

National Intellectual Property Rights (IPR) Policy 2016

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India adopted the **National IPR Policy in 2016** to facilitate the promotion, creation and commercialisation of Intellectual Property assets through a Cell for IPR Promotion and Management (CIPAM) under the control of the Department for Promotion of Industry and Internal Trade (DPIIT). It also seeks to promote India's rich legacy of traditional knowledge.

The slogan "**Creative India; Innovative India**" serves as the main focus of the National IPR Policy, which is in line with recent government initiatives and missions promoting creativity, innovation, and entrepreneurship in the nation, such as "Make in India," "Atal Innovation Mission," "Start-Up India," and "Stand-Up India."

Need for National IPR Policy 2016

The need for a national IPR policy stems from the following facts.

- **To incorporate synergy:** To establish and capitalise on synergies between all types of intellectual property (IP), relevant statutes and agencies, and an all-encompassing perspective on IPRs that considers all interconnections, a dedicated policy was necessary.

- **Incorporation of best practices:** To incorporate and modify best practices from around the world for the Indian context.
- **EoDB:** To integrate India's IP regime with international standards, thereby raising India's **ease of doing business**.
- **R&D:** To enhance research and development activities in India by safeguarding intellectual property rights. It will give impetus to the Make in India programme by expanding the manufacturing base of IP goods.

Objectives of National IPR Policy 2016

There are **seven main objectives** and numerous concrete steps that must be carried out by the nodal central department (Department of Industrial Policy and Promotion) in collaboration with other departments, state governments, businesses, and other stakeholders. The objectives and activities undertaken under the National Intellectual Property Rights Policy are:

- **IPR Awareness, Promotion and Outreach:** To raise awareness among all facets of society to the economic, social, and cultural advantages of IPRs through road shows, campaigns, and inclusion in curricula of education.
- **Generation of IPRs:** To promote the production of IPRs through innovation and creativity.
- **Legal and legislative framework:** The policy seeks to bring out appropriate amendments in IPR Laws and Rules, thus improving procedural requirements in the processing of applications to speed up grant and disposal.
- **Administration and management:** The policy aims to modernise and digitise IP offices for improvement in the functioning and performance of IP Offices as well as streamlining workflow processes.
- **Commercialisation of IPRs:** The policy aims to make it possible for Indian companies to commercialise IPRs in order to maximise value.
 - The policy states that entrepreneurship should be promoted in order to realise the full financial potential of intellectual property rights.
- **Enforcement and adjudication:** Using patents, copyrights, and trademarks to protect intellectual property is crucial for commercialising innovation.
 - Hence, this policy's goal of ensuring legal remedies for IPR owners in cases of infringement has been highlighted.
 - The policy suggests identifying and implementing measures to prevent piracy and counterfeiting.
 - It has been suggested that commercial courts with specialised jurisdiction, including Alternative Dispute Resolution, should handle IPR cases.
- **Human capital development:** The policy aims to create a larger pool of IPR professionals and experts in fields like policy and law, strategy development, administration, and enforcement in order to fully utilise IPRs' potential for economic growth.

Features of the National IPR Policy 2016

The extensive features of the 2016 National Intellectual Property Rights Policy are discussed below.

- **Intellectual Property Rights Policy Management (IPRPM) Framework:** National IPR Policy 2016 encompasses all IPRs into a single vision document, setting in place an institutional mechanism for implementation, monitoring and review of IP laws.
 - The types of intellectual property rights covered under the framework are patents, trade marks, industrial designs, copyrights, geographical indications, semiconductor integrated circuit layout designs, trade secrets, and plant varieties.
- **TRIPS compliance:** The policy recognises India's well-established TRIPS-compliant legislative framework to safeguard IPRs and seeks to balance her developmental concerns by utilising the flexibilities provided in the international regime.
- **IPR Exchange:** In order to boost commercialisation and value for IPs, the policy proposed a study to examine the feasibility of an IPR exchange platform. Such a dedicated IPR exchange facilitates investment in IP-driven industries by bringing together investors and IP owners/users.
- **Expediting patent applications:** The policy urges the government to explore the possibility of expedited examination of patent applications to promote manufacturing in India.
- **Financial support for less empowered groups:** The policy also takes note of rural and marginalised economies. It states that providing financial support to the less empowered group of IP owners or creators, such as farmers, weavers, artisans, craftsmen, etc., through rural banks or cooperative banks, should be a priority.
- **Dispute resolution:** In order to expedite the adjudication of disputes and ensure enforcement of IPR, the policy suggests the setting up of dedicated commercial courts to deal with IP-related matters. It also suggests that the possibility of resolving IP disputes through the Alternative Dispute Resolution Mechanism should be explored.
- **Traditional knowledge:** The policy recommends a number of actions, including extending the Traditional Knowledge Digital Library's (TKDL) scope and expanding it to encompass disciplines other than Ayurveda, Yoga, Unani, and Siddha.
 - According to the policy, traditional knowledge holders should receive the encouragement and support they need to develop the knowledge systems that they have developed throughout civilisation.
- **Other features:** Various other measures proposed by the policy include criminalising unauthorised copying of movies, encouraging corporate social responsibility (CSR) funds into open innovation and expanding capacity building in IPR through training, teaching, research and skill building.

Issues with National IPR Policy 2016

Though the National IPR Policy of 2016 is hailed as the next big thing in intellectual property rights in India, it still has some issues, such as:

- **Impeding the free flow of information:** The policy seeks to promote IP as an end in itself rather than placing it within the larger context of the innovation ecosystem.
 - It suggests that publicly funded research institutions must convert their discoveries into IP assets by linking the career progression of the researchers in such institutions with the generation of IPs.
 - This could impede the free flow of information in the long run.

- **Applicability in rural areas:** Due to the lack of knowledge about rural economies and creativity, experts are also sceptical about the policy's applicability to the informal rural economy. Adopting a formal IP policy may have more negative effects than positive ones in rural areas.
- **Common patent threat:** The IPR strategy fails to acknowledge the danger that other countries, like Pakistan, who attempted in vain to obtain a patent on **basmati rice**, pose to India's traditional knowledge.
- **Bias:** The policy has been criticised as being biased against society and in favour of IP owners.

Achievements of National IPR Policy 2016

The National IPR Policy was adopted in 2016, as a vision document to guide the future development of IPRs in the country, which has led to the following achievements.

- **Strengthening of institutional mechanisms:** The administration of the Copyright Act, 1957 and the Semiconductor Integrated Circuits Layout-Design Act, 2000, has been transferred to the Department of Industrial Policy and Promotion. It has resulted in an integrated approach and synergy among different IP offices and Acts.
 - Also, the Copyright Board has been merged with the Intellectual Property Appellate Board (IPAB).
- **Clearing backlog:** The government has taken several actions, including increasing technical staff, which has significantly decreased the time that IP applications are pending.
 - Patent and trademark certificates that are automatically generated by computers have been introduced.
- **IP Process Re-engineering:** The policy has facilitated simplifying patent procedures and acts regarding IPRs. Such as the amendment of the Patent Rules, 2003, the 2017 Trade Marks Rules and the ratification of The WIPO Copyright Treaty (WCT) and WIPO Performances and Phonograms Treaty (WPPT), which extend copyright protection to the internet and digital environment.
- **IPRs in school syllabus:** The NCERT commerce stream curriculum now includes a syllabus on IPRs.
- **Technology and Innovation Support Centres (TISCs):** In conjunction with WIPO, more than 10 TISCs have been established in various institutions across different states.
- **IPR Enforcement Toolkit for Police:** An IPR Enforcement Toolkit has been prepared to assist police officials in dealing with IP crimes, in particular trademark counterfeiting and copyright piracy.
- **IPR Chairs:** These are set up across the country under the Scheme for Pedagogy and Research in IPRs for Holistic Education and Academia (SPRIHA). Currently, more than 35 IPR chairs are incorporated. These are instrumental in expanding the base for innovation.
- **Global Innovation Index (GII):** India's rank in the GI Report issued by WIPO has improved from 57th place in 2018 to 40th in 2023.

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