

Hyderabad  
28 July 2011

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**Re: Comments on discussion paper issued by Department of Industrial Policy & Promotion on Utility Models**

At the outset, I appreciate the inclusive approach adopted by the Department of Industrial Policy & Promotion to seek opinions from wide range of stakeholders across the country. It is very encouraging and has triggered and evoked a nationwide debate on the need for having a Utility model protection in India. I also appreciate the comments posted by experts around the world on the methodology to be adopted before we embark on this important journey.

There is a statistical data provided in the discussion paper which highlights the percentage of Indian patents granted & owned. But in today's globalised economy when Innovations pour in from various parts of the world - I would like to emphasise the point that, we are not yet fully prepared with research based facts figures on whether existing Patents & design acts & its enforcement mechanism is **inadequate to address** the requirement of protecting the incremental innovations or "Utility Models". It is first important to establish the limitations over and above the statistics of patents filed and granted. before we move on to the next legislation.

It is important that we first prepare a quick consultative mechanism to examine the following **shortcomings in the existing IP laws & the overall ecosystem**. There are several questions which are still unanswered :

1. From the history of patent grants in India – Have we ever accommodated incremental Innovations – If so, how many and their current status India. Careful analysis will reveal that there are examples of such patents already been granted in India. If so: what is the present status as far as its commercial exploitation & enforcement mechanism is concerned?
2. How best the enforcement mechanism of the Utility Patents have been successful in the other countries. The Point that enforcement mechanism is

important because if the grant procedure is simplified – how do we effectively enforce and take measures against infringement?

3. What are the limitations in the existing Patents act which does not accommodate the Incremental Innovations? If so, how effectively either the patents acts or the design act could be amended to include the scope for protection of the Incremental Innovations. This will also help in effective utilisation of manpower and Infrastructure at the Indian IP Offices.

Therefore there is a need to do an interim nationwide consultation & quality based research to point out and establish the inadequacies in the existing models and emphasise the need to have a separate model for protection of Incremental Innovations. We all have accepted there is a need, but it must be backed up more detail scientific & research based information.

I am sure this interim approach will open up new ideas and pave way for an “India centric model for Utility models”. We have several successful cases all over the world but how best these models address the needs of Indian Innovators and MSME – This will be the underlying point and we must be well prepared as a nation to address this point!

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