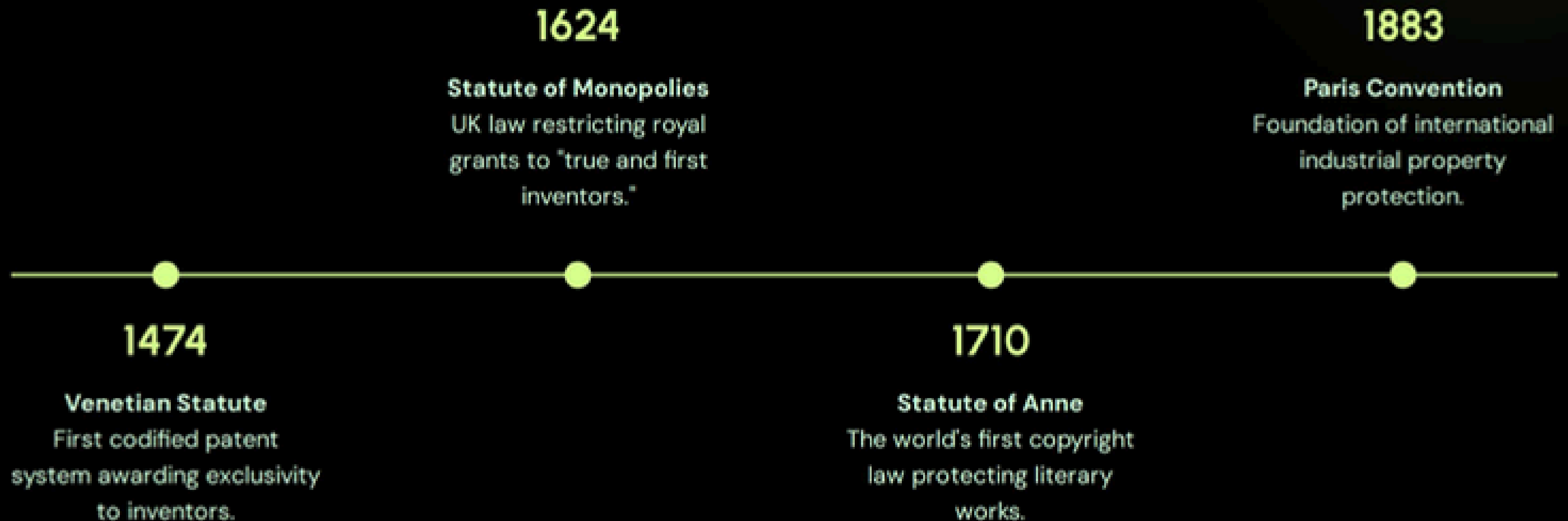
The Jurisprudence of **Innovation**

Patent Laws and Copyright protection: Contemporary Indian Context

Raj Vikram Singh



| Global Genesis: Early Milestones



International Harmonization



Berne Convention (1886)

Established the principle of automatic protection and national treatment for copyright across borders.



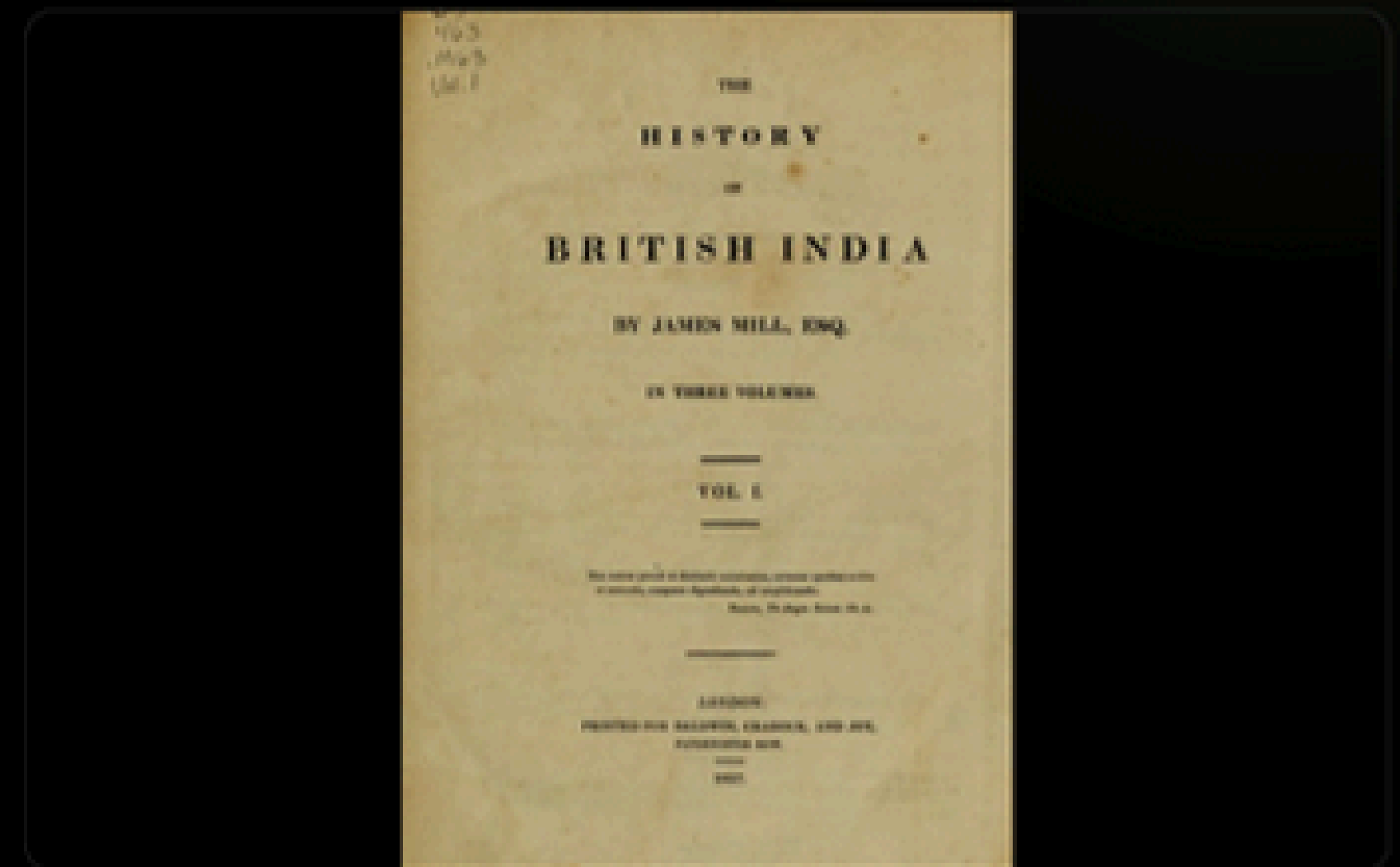
TRIPS Agreement (1995)

The WTO's watershed moment, compelling nations to harmonize IP standards including 20-year patent terms.

Colonial Indian Roots (1856-1911)

India's IP journey began under British rule, heavily modeled on the UK's legal frameworks:

-  **Act VI of 1856:** First formal patent legislation in India.
-  **1872 & 1888 Acts:** Consolidated protection for patterns and designs.
-  **1911 Act:** Unified patents and designs under the Controller of Patents.





The Post-Independence Transformation

From Colonial Compliance to National Interest

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| The Patents Act, 1970



A milestone achievement following the Ayyangar Committee Report, balancing monopoly with public welfare:

- ✓ **Process Patents:** Initially prioritized for food and drugs to ensure affordability.
- ✓ **Compulsory Licensing:** Mechanism to protect public health in emergencies.
- ✓ **TRIPS Compliance:** Reintroduced product patents in 2005.

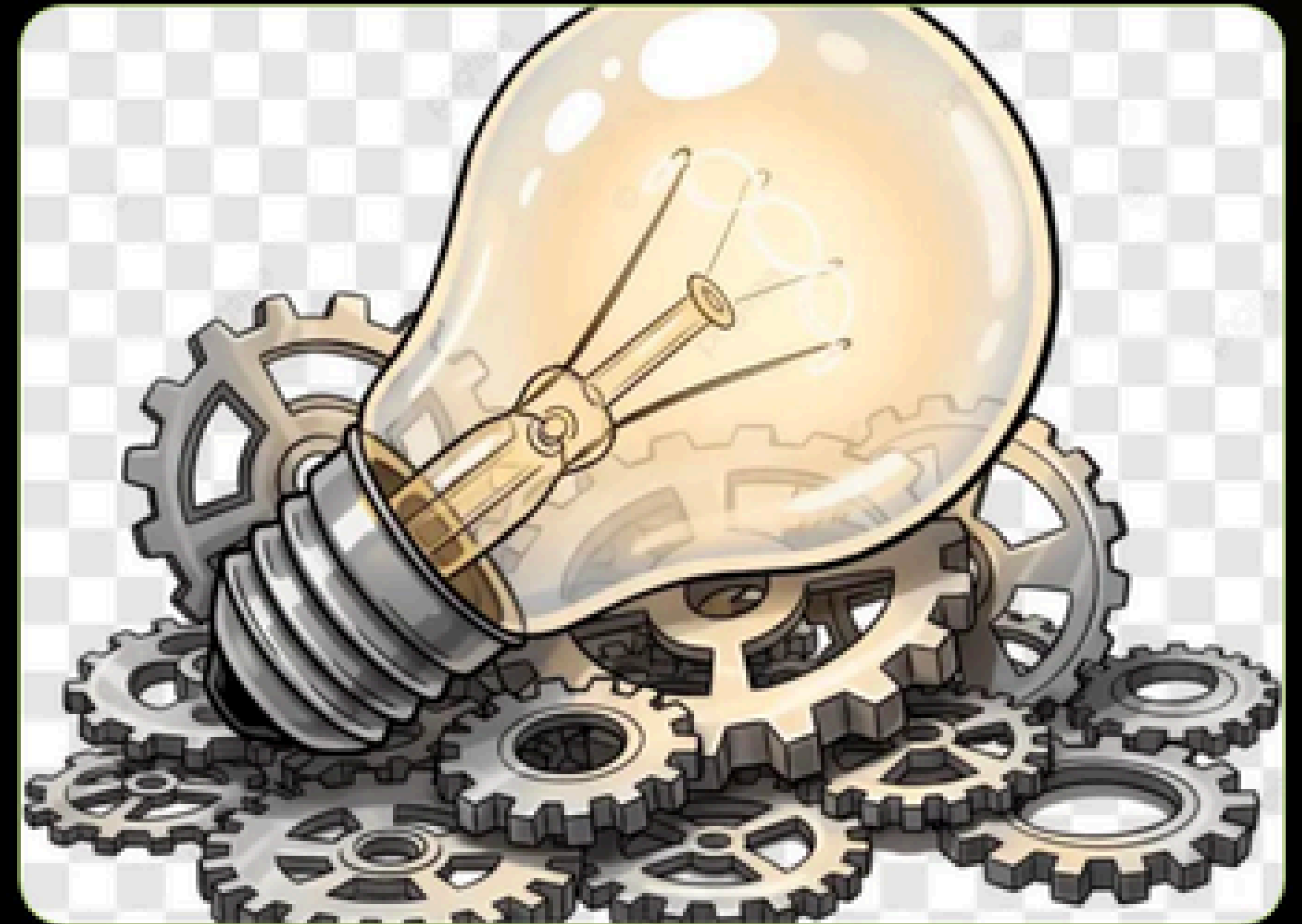


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| Patents Act 1970: Philosophical Shift

Initially framed to facilitate **Process Patents**, the Indian regime underwent a tectonic shift following the 2005 amendment to comply with TRIPS.

- Transition to Product Patent regime.
- Global harmonization of patent terms (20 years).
- Quid Pro Quo: Disclosure in exchange for monopoly.
- Stringent criteria: Novelty, Non-obviousness, and Utility.





National IPR Policy 2016: The 6 Pillars



Awareness

Propagating the value of IPR to all strata of society to foster a culture of creativity.



Generation

Stimulating the creation of diverse intellectual property assets across sectors.



Legal Frame

Establishing strong yet balanced legislative frameworks for protection.



Administration

Modernizing service-oriented IPR administration and reducing pendency.



Commercialization

Enhancing value through commercialization of protected intellectual assets.



Enforcement

Strengthening the adjudicatory mechanisms for efficient IP conflict resolution.

| 2024 Amendments: Operational Efficiency



Provision	Old Requirement	New Rule (2024)
Request for Examination (RFE)	48 Months from Priority	31 Months (Accelerated)
Working of Patents	Annual Statements	Once every 3 Years
Inventorship Recognition	Implicit in filing	Certificate of Inventorship
Renewal Fees	Standard annual	10% Discount for 4-year advance

Note: Empowered the Controller to excuse delays up to six months, significantly easing compliance burdens.

| Safeguarding Health: Section 3(d)



3(d)

The Anti-Evergreening Provision

The Novartis Precedent

India maintains a high threshold for "Inventive Step" in pharmaceuticals. Mere discovery of a new form of a known substance is NOT patentable unless it demonstrates **significant enhancement in therapeutic efficacy**.

Compulsory Licensing (Section 84) remains the ultimate tool for ensuring affordable access during health emergencies, as seen in the *Natco v. Bayer* case.

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| Case Study: Novartis (2013)



The defining battle for Section 3(d) and access to medicine:

-  **Subject:** Patent for 'Glivec' (Beta-crystalline form of Imatinib Mesylate).
-  **Ruling:** Supreme Court rejected the patent, stating it was a mere discovery of a new form without "enhanced therapeutic efficacy."
-  **Impact:** Affirmed India's right to curb "evergreening" and secured the generic drug ecosystem.



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| Copyright Act 1957: The Digital Era

- ✔ **Automatic Protection:** Vests upon creation; registration is prima facie evidence but not mandatory.
- ✔ **Term of Protection:** Lifetime of author + 60 years (post-mortem auctoris).
- ✔ **Fair Dealing:** Section 52 allows exceptions for private study, criticism, and educational use.
- ✔ **Moral Rights:** Section 57 - Rights of paternity and integrity remain even after assignment.



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| Case Study: EBC v. D.B. Modak



Standard of "Originality" in derivative works:

- ■■ Issue: Copyright in copy-edited Supreme Court judgments (SCC).
- 💡 Ruling: SC adopted the "Modicum of Creativity" standard. Rejected "Sweat of the Brow" (mere labor).
- ☀ Outcome: Editorial inputs (paragraphing, cross-ref) are protected as they require "skill and judgment," while raw text remains public domain.



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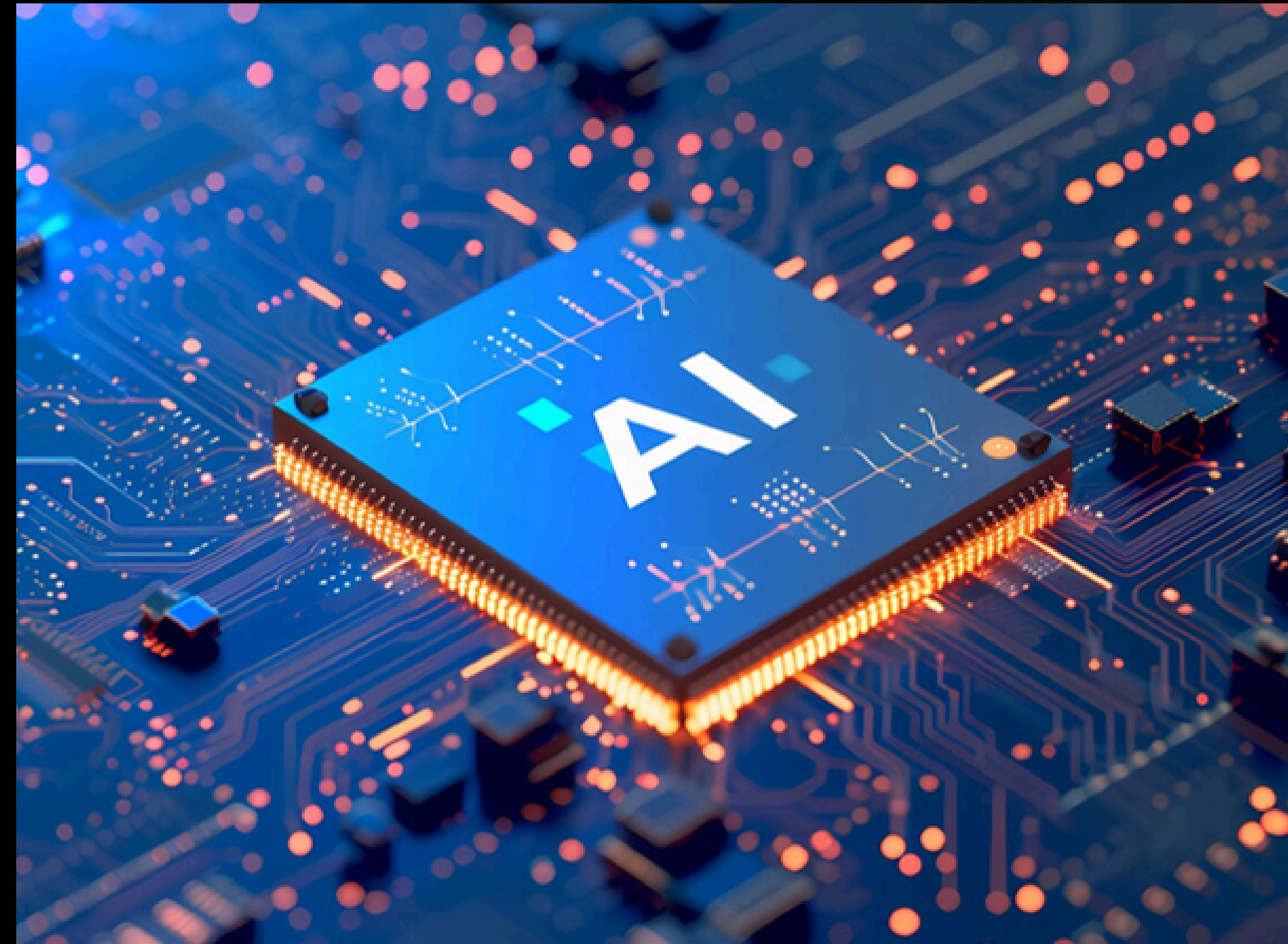
AI & Patentability



Section 3(k) Exclusions: Traditionally barred mathematical methods or computer programs "per se".

The Madras HC Shift (2024): Ruling in *Idemia v. Controller* emphasizes that Section 3(k) is a "targeted exclusion." If an invention offers a meaningful technical advancement, it transcends the algorithm bar.

Practice Note: Demonstrating "technical effect" and "technical contribution" is now the crux of AI-related patent strategy in India.



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| The New Frontier: Personality Rights



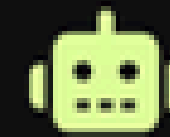
Voice Cloning

Courts protected Arijit Singh's vocal style from AI exploitation, recognizing voice as a protectable persona attribute.



Publicity Rights

The Delhi High Court upheld Jackie Shroff's right to prevent unauthorized AI use of his "Bhidu" persona.



AI Regulation

Emerging legal doctrine treating AI training as potentially infringing unless transformative or falling under "fair use."



Personality Rights & Generative AI

Jackie Shroff v. Rogue Entities

The Delhi High Court protected the actor's 'Bhidu' persona, voice, and image from unauthorized commercial exploitation via AI-generated content.

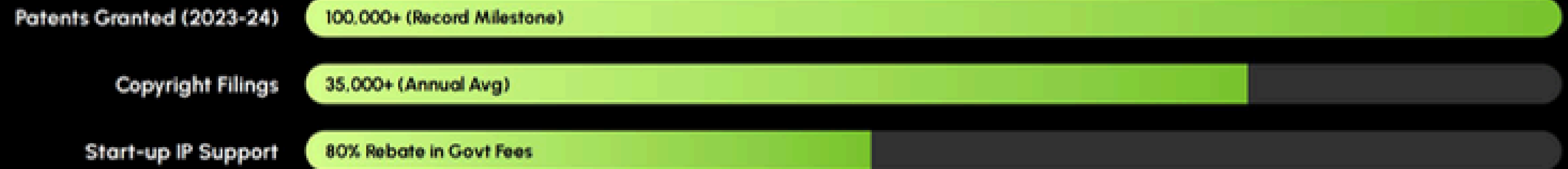
Arijit Singh v. Codible Ventures

The Bombay High Court issued a landmark interim order against AI voice cloning, recognizing vocal styles and mannerisms as protectable personality attributes.

Trend: Courts are evolving a "Right to Publicity" that bridges the gap between Trademarks and Copyright.



Exponential Growth in Indian IP



Key Catalyst: The *Jan Vishwas Act 2023* (effective Aug 2024) shifted several IP violations from criminal to administrative penalties, fostering a "Fearless Innovation" ecosystem.

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| Timeline of IP Maturity



"From an era of imitation to an era of innovation."

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The Global Powerhouse

India stands as a global vanguard, uniquely balancing strong intellectual property enforcement with the sovereign imperative of social equity and public access.

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Thank You.

For Your Time and Engagement

"Intellectual property is a key aspect for economic development and for the progress of a nation; balancing these rights with public interest remains our greatest judicial challenge."

Raj Vikram Singh



Discussion & Dialogue

Exploring the nuances of IP in the age of Intelligence.

References: Patents Act 1970 | Copyright Act 1957 | Jan Vishwas Act 2023

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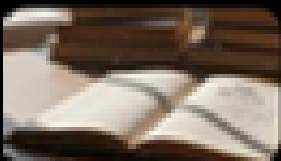


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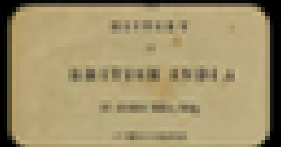


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