

Changing Dimensions in Patent Law of India (International Perspective)

Dr. Ashwani Tanwar*

INTRODUCTION:

Modern world is an era of Globalization and Liberalization. Hence economic modifications have been introduced by many countries around the globe like India which has to contend with other countries in the world market. More so because of the arrival of the World Trade Organization in which India has to compete with developed countries like U.S.A. A work of creative genius can be described as an original work of art, such as writing, drawing, sculpture or any other type of art work, invention, design, or trademark, which are considered intellectual property.

In addition to patents, there are copyrights, trademarks, and designs, all of which are governed by specific statutes, varying in scope and duration, intent, and effects. Intellectual property rights are statutory rights. A common feature of IP rights is that they generally prevent third parties from exploiting the protected subject matter without express authorization from the right-holder for a period of time, which allows IPR owners to use or disclose their creations without fear of losing control over it.¹ It helps spread vital information that is essential and vital for society's development. Additionally, it fosters creativity and inventiveness. Although convention for protecting intellectual property was first adopted in Paris in 1883 for the protection of industrial property.

Despite not participating in the Paris convention, India has now signed the TRIPS agreement and is able to apply the provision of "national treatment for nationals of other members", as part of the TRIPS agreement.² Patent law plays an important role in the growth of a country. As science and technology have advanced and computer software development has changed drastically, patent law has also become an important discipline of international trade and commerce because with the shift from the process to the product patent, it has tried to keep pace with the changes in technology. It differs greatly

¹ Jayashree watal, Intellectual property rights in WTO and developing countries 1(oxford 2001).

² Agreement of Trade related Aspects of Intellectual Property Rights, 1994.

*Asst. Prof. at Tagore Public Law College, Kotputli