

INTELLECTUAL PROPERTY OF INNOVATORS IN INDIA

By

Anurag K. Agarwal
Indian Institute of Management Ahmedabad

© 2005, Journal of Asia Entrepreneurship and Sustainability

www.asiaentrepreneurshipjournal.com

No reproduction of any kind permitted without prior consent.

India is a land of villages. About 70% of the Indian population lives in villages. Here a large number of contraptions are used, which are known to everyone since ages. The technology regarding their manufacture and use has passed from one generation to the next generation. Besides these contraptions, large-scale improvisations are done to original devices to suit local needs, keeping in mind the available resources, which are generally scarce. Somehow, the desired result is achieved through creativity and ingenuity. For instance, improvised washing machines are being used by some creative *dhaba*-owners (restaurateurs) to prepare *lassi* (a shake made with yoghurt). All this is done by craftsmen, innovators, tiny industries and very small entrepreneurs. In India, their number is fairly large. Most of them do not have any access to information about patent law. Unscrupulous people frequently violate their intellectual property rights. Copying is rampant and often real inventors do not get the financial benefit of their inventions. The person with access to information about patent filing and with enough resources to pursue the matter with the patent office is rewarded the patent as India

follows the first-to-file and not the first-to-invent system.

There are certain organizations like 'Centre for Innovation, Incubation and Entrepreneurship' at Indian Institute of Management Ahmedabad which are doing a yeoman service alongwith the Indian Institute of Technology Mumbai in coming forward and helping the innovators at the grass roots level, however, a lot more needs to be done in a country of continental size and diversity. There have been efforts to guide the innovators in getting patents in India and abroad, particularly the U.S.

There is an urgent need to spread awareness about the importance of intellectual property in general and patents in particular so that the innovators at the grass-roots level at least know that something more is to be done after they invent something and which can bring them "intellectual property". With some modifications, their invention can be converted to a marketable device which in turn can bring loads of money. This type of awareness is lacking and the inventor goes on displaying his invention at every available forum, gets a pat on the back and someone simply steals the idea, converts it into a workable device and gets it patented.

The judicial system is not fully equipped to handle the patent disputes. It results in long delays and as the entire process of litigation becomes a war of nerves, ultimately the winner is the person who has more resources. All the factors at present are against the grass-roots innovator.

This needs to be changed.

This paper examines the intellectual property scenario at the grass-roots level, the problems associated with lack of awareness to exploit the intellectual property. It also goes through the work done by a few

organizations to spread awareness about intellectual property. Further, this paper discusses the legal system for intellectual property, particularly patents in India and suggests measures which can help in making the situation better for the innovator and the society.