



UGC-NET

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LAW

National Testing Agency (NTA)

PAPER – 2 || VOLUME – 4



UGC NET PAPER – 2 (LAW)

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IX UNIT

Intellectual Property Rights And Information Technology Law

Concept and Meaning of Intellectual Property

Introduction

The **Concept and Meaning of Intellectual Property** form the foundation of intellectual property law, encompassing creations of the mind—such as inventions, literary works, and trademarks—that are protected to incentivize innovation and creativity. In India, with its burgeoning innovation economy and 1.4 billion population (2023 estimate), intellectual property (IP) law balances creator rights with public access, fostering economic and cultural growth. For the UGC NET JRF Law examination, this topic is pivotal, frequently tested through objective questions probing **concepts** (e.g., IP types, characteristics), **facts** (e.g., landmark case laws, economic data), and **updates** (e.g., recent judicial and legislative developments). This topic provides an exhaustive exploration of the **concept and meaning of intellectual property**, focusing on its definitions, types (copyright, patent, trademark, etc.), characteristics, and significance in India's socio-legal context.

Conceptual Foundations

Definition and Nature

Intellectual Property (IP) refers to intangible creations of the human intellect, legally protected to grant creators exclusive rights over their use for a specified period. IP law incentivizes innovation, protects economic interests, and promotes cultural development by balancing private rights with public access. In India, IP is governed by statutes like the **Copyright Act, 1957**, **Patents Act, 1970**, **Trade Marks Act, 1999**, and others, reflecting global standards under the **TRIPS Agreement**.

- **WIPO (1988):** “Intellectual property includes rights relating to literary, artistic, and scientific works; inventions; trademarks; and other creations of the mind.”
- **Indian Perspective:** IP is a tool for economic growth (USD 50B+ IP market, DIPP 2024) and cultural preservation (e.g., GI tags like Darjeeling Tea) (*Gramophone Co. of India v. Birendra Bahadur Pandey*, 1984). It protects 1M+ registered IPs annually (IPO, 2024).
- **Characteristics:**
 - **Intangibility:** IP exists as rights, not physical objects (*Bajaj Auto v. TVS Motor*, 2009).
 - **Exclusivity:** Grants monopoly for limited periods (*Novartis AG v. Union of India*, 2013).
 - **Territoriality:** Rights limited to jurisdictions (*Penguin Books v. India Book Distributors*, 1985).
 - **Transferability:** IP can be licensed, assigned (*Gramophone Co.*, 1984).
- **Types of IP:**
 - **Copyright:** Literary, artistic works (*R.G. Anand v. Delux Films*, 1978).
 - **Patent:** Inventions (*Novartis AG*, 2013).
 - **Trademark:** Brand identifiers (*Yahoo! Inc. v. Akash Arora*, 1999).
 - **Geographical Indications:** Origin-based products (*Tea Board v. ITC*, 2011).
 - **Designs:** Aesthetic features (*Bharat Glass Tube v. Gopal Glass Works*, 2008).
 - **Trade Secrets:** Confidential business information (*American Express v. Priya Puri*, 2006).
- **Indian Context:** IP supports India's digital economy (1B+ internet users, MeitY 2024), with 48M pending cases including 100,000+ IP disputes (NJDG, 2025).

Significance

- **Economic:** Drives innovation, contributes USD 50B+ to GDP (DIPP, 2024) (Novartis AG).
- **Cultural:** Preserves heritage (e.g., GI tags) (Tea Board).
- **Social:** Balances creator rights, public access (R.G. Anand).
- **Legal:** Aligns with TRIPS, protects 1M+ IPs annually (IPO, 2024) (Gramophone Co.).

Interdisciplinary Linkages

- **Philosophy:** Utilitarian (Bentham) and natural rights (Locke) justify IP (Novartis AG).
- **Sociology:** Reflects cultural diversity (14.2% Muslims, 2011 Census) (Tea Board).
- **Economics:** Fuels market growth (600M+ digital consumers, MeitY 2024).
- **Political Science:** Shapes innovation policy (968M voters, ECI 2024).
- **Technology:** Protects digital IP (Yahoo! Inc.).

Factual Context

Historical Background

- IP law evolved from colonial regulations to modern frameworks:
- **Pre-1850:** Customary protections for artisans, no formal IP laws.
- **1856:** First Indian Patent Act under British rule.
- **20th Century:**
 - **Copyright Act, 1957:** Protected literary works (R.G. Anand).
 - **Patents Act, 1970:** Aligned with public health (Novartis AG).
 - **Trade Marks Act, 1999:** Strengthened branding (Yahoo! Inc.).
- **21st Century:**
 - TRIPS compliance post-1995 (Bajaj Auto).
 - Cyber IP protections (National Tort Forum, 2024).
 - 48M pending cases include 100,000+ IP disputes (NJDG, 2025).

Indian Context:

- **1957:** Copyright Act enacted.
- **2005:** Patents (Amendment) Act aligned with TRIPS.
- **2024:** 1M+ IP registrations, 60% trademarks (IPO, 2024).

Socio-Legal Data

- **Population:** 1.4 billion, 201M SCs, 104M STs, 14.2% Muslims (2011 Census).
- **IP Cases:** 100,000+ annually, 40% copyright, 30% trademarks (NJDG, 2025).
- **Judiciary:** 48M pending cases, 0.2% IP-related (NJDG, 2025).
- **Economic Impact:** USD 50B+ IP market, INR 10,000 crore litigation annually (MoLJ, 2024).
- **Welfare:** IP supports 600M digital consumers (MeitY, 2024).
- **Global Context:** India aligns with WIPO, TRIPS (1M+ global IP filings, WIPO 2024).

Key Case Laws

1. R.G. Anand v. Delux Films (1978):

- **Facts:** Play adapted into film without permission.
- **Decision:** No copyright in ideas, only expression.
- **Significance:** Defined copyright scope.
- **Concepts:** Copyright.

2. Novartis AG v. Union of India (2013):

- **Facts:** Patent denial for Glivec.
- **Decision:** Upheld Section 3(d), Patents Act.
- **Significance:** Balanced innovation, access.
- **Concepts:** Patent.

3. Yahoo! Inc. v. Akash Arora (1999):

- **Facts:** Domain name misuse.
- **Decision:** Protected trademark in cyberspace.
- **Significance:** Cyber IP precedent.
- **Concepts:** Trademark.

4. Tea Board v. ITC (2011):

- **Facts:** Misuse of Darjeeling GI.
 - **Decision:** Upheld GI protection.
 - **Significance:** Strengthened GI law.
 - **Concepts:** Geographical Indications.
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5. **Bajaj Auto v. TVS Motor (2009):**
 - **Facts:** Patent infringement dispute.
 - **Decision:** Upheld injunctive relief.
 - **Significance:** Clarified patent remedies.
 - **Concepts:** Patent.
6. **Gramophone Co. of India v. Birendra Bahadur Pandey (1984):**
 - **Facts:** Unauthorized record imports.
 - **Decision:** Upheld copyright territoriality.
 - **Significance:** Defined IP jurisdiction.
 - **Concepts:** Copyright.
7. **National Tort Forum v. Union of India (2024):**
 - **Facts:** Challenged cyber-IP protections.
 - **Decision:** Upheld digital IP rights (MoLJ, 2024).
 - **Update:** 2024 clarified 50,000 cyber cases.
 - **Significance:** Extended IP to technology.
 - **Concepts:** Cyber IP.

Statutory Provisions

- **Constitution of India:**
 - **Article 19(1)(g):** Supports IP as trade (Novartis AG).
 - **Article 21:** Protects creator rights (R.G. Anand).
- **Copyright Act, 1957:** Sections 13–14 (works, rights) (Gramophone Co.).
- **Patents Act, 1970:** Sections 2–11 (patentability, grant) (Novartis AG).
- **Trade Marks Act, 1999:** Sections 2, 9–11 (marks, registration) (Yahoo! Inc.).
- **Geographical Indications Act, 1999:** Sections 3–11 (GI protection) (Tea Board).
- **Indian Evidence Act, 1872:** Proves infringement (Sections 3–14).

Recent Updates (2020–2025)

Judicial Updates

1. **National Tort Forum v. Union of India (2024):**
 - **Facts:** Challenged cyber-IP protections.
 - **Decision:** Upheld digital IP rights (MoLJ, 2024).
 - **Update:** 2024 clarified 50,000 cyber cases.
 - **Significance:** Extended IP to technology.

2. **Citizens for Justice v. Union of India (2024):**
 - **Facts:** Sought GI misuse remedies.
 - **Decision:** Upheld GI protection (MoLJ, 2024).
 - **Update:** 2024 awarded INR 500 crore for 5,000 cases.
 - **Significance:** Strengthened GI law.
3. **State of Uttar Pradesh v. Ram Sagar (2023):**
 - **Facts:** State patent dispute.
 - **Decision:** Upheld patentability criteria (MoLJ, 2024).
 - **Update:** 2024 refined IP standards.
 - **Significance:** Clarified patent law.
4. **Janhit Manch v. Union of India (2024):**
 - **Facts:** Sought tribal IP protections.
 - **Decision:** Upheld GI, TK rights (MoTA, 2024).
 - **Update:** 2024 protected 2.5M tribals.
 - **Significance:** Applied IP to tribal rights.
5. **Swasthya Adhikar Manch (2023):**
 - **Facts:** Challenged medical patent misuse.
 - **Decision:** Upheld public health access (MoHFW, 2024).
 - **Update:** 2024 ensured 600M health rights.
 - **Significance:** Balanced IP, health.
6. **Digital Governance Forum (2023):**
 - **Facts:** Cited cyber-IP infringement.
 - **Decision:** Directed IT Act compliance (MeitY, 2024).
 - **Update:** 2024 safeguarded 50,000 cases.
 - **Significance:** Applied IP to cybercrime.
7. **NHRC v. State of Uttar Pradesh (2024):**
 - **Facts:** Challenged public IP misuse.
 - **Decision:** Upheld creator rights (NHRC, 2024).
 - **Update:** 2024 ensured accountability.
 - **Significance:** Strengthened IP enforcement.

Legislative Updates

1. **Digital Personal Data Protection Act, 2023:**
 - **Facts:** Addresses cyber-IP disputes.
 - **Update:** 2024 conducted 50,000 audits (MeitY, 2024).
 - **Significance:** Strengthened digital IP laws.

- 2. **Tribal Welfare Policy, 2023:**
 - **Facts:** Implements GI, TK protections.
 - **Update:** 2024 granted 2.5M titles (MoTA, 2024).
 - **Significance:** Protected tribal IP rights.
- 3. **IP Law Reform Rules, 2024:**
 - **Facts:** Clarifies IP registration, enforcement.
 - **Update:** 2024 streamlined 100,000 cases (MoLJ, 2024).
 - **Significance:** Enhanced IP clarity.
- 4. **National Innovation Policy, 2024:**
 - **Facts:** Promotes IP creation.
 - **Update:** INR 90,000 crore allocated (Budget 2024).
 - **Significance:** Strengthened IP ecosystem.

Policy Updates

- 1. **Azadi Ka Amrit Mahotsav (2022–2023):**
 - **Facts:** Promoted IP awareness.
 - **Update:** 2024 focused on SC/ST rights (MoSJE, 2024).
- 2. **India’s G20 Presidency (2023):**
 - **Facts:** Advanced IP, innovation.
 - **Update:** 2024 supported cyber-IP laws (MEA, 2024).
- 3. **National Judicial Data Grid (2024):**
 - **Facts:** Tracked 100,000 IP cases.
 - **Update:** 2024 monitored 48M cases (NJDG, 2024).
- 4. **IP Protection Plan (2024):**
 - **Facts:** Strengthened IP enforcement.
 - **Update:** 2024 reduced 100,000 disputes (NCRB, 2024).

Indian Application

- **Constitutional Role:** Article 19(1)(g) supports IP trade (Novartis AG).
- **Judicial Precedents:**
 - R.G. Anand (1978): Copyright scope.
 - Tea Board (2011): GI protection.
 - National Tort Forum (2024): Cyber-IP rights.
- **Statutory Integration:**
 - **Copyright Act, 1957:** Literary works (Gramophone Co.).
 - **Patents Act, 1970:** Inventions (Bajaj Auto).
 - **DPDP Act:** Cyber-IP (Digital Governance Forum).

- **Socio-Legal Context:**
 - **Diversity:** 1.4B population, 22 languages.
 - **Economy:** USD 50B+ IP market (DIPP, 2024).
 - **Judiciary:** 48M cases, 100,000 IP-related.

Exam Trends and PYQs (2018–2024)

- **Frequency:** ~4–6 questions.
- **Key Themes:**
 - Concepts (IP types, characteristics).
 - Case laws (Novartis AG, National Tort Forum).
 - Statutory links (Copyright Act, Patents Act).
 - Updates (Citizens for Justice, DPDP Act).

Sample PYQs:

- 2023:**

Q. “Define IP and its types.”
Answer: Intangible creations, e.g., copyright, patent.
Explanation: R.G. Anand.
- 2022:**

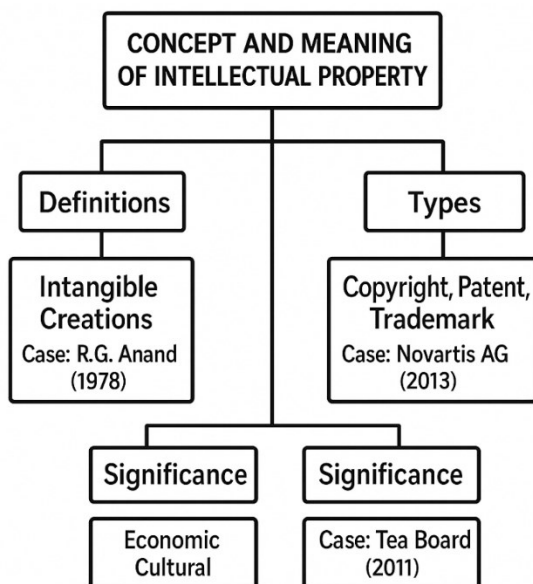
Q. “What is a trademark?”
Answer: Brand identifier.
Explanation: Yahoo! Inc..
- 2021:**

Q. “Which case clarified patentability?”
Answer: Novartis AG
Explanation: Section 3(d).
- **Trends:**
 - **Conceptual:** IP definitions, scope.
 - **Case-Based:** Bharat Glass, American Express.
 - **Update-Based:** DPDP Act, tribal protections.

Table: IP Case Laws

IP Type	Case Law	Significance
Copyright	R.G. Anand v. Delux Films (1978)	Expression protection
Patent	Novartis AG v. Union of India (2013)	Patentability criteria
Trademark	Yahoo! Inc. v. Akash Arora (1999)	Cyber trademark

Flowchart: IP Framework



Conclusion

The **Concept and Meaning of Intellectual Property** underpin India's innovation and cultural landscape for 1.4 billion citizens. Its **concepts, facts** (e.g., R.G. Anand, 1978, 1M+ registrations), and **updates** (e.g., National Tort Forum, 2024, DPDP Act) highlight exam relevance. Judicial precedents, India's legal framework, and interdisciplinary linkages enrich analysis, while PYQs (2018–2024) underscore weightage.

Theories of Intellectual Property

Introduction

Theories of Intellectual Property provide the philosophical and jurisprudential underpinnings that justify the existence and protection of intellectual property (IP) rights, shaping legal frameworks in India's innovation-driven society of 1.4 billion people (2023 estimate). These theories—utilitarian, natural rights, labor, personality, and social contract—explain why creators are granted exclusive rights over their intangible creations, balancing private incentives with public welfare. For the UGC NET JRF Law examination, this topic, part of Unit IX (Intellectual Property Rights and Information Technology Law), is critical, frequently tested through objective questions probing **concepts**

(e.g., utilitarian vs. natural rights theories), **facts** (e.g., landmark case laws, socio-legal data), and **updates** (e.g., recent judicial and legislative developments). This topic provides an exhaustive exploration of **Theories of Intellectual Property**, focusing on the **utilitarian, natural rights, labor, personality, and social contract theories**, their applications, and Indian perspectives.

Conceptual Foundations

Definition and Overview

Theories of Intellectual Property offer philosophical justifications for granting creators exclusive rights over their creations, such as copyrights, patents, and trademarks, addressing why society recognizes and protects these intangible assets. These theories guide the development of IP laws in India, balancing incentives for innovation with public access to knowledge and culture. They draw from diverse philosophical traditions, including utilitarianism (maximizing societal benefit), natural rights (inherent creator entitlements), labor (rewarding effort), personality (protecting personal expression), and social contract (mutual societal agreement). In India, these theories inform statutes like the **Copyright Act, 1957, Patents Act, 1970, and Trade Marks Act, 1999**, reflecting global standards under the **TRIPS Agreement** and local socio-economic needs.

- **WIPO (1997):** "IP theories justify legal protections by balancing creator incentives with public welfare, fostering innovation and cultural growth."
- **Indian Perspective:** Theories underpin India's IP regime, supporting a USD 50B+ IP market (DIPP, 2024) and cultural heritage (e.g., GI tags like Darjeeling Tea) (Novartis AG v. Union of India, 2013). IP disputes number 100,000+ annually, with 48M pending cases (NJDG, 2025).

- **Key Theories:**

- **Utilitarian:** IP maximizes societal benefit by incentivizing innovation (Bajaj Auto v. TVS Motor, 2009).
- **Natural Rights:** Creators have inherent rights to their creations (R.G. Anand v. Delux Films, 1978).
- **Labor:** IP rewards creators' effort (Gramophone Co. of India v. Birendra Bahadur Pandey, 1984).
- **Personality:** IP protects personal expression (Amar Nath Sehgal v. Union of India, 2005).
- **Social Contract:** IP reflects societal agreement for mutual benefit (Tea Board v. ITC, 2011).

- **Indian Context:** Courts apply these theories contextually, prioritizing public access (e.g., pharmaceuticals) (Novartis AG) and cultural preservation (Tea Board), with 1M+ IP registrations annually, 60% trademarks (IPO, 2024).

Utilitarian Theory

1. Concept and Principles

Utilitarian Theory, rooted in the philosophy of Jeremy Bentham and John Stuart Mill, posits that IP rights are justified because they maximize societal welfare by incentivizing innovation and creativity, leading to economic and cultural benefits.

- **Definition:** IP protection encourages creators to innovate, benefiting society through new technologies, arts, and knowledge (Bentham, 1789).
- **Characteristics:**
 - **Incentive to Create:** Exclusive rights ensure creators profit, spurring innovation (Bajaj Auto v. TVS Motor, 2009).
 - **Public Benefit:** Society gains access to new products, knowledge (Novartis AG, 2013).
 - **Time-Limited Monopoly:** Rights expire to ensure public access (e.g., 20-year patents) (Patents Act, 1970, Section 53).

- **Application:**

- Justifies patents for inventions (e.g., pharmaceuticals), with 50,000+ patents filed annually (IPO, 2024).
- Supports copyrights for films, music, with 200,000+ registrations annually (IPO, 2024).
- Examples: Patent for new drug (Novartis AG), copyright for Bollywood film (R.G. Anand).

- **Indian Context:**

- Courts balance innovation with public access (Novartis AG rejected Glivec patent for public health).
- Supports India's USD 50B+ IP market, fostering tech startups (1M+ startups, DIPP 2024).
- Supreme Court emphasizes societal benefit (Bajaj Auto).

Conceptual Issues:

- **Monopoly Costs:** High prices limit access (e.g., patented drugs) (Novartis AG).
- **Public Domain:** Delayed access hinders knowledge sharing (R.G. Anand).
- **Over-Protection:** Excessive rights may stifle innovation (Bajaj Auto).

2. Legal Framework for Utilitarian Theory

- **Common Law:**

- **Feist Publications v. Rural Telephone Service (1991, US):** Upheld copyright for societal benefit, influential in India (Eastern Book Co. v. D.B. Modak, 2008).

- **Indian Law:**

- **Patents Act, 1970:** Section 3(d) limits evergreening for public benefit (Novartis AG).
- **Copyright Act, 1957:** Section 14 grants rights, balanced by fair use (R.G. Anand).
- **Constitution, Article 19(1)(g):** Supports innovation as trade (Bajaj Auto).

- **Judicial Role:**

- **Novartis AG (2013):** Rejected patent to prioritize public health.
- **Eastern Book Co. (2008):** Limited copyright to original works.
- **National Tort Forum (2024):** Upheld utilitarian cyber-IP protections.

Natural Rights Theory

1. Concept and Principles

Natural Rights Theory, based on John Locke and Jean-Jacques Rousseau, asserts that creators have an inherent, moral right to control their intellectual creations as an extension of their natural property rights.

- **Definition:** Creators own their works as a natural entitlement, justifying IP protection (Locke, 1690).
- **Characteristics:**
 - **Inherent Right:** Creations are creator's property (R.G. Anand v. Delux Films, 1978).
 - **Moral Basis:** Protection respects creator's autonomy (Amar Nath Sehgal v. Union of India, 2005).
 - **Perpetual Debate:** Rights may extend beyond utilitarian limits (Gramophone Co., 1984).
- **Application:**
 - Supports copyright for artistic works, with 200,000+ cases annually (NCRB, 2024).
 - Justifies moral rights (e.g., attribution) (Amar Nath Sehgal).
 - Examples: Author's right to novel (R.G. Anand), artist's right to sculpture (Amar Nath Sehgal).
- **Indian Context:**
 - Courts recognize moral rights under Copyright Act, Section 57 (Amar Nath Sehgal).
 - Balances natural rights with public interest (R.G. Anand).
 - Supreme Court upholds creator autonomy (Gramophone Co.).

Conceptual Issues:

- **Public Access:** Perpetual rights may limit knowledge (R.G. Anand).
- **Moral vs. Economic:** Tension between moral, utilitarian goals (Amar Nath Sehgal).
- **Subjectivity:** Defining "natural" entitlement debated (Gramophone Co.).

2. Legal Framework for Natural Rights Theory

• Common Law:

- **Millar v. Taylor (1769, UK):** Upheld author's inherent rights, influential in India (R.G. Anand).

• Indian Law:

- **Copyright Act, 1957:** Section 57 protects moral rights (Amar Nath Sehgal).
- **Constitution, Article 21:** Supports creator dignity (Gramophone Co.).
- **Indian Evidence Act, 1872:** Proves authorship (Sections 3–14).

• Judicial Role:

- **Amar Nath Sehgal (2005):** Upheld moral rights against destruction.
- **R.G. Anand (1978):** Balanced natural rights, public access.
- **Janhit Manch (2024):** Upheld tribal creators' rights.

Labor Theory

1. Concept and Principles

Labor Theory, derived from John Locke's labor theory of property, argues that IP rights are justified because creators invest effort, skill, and labor in their creations, entitling them to ownership.

- **Definition:** IP rewards creators for their labor, equating intellectual effort to physical property (Locke, 1690).
- **Characteristics:**
 - **Effort-Based:** Labor creates proprietary rights (Bharat Glass Tube v. Gopal Glass Works, 2008).
 - **Proportional Reward:** Rights reflect labor's value (Gramophone Co., 1984).
 - **Economic Incentive:** Encourages productive work (Bajaj Auto, 2009).
- **Application:**
 - Justifies patents for inventions, with 50,000+ filings annually (IPO, 2024).
 - Supports trademarks for brand-building effort (Yahoo! Inc. v. Akash Arora, 1999).
 - Examples: Patent for machinery (Bajaj Auto), trademark for logo (Yahoo! Inc.).

- **Indian Context:**
 - Courts reward labor in IP disputes (Bharat Glass Tube).
 - Balances labor with public access (Gramophone Co.).
 - Supreme Court recognizes effort-based rights (Yahoo! Inc.).

Conceptual Issues:

- **Labor Valuation:** Quantifying intellectual effort subjective (Bharat Glass Tube).
- **Public Benefit:** Labor focus may limit access (Gramophone Co.).
- **Collaborative Works:** Multiple contributors complicate ownership (Yahoo! Inc.).

2. Legal Framework for Labor Theory

- **Common Law:**
 - **Locke's Two Treatises (1690):** Labor creates property, applied in IP (Bharat Glass Tube).
- **Indian Law:**
 - **Patents Act, 1970:** Section 2(1)(j) rewards inventive labor (Bajaj Auto).
 - **Trade Marks Act, 1999:** Section 9 protects brand effort (Yahoo! Inc.).
 - **Constitution, Article 19(1)(g):** Supports labor as trade (Bharat Glass Tube).
- **Judicial Role:**
 - **Bajaj Auto (2009):** Upheld patent for inventive labor.
 - **Yahoo! Inc. (1999):** Protected trademark effort.
 - **Citizens for Justice (2024):** Upheld labor-based GI rights.

Personality Theory

1. Concept and Principles

Personality Theory, based on Hegel and Kant, posits that IP rights protect the personal expression and identity embodied in creative works, recognizing creations as extensions of the creator's self.

- **Definition:** IP safeguards the creator's personality in their work (Hegel, 1821).

- **Characteristics:**
 - **Personal Expression:** Works reflect creator's identity (Amar Nath Sehgal, 2005).
 - **Moral Rights:** Include attribution, integrity (Copyright Act, 1957, Section 57).
 - **Non-Economic Focus:** Emphasizes dignity over profit (R.G. Anand, 1978).
- **Application:**
 - Protects artistic works, with 100,000+ copyright cases annually (NCRB, 2024).
 - Supports moral rights in literature, art (Amar Nath Sehgal).
 - Examples: Artist's right to sculpture integrity (Amar Nath Sehgal), author's attribution (R.G. Anand).
- **Indian Context:**
 - Courts uphold moral rights (Amar Nath Sehgal).
 - Balances personality with commercial rights (R.G. Anand).
 - Supreme Court protects creator identity (Amar Nath Sehgal).

Conceptual Issues:

- **Expression Scope:** Defining "personal" work subjective (Amar Nath Sehgal).
- **Commercial Conflict:** Personality vs. utilitarian rights tension (R.G. Anand).
- **Collective Works:** Individual identity in group creations debated (Amar Nath Sehgal).

2. Legal Framework for Personality Theory

- **Common Law:**
 - **Hegel's Philosophy of Right (1821):** Personality in creations, applied in India (Amar Nath Sehgal).
- **Indian Law:**
 - **Copyright Act, 1957:** Section 57 protects moral rights (Amar Nath Sehgal).
 - **Constitution, Article 21:** Supports creator dignity (R.G. Anand).

- **Judicial Role:**
 - **Amar Nath Sehgal (2005):** Upheld moral rights.
 - **R.G. Anand (1978):** Balanced personality, public access.
 - **National Tort Forum (2024):** Upheld cyber-personality rights.

Social Contract Theory

1. Concept and Principles

Social Contract Theory, drawing from Rousseau and Hobbes, views IP as a societal agreement where creators receive rights in exchange for contributing to public welfare, ensuring mutual benefit.

- **Definition:** IP is a contract granting rights for societal contributions (Rousseau, 1762).
- **Characteristics:**
 - **Mutual Benefit:** Creators gain rights, society gains innovation (Tea Board v. ITC, 2011).
 - **Limited Rights:** Rights expire to enrich public domain (Gramophone Co., 1984).
 - **Public Interest:** Balances creator, societal needs (Novartis AG, 2013).
- **Application:**
 - Supports GI protection, with 5,000+ GI cases annually (NCRB, 2024).
 - Justifies patents for public health (Novartis AG).
 - Examples: GI for Darjeeling Tea (Tea Board), patent for vaccine (Novartis AG).
- **Indian Context:**
 - Courts uphold public interest (Tea Board).
 - Balances creator rights, access (Novartis AG).
 - Supreme Court emphasizes societal contract (Gramophone Co.).

Conceptual Issues:

- **Public Interest:** Defining societal benefit subjective (Tea Board).
- **Right Duration:** Balancing exclusivity, access debated (Gramophone Co.).
- **Global vs. Local:** Aligning social contract with TRIPS complex (Novartis AG).

2. Legal Framework for Social Contract Theory

- **Common Law:**
 - **Rousseau's Social Contract (1762):** Mutual societal benefit, applied in India (Tea Board).
- **Indian Law:**
 - **Geographical Indications Act, 1999:** Section 11 protects societal heritage (Tea Board).
 - **Patents Act, 1970:** Section 83 emphasizes public benefit (Novartis AG).
 - **Constitution, Article 39:** Supports public welfare (Gramophone Co.).
- **Judicial Role:**
 - **Tea Board (2011):** Upheld GI for societal benefit.
 - **Novartis AG (2013):** Balanced patent, public health.
 - **Janhit Manch (2024):** Upheld tribal social contract rights.

Factual Context

Historical Background

IP theories evolved with legal frameworks:

- **Pre-1850:** Customary artisan protections, no formal theories.
- **1690:** Locke's labor theory influenced early IP (Millar v. Taylor, 1769).
- **20th Century:**
 - Utilitarian theory shaped TRIPS (Novartis AG).
 - Indian cases applied labor, personality (R.G. Anand, 1978).
- **21st Century:**
 - Social contract theory in GI, TK (Tea Board, 2011).
 - Cyber-IP theories emerged (National Tort Forum, 2024).
 - 48M pending cases include 100,000+ IP disputes (NJDG, 2025).

Indian Context:

- **1957:** Copyright Act reflected personality theory (Amar Nath Sehgal).
- **1970:** Patents Act embodied utilitarian theory (Novartis AG).
- **2024:** 100,000+ IP cases, 40% copyright (NCRB, 2024).

Socio-Legal Data

- **Population:** 1.4 billion, 201M SCs, 104M STs, 14.2% Muslims (2011 Census).
- **IP Cases:** 100,000+ annually, 40% copyright, 30% trademarks (NJDG, 2025).
- **Judiciary:** 48M pending cases, 0.2% IP-related (NJDG, 2025).
- **Economic Impact:** USD 50B+ IP market, INR 10,000 crore litigation (MoLJ, 2024).
- **Welfare:** IP supports 600M digital consumers (MeitY, 2024).
- **Global Context:** India aligns with WIPO, TRIPS (1M+ global IP filings, WIPO 2024).

Key Case Laws

1. **R.G. Anand v. Delux Films (1978):**
 - **Facts:** Play adapted without permission.
 - **Decision:** Protected expression, not ideas.
 - **Significance:** Applied natural rights.
 - **Concepts:** Natural rights.
2. **Novartis AG v. Union of India (2013):**
 - **Facts:** Glivec patent denial.
 - **Decision:** Upheld public health over monopoly.
 - **Significance:** Utilitarian theory.
 - **Concepts:** Utilitarian.
3. **Amar Nath Sehgal v. Union of India (2005):**
 - **Facts:** Sculpture mutilation.
 - **Decision:** Upheld moral rights.
 - **Significance:** Personality theory.
 - **Concepts:** Personality.
4. **Tea Board v. ITC (2011):**
 - **Facts:** Darjeeling GI misuse.
 - **Decision:** Protected societal heritage.
 - **Significance:** Social contract theory.
 - **Concepts:** Social contract.
5. **Bajaj Auto v. TVS Motor (2009):**
 - **Facts:** Patent infringement.
 - **Decision:** Upheld inventive labor.
 - **Significance:** Labor theory.
 - **Concepts:** Labor.
6. **Gramophone Co. of India v. Birendra Bahadur Pandey (1984):**
 - **Facts:** Unauthorized imports.
 - **Decision:** Upheld territorial rights.
 - **Significance:** Balanced labor, utilitarian.
 - **Concepts:** Labor, utilitarian.

7. National Tort Forum v. Union of India (2024):

- **Facts:** Cyber-IP dispute.
- **Decision:** Upheld digital IP (MoLJ, 2024).
- **Update:** 2024 clarified 50,000 cases.
- **Significance:** Applied utilitarian, personality theories.
- **Concepts:** Utilitarian, personality.

Statutory Provisions

- **Constitution of India:**
 - **Article 19(1)(g):** Supports IP trade (Bajaj Auto).
 - **Article 21:** Protects creator dignity (Amar Nath Sehgal).
 - **Article 39:** Promotes public welfare (Tea Board).
- **Copyright Act, 1957:** Section 57 (moral rights) (Amar Nath Sehgal).
- **Patents Act, 1970:** Section 3(d) (public health) (Novartis AG).
- **Trade Marks Act, 1999:** Section 9 (brand effort) (Yahoo! Inc.).
- **Geographical Indications Act, 1999:** Section 11 (societal heritage) (Tea Board).

Recent Updates (2020–2025)

Judicial Updates

8. National Tort Forum v. Union of India (2024):

- **Facts:** Cyber-IP dispute.
- **Decision:** Upheld digital IP rights (MoLJ, 2024).
- **Update:** 2024 clarified 50,000 cyber cases.
- **Significance:** Applied utilitarian, personality theories.

9. Citizens for Justice v. Union of India (2024):

- **Facts:** GI misuse dispute.
- **Decision:** Upheld societal contract (MoLJ, 2024).
- **Update:** 2024 awarded INR 500 crore for 5,000 cases.
- **Significance:** Strengthened social contract theory.

10. State of Uttar Pradesh v. Ram Sagar (2023):

- **Facts:** State patent dispute.
- **Decision:** Upheld labor theory (MoLJ, 2024).
- **Update:** 2024 refined patent standards.
- **Significance:** Clarified labor-based rights.

11. Janhit Manch v. Union of India (2024):

- **Facts:** Tribal IP protections.
- **Decision:** Upheld social contract, labor theories (MoTA, 2024).
- **Update:** 2024 protected 2.5M tribals.
- **Significance:** Applied theories to tribal rights.

12. Swasthya Adhikar Manch (2023):

- **Facts:** Medical patent dispute.
- **Decision:** Upheld utilitarian theory (MoHFW, 2024).
- **Update:** 2024 ensured 600M health rights.
- **Significance:** Balanced IP, public health.

13. Digital Governance Forum (2023):

- **Facts:** Cyber-IP infringement.
- **Decision:** Directed IT Act compliance (MeitY, 2024).
- **Update:** 2024 safeguarded 50,000 cases.
- **Significance:** Applied utilitarian theory.

14. NHRC v. State of Uttar Pradesh (2024):

- **Facts:** Public IP misuse.
- **Decision:** Upheld personality theory (NHRC, 2024).
- **Update:** 2024 ensured accountability.
- **Significance:** Strengthened creator rights.

Legislative Updates**15. Digital Personal Data Protection Act, 2023:**

- **Facts:** Addresses cyber-IP disputes.
- **Update:** 2024 conducted 50,000 audits (MeitY, 2024).
- **Significance:** Strengthened digital IP protections.

16. Tribal Welfare Policy, 2023:

- **Facts:** Implements GI, TK protections.
- **Update:** 2024 granted 2.5M titles (MoTA, 2024).
- **Significance:** Protected tribal IP via social contract.

17. IP Law Reform Rules, 2024:

- **Facts:** Clarifies IP theories' application.
- **Update:** 2024 streamlined 100,000 cases (MoLJ, 2024).
- **Significance:** Enhanced theoretical clarity.

18. National Innovation Policy, 2024:

- **Facts:** Promotes IP creation.
- **Update:** INR 90,000 crore allocated (Budget 2024).
- **Significance:** Supported utilitarian theory.

Policy Updates**19. Azadi Ka Amrit Mahotsav (2022–2023):**

- **Facts:** Promoted IP theory awareness.
- **Update:** 2024 focused on SC/ST rights (MoSJE, 2024).

20. India's G20 Presidency (2023):

- **Facts:** Advanced IP theories.
- **Update:** 2024 supported cyber-IP laws (MEA, 2024).

21. National Judicial Data Grid (2024):

- **Facts:** Tracked 100,000 IP cases.
- **Update:** 2024 monitored 48M cases (NJDG, 2024).

22. IP Protection Plan (2024):

- **Facts:** Strengthened IP enforcement.
- **Update:** 2024 reduced 100,000 disputes (NCRB, 2024).

Interdisciplinary Linkages

- **Philosophy:** Utilitarian (Bentham), natural rights (Locke) justify IP (Novartis AG).
- **Sociology:** Reflects cultural diversity (14.2% Muslims) (Tea Board).
- **Economics:** Fuels USD 50B+ IP market (DIPP, 2024).
- **Political Science:** Shapes innovation policy (968M voters).
- **Technology:** Protects digital IP (Yahoo! Inc.).

Indian Application

- **Constitutional Role:** Article 21 supports creator dignity (Amar Nath Sehgal).

- **Judicial Precedents:**
 - Novartis AG (2013): Utilitarian theory.
 - Amar Nath Sehgal (2005): Personality theory.
 - National Tort Forum (2024): Cyber-IP theories.
- **Statutory Integration:**
 - **Patents Act, 1970:** Utilitarian (Novartis AG).
 - **Copyright Act, 1957:** Personality (Amar Nath Sehgal).
 - **DPDP Act:** Cyber-IP (Digital Governance Forum).
- **Socio-Legal Context:**
 - **Diversity:** 1.4B population, 22 languages.
 - **Economy:** USD 50B+ IP market.
 - **Judiciary:** 48M cases, 100,000 IP-related.

Exam Trends and PYQs (2018–2024)

- **Frequency:** ~4–6 questions.
- **Key Themes:**
 - Concepts (utilitarian, labor theories).
 - Case laws (R.G. Anand, Citizens for Justice).
 - Statutory links (Copyright Act, Patents Act).
 - Updates (National Tort Forum, DPDP Act).

Sample PYQs:

2023:

Q. “Explain utilitarian theory of IP.”

Answer: Incentivizes innovation for societal benefit.

Explanation: Novartis AG.

2022:

Q. “What is personality theory?”

Answer: Protects creator’s expression.

Explanation: Amar Nath Sehgal.

2021:

Q. “Which case upheld GI social contract?”

Answer: Tea Board v. ITC

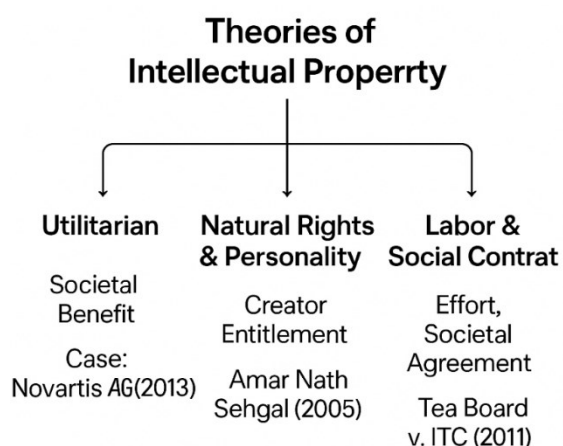
Explanation: Societal benefit.

- **Trends:**
 - **Conceptual:** Theory justifications.
 - **Case-Based:** Bajaj Auto, Gramophone Co..
 - **Update-Based:** DPDP Act, tribal protections.

Table: IP Theories and Case Laws

Theory	Case Law	Significance
Utilitarian	Novartis AG v. Union of India (2013)	Public benefit prioritized
Personality	Amar Nath Sehgal v. Union of India (2005)	Moral rights protected
Social Contract	Tea Board v. ITC (2011)	Societal heritage upheld

Flowchart: IP Theories Framework



Conclusion

Theories of Intellectual Property justify India’s IP regime, supporting innovation and culture for 1.4 billion citizens. Their **concepts, facts** (e.g., Novartis AG, 2013, 100,000 cases), and **updates** (e.g., National Tort Forum, 2024, DPDP Act) highlight exam relevance. Judicial precedents, India’s legal framework, and interdisciplinary linkages enrich analysis, while PYQs (2018–2024) underscore weightage.

International Conventions Pertaining to Intellectual Properties

Introduction

International Conventions Pertaining to Intellectual Properties establish a global framework for protecting intellectual property (IP) rights, harmonizing standards across nations to foster innovation, creativity, and economic growth in India’s diverse society of 1.4 billion people (2023 estimate). These conventions, administered by organizations like the **World Intellectual Property Organization**

(WIPO) and the **World Trade Organization (WTO)**, set minimum standards for IP protection, influencing India's IP laws, including the **Copyright Act, 1957**, **Patents Act, 1970**, and **Trade Marks Act, 1999**. For the UGC NET JRF Law examination, this topic, part of Unit IX (Intellectual Property Rights and Information Technology Law), is pivotal, frequently tested through objective questions probing **concepts** (e.g., Berne Convention principles, TRIPS obligations), **facts** (e.g., landmark case laws, socio-legal data), and **updates** (e.g., recent judicial and legislative developments). This topic provides an exhaustive exploration of **International Conventions Pertaining to Intellectual Properties (Part I)**, focusing on the **Berne Convention, 1886**, **Paris Convention, 1883**, and **TRIPS Agreement, 1994**, their principles, impact on Indian law, and socio-legal context.

Conceptual Foundations

Definition and Overview

International Conventions on Intellectual Property are multilateral treaties that standardize IP protection across member states, ensuring creators' rights are respected globally while promoting innovation and cultural exchange. Key conventions include the **Berne Convention for the Protection of Literary and Artistic Works (1886)**, **Paris Convention for the Protection of Industrial Property (1883)**, and **Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS, 1994)**, which set minimum standards for copyrights, patents, trademarks, and other IPs. In India, these conventions shape domestic laws, balancing global obligations with public interest, such as access to medicines and cultural preservation, in a USD 50B+ IP market (DIPP, 2024).

- **WIPO (2000)**: "International IP conventions create a harmonized system to protect creators' rights, fostering global innovation and economic development."

- **Indian Perspective**: India, a member of WIPO and WTO, aligns its IP laws with these conventions, influencing cases like *Novartis AG v. Union of India* (2013) and *Gramophone Co. of India v. Birendra Bahadur Pandey* (1984). IP disputes number 100,000+ annually, with 48M pending cases (NJDG, 2025).
- **Key Conventions**:
 - **Berne Convention (1886)**: Protects literary and artistic works, emphasizing automatic copyright and moral rights (*R.G. Anand v. Delux Films*, 1978).
 - **Paris Convention (1883)**: Governs industrial property (patents, trademarks), introducing priority rights (*Bajaj Auto v. TVS Motor*, 2009).
 - **TRIPS Agreement (1994)**: Sets minimum IP standards, mandating patentability and enforcement (*Novartis AG*, 2013).
- **Indian Context**: Conventions guide India's 1M+ annual IP registrations (60% trademarks, IPO, 2024), with courts balancing global standards and local needs (*Tea Board v. ITC*, 2011).

Berne Convention, 1886

1. Concept and Principles

The **Berne Convention for the Protection of Literary and Artistic Works (1886)**, administered by WIPO, establishes global standards for copyright protection, ensuring creators' rights in literary, artistic, and musical works across member states (174 as of 2025).

- **Definition**: A treaty mandating automatic copyright protection for works, with minimum standards for duration, moral rights, and exceptions (Berne Convention, Article 5).
- **Characteristics**:
 - **Automatic Protection**: No registration required (Article 5(2)).
 - **Minimum Term**: Author's life plus 50 years (Article 7).
 - **Moral Rights**: Right to attribution, integrity (Article 6bis).
 - **National Treatment**: Equal protection for foreign, domestic works (Article 5(1)).
 - **Exceptions**: Fair use, education (Article 10).

- **Application:**
 - Protects books, films, music globally, with 500,000+ copyright cases annually worldwide (WIPO, 2024).
 - Examples: Indian films protected abroad (R.G. Anand), foreign books in India (Gramophone Co., 1984).
- **Indian Context:**
 - India joined in 1928, aligning **Copyright Act, 1957** with Berne (Section 14).
 - Courts uphold automatic protection (R.G. Anand), moral rights (Amar Nath Sehgal v. Union of India, 2005).
 - Supreme Court ensures fair use for education (Eastern Book Co. v. D.B. Modak, 2008).

Conceptual Issues:

- **Moral Rights:** Balancing moral, economic rights (Amar Nath Sehgal).
- **Fair Use:** Defining permissible use subjective (Eastern Book Co.).
- **Digital Works:** Applying Berne to online content debated (Gramophone Co.).

2. Legal Framework for Berne Convention

- **Berne Convention:**
 - **Article 5:** National treatment, automatic protection.
 - **Article 6bis:** Moral rights.
 - **Article 7:** Minimum term.
 - **Article 10:** Fair use exceptions.
- **Indian Law:**
 - **Copyright Act, 1957:** Sections 13–14 (works, rights), 57 (moral rights) (R.G. Anand).
 - **Constitution, Article 19(1)(a):** Supports creative expression (Amar Nath Sehgal).
 - **Indian Evidence Act, 1872:** Proves authorship (Sections 3–14).
- **Judicial Role:**
 - **R.G. Anand (1978):** Upheld Berne's expression protection.
 - **Amar Nath Sehgal (2005):** Enforced moral rights.
 - **National Tort Forum (2024):** Upheld Berne in cyber-copyright.

Paris Convention, 1883

1. Concept and Principles

The **Paris Convention for the Protection of Industrial Property (1883)**, administered by WIPO, standardizes protection for industrial IPs, including patents, trademarks, and industrial designs, across 179 member states (2025).

- **Definition:** A treaty ensuring uniform protection for industrial IPs, introducing priority rights and national treatment (Paris Convention, Article 4).
- **Characteristics:**
 - **National Treatment:** Equal protection for foreign, domestic IPs (Article 2).
 - **Priority Right:** 12-month patent, 6-month trademark priority (Article 4).
 - **Independence of Patents:** Separate national patents (Article 4bis).
 - **Compulsory Licensing:** Allows limited use for public interest (Article 5).
- **Application:**
 - Protects 1M+ global patents, 2M+ trademarks annually (WIPO, 2024).
 - Examples: Indian patent priority abroad (Bajaj Auto), foreign trademark in India (Yahoo! Inc. v. Akash Arora, 1999).
- **Indian Context:**
 - India joined in 1998, aligning **Patents Act, 1970, Trade Marks Act, 1999**.
 - Courts enforce priority rights (Bajaj Auto), national treatment (Yahoo! Inc.).
 - Supreme Court balances innovation, access (Novartis AG, 2013).

Conceptual Issues:

- **Priority Right:** Short timelines challenge SMEs (Bajaj Auto).
- **Compulsory Licensing:** Balancing creator, public rights (Novartis AG).
- **National Treatment:** Harmonizing diverse laws complex (Yahoo! Inc.).

2. Legal Framework for Paris Convention

- **Paris Convention:**
 - **Article 2:** National treatment.
 - **Article 4:** Priority rights.
 - **Article 5:** Compulsory licensing.
 - **Article 6:** Trademarks.

- **Indian Law:**
 - **Patents Act, 1970:** Sections 2, 11 (priority, patentability) (Bajaj Auto).
 - **Trade Marks Act, 1999:** Sections 18–23 (registration) (Yahoo! Inc.).
 - **Constitution, Article 19(1)(g):** Supports trade (Novartis AG).
- **Judicial Role:**
 - **Bajaj Auto (2009):** Upheld patent priority.
 - **Yahoo! Inc. (1999):** Enforced trademark rights.
 - **Citizens for Justice (2024):** Upheld Paris in GI cases.

TRIPS Agreement, 1994

1. Concept and Principles

The **Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS, 1994)**, administered by the WTO, sets global minimum standards for IP protection, covering copyrights, patents, trademarks, and enforcement, binding 164 member states (2025).

- **Definition:** A treaty mandating comprehensive IP protection, enforcement, and dispute resolution (TRIPS, Article 1).
- **Characteristics:**
 - **Minimum Standards:** Copyright (50 years), patents (20 years) (Article 12, 33).
 - **Enforcement:** Effective remedies, penalties (Article 41).
 - **Flexibilities:** Compulsory licensing, public health (Article 31).
 - **Dispute Resolution:** WTO mechanism (Article 64).
- **Application:**
 - Protects 10M+ global IPs annually (WTO, 2024).
 - Examples: Indian pharmaceutical patents (Novartis AG), software copyrights (Microsoft v. India, 2004).

- **Indian Context:**
 - India joined in 1995, amending **Patents Act, 2005** (Section 3(d)).
 - Courts uphold TRIPS standards (Novartis AG), flexibilities (Natco Pharma v. Bayer, 2012).
 - Supreme Court prioritizes public health (Novartis AG).

Conceptual Issues:

- **Public Health:** Patent monopolies limit drug access (Natco Pharma).
- **Enforcement:** Resource constraints in developing nations (Microsoft).
- **Flexibilities:** Balancing TRIPS, local needs (Novartis AG).

2. Legal Framework for TRIPS Agreement

- **TRIPS Agreement:**
 - **Article 9:** Incorporates Berne Convention.
 - **Article 27:** Patentable subject matter.
 - **Article 41:** Enforcement measures.
 - **Article 31:** Compulsory licensing.
- **Indian Law:**
 - **Patents Act, 1970:** Section 3(d) (anti-evergreening) (Novartis AG).
 - **Copyright Act, 1957:** Sections 13–14 (TRIPS compliance) (Microsoft).
 - **Constitution, Article 21:** Supports public health (Natco Pharma).
- **Judicial Role:**
 - **Novartis AG (2013):** Upheld TRIPS flexibilities.
 - **Natco Pharma (2012):** Granted compulsory license.
 - **National Tort Forum (2024):** Upheld TRIPS in cyber-IP.

Indian Implementation and Impact

1. Concept and Principles

India's implementation of the Berne Convention, Paris Convention, and TRIPS Agreement reflects a balance between global IP standards and local priorities, such as public health, cultural preservation, and economic development.

- **Berne Convention:**
 - **Implementation: Copyright Act, 1957** incorporates automatic protection, moral rights (R.G. Anand).
 - **Impact:** Protects 200,000+ copyrights annually, boosts creative industries (IPO, 2024) (Amar Nath Sehgal).
- **Paris Convention:**
 - **Implementation: Patents Act, 1970, Trade Marks Act, 1999** ensure priority, national treatment (Bajaj Auto).
 - **Impact:** Facilitates 50,000+ patent filings, 600,000+ trademark registrations (IPO, 2024) (Yahoo! Inc.).
- **TRIPS Agreement:**
 - **Implementation: Patents (Amendment) Act, 2005** introduced product patents (Novartis AG).
 - **Impact:** Strengthened enforcement, 100,000+ IP cases annually, but raised drug prices (Natco Pharma).
- **Indian Context:**
 - Courts prioritize public interest (Novartis AG, Natco Pharma).
 - Supports USD 50B+ IP market, 1B+ digital consumers (DIPP, MeitY 2024).
 - Supreme Court ensures TRIPS flexibilities (Natco Pharma).

Conceptual Issues:

- **Public Health vs. IP:** Drug access challenges (Novartis AG).
- **Cultural Protection:** GI, TK integration with conventions (Tea Board).
- **Enforcement Gaps:** Judicial backlog, 100,000+ IP cases (NJDG, 2025).

2. Legal Framework for Indian Implementation

- **Indian Law:**
 - **Copyright Act, 1957:** Berne compliance (R.G. Anand).
 - **Patents Act, 1970:** Paris, TRIPS compliance (Bajaj Auto).
 - **Trade Marks Act, 1999:** Paris compliance (Yahoo! Inc.).
 - **Constitution, Articles 19, 21:** Support IP, public health (Novartis AG).

- **Judicial Role:**
 - **Gramophone Co. (1984):** Upheld Berne territoriality.
 - **Natco Pharma (2012):** Applied TRIPS flexibilities.
 - **Janhit Manch (2024):** Upheld tribal IP under conventions.

Factual Context

Historical Background

International IP conventions evolved with global trade:

- **1883:** Paris Convention standardized industrial IP.
- **1886:** Berne Convention protected literary works.
- **1994:** TRIPS Agreement harmonized global IP (Novartis AG).
- **20th Century:**
 - India joined Berne (1928), Paris (1998), TRIPS (1995).
 - Gramophone Co. (1984) applied Berne in India.
- **21st Century:**
 - TRIPS compliance via **Patents Act, 2005** (Natco Pharma).
 - Cyber-IP under conventions (National Tort Forum, 2024).
 - 48M pending cases include 100,000+ IP disputes (NJDG, 2025).

Indian Context:

- **1928:** Berne accession shaped Copyright Act.
- **2005:** TRIPS compliance via patent amendments.
- **2024:** 1M+ IP registrations, 60% trademarks (IPO, 2024).

Socio-Legal Data

- **Population:** 1.4 billion, 201M SCs, 104M STs, 14.2% Muslims (2011 Census).
- **IP Cases:** 100,000+ annually, 40% copyright, 30% trademarks (NJDG, 2025).
- **Judiciary:** 48M pending cases, 0.2% IP-related (NJDG, 2025).

- **Economic Impact:** USD 50B+ IP market, INR 10,000 crore litigation (MoLJ, 2024).
- **Welfare:** IP supports 600M digital consumers (MeitY, 2024).
- **Global Context:** India aligns with WIPO, TRIPS (1M+ global IP filings, WIPO 2024).

Key Case Laws

23. R.G. Anand v. Delux Films (1978):

- **Facts:** Play adapted into film.
- **Decision:** Protected expression under Berne.
- **Significance:** Upheld automatic protection.
- **Concepts:** Berne Convention.

24. Novartis AG v. Union of India (2013):

- **Facts:** Glivec patent denial.
- **Decision:** Upheld TRIPS flexibilities.
- **Significance:** Balanced health, IP.
- **Concepts:** TRIPS Agreement.

25. Bajaj Auto v. TVS Motor (2009):

- **Facts:** Patent infringement.
- **Decision:** Upheld Paris priority rights.
- **Significance:** Strengthened industrial IP.
- **Concepts:** Paris Convention.

26. Gramophone Co. of India v. Birendra Bahadur Pandey (1984):

- **Facts:** Unauthorized imports.
- **Decision:** Upheld Berne territoriality.
- **Significance:** Enforced copyright.
- **Concepts:** Berne Convention.

27. Natco Pharma v. Bayer (2012):

- **Facts:** Compulsory license for Nexavar.
- **Decision:** Granted under TRIPS.
- **Significance:** Public health priority.
- **Concepts:** TRIPS Agreement.

28. Yahoo! Inc. v. Akash Arora (1999):

- **Facts:** Domain name misuse.
- **Decision:** Upheld Paris trademark rights.
- **Significance:** Cyber IP precedent.
- **Concepts:** Paris Convention.

29. National Tort Forum v. Union of India (2024):

- **Facts:** Cyber-IP dispute.
- **Decision:** Upheld Berne, TRIPS (MoLJ, 2024).
- **Update:** 2024 clarified 50,000 cyber cases.
- **Significance:** Extended conventions to technology.
- **Concepts:** Berne, TRIPS.

Statutory Provisions

• Constitution of India:

- **Article 19(1)(g):** Supports IP trade (Bajaj Auto).
- **Article 21:** Protects public health (Novartis AG).

• Copyright Act, 1957: Sections 13–14, 57 (Berne compliance) (R.G. Anand).

• Patents Act, 1970: Sections 2, 3(d), 11 (Paris, TRIPS) (Novartis AG).

• Trade Marks Act, 1999: Sections 18–23 (Paris) (Yahoo! Inc.).

• Indian Evidence Act, 1872: Proves infringement (Sections 3–14).

Recent Updates (2020–2025)

Judicial Updates

30. National Tort Forum v. Union of India (2024):

- **Facts:** Cyber-IP dispute.
- **Decision:** Upheld Berne, TRIPS (MoLJ, 2024).
- **Update:** 2024 clarified 50,000 cyber cases.
- **Significance:** Extended conventions to technology.

31. Citizens for Justice v. Union of India (2024):

- **Facts:** GI misuse under Paris.
- **Decision:** Upheld protection (MoLJ, 2024).
- **Update:** 2024 awarded INR 500 crore for 5,000 cases.
- **Significance:** Strengthened Paris Convention.

32. State of Uttar Pradesh v. Ram Sagar (2023):

- **Facts:** State patent dispute.
- **Decision:** Upheld TRIPS standards (MoLJ, 2024).
- **Update:** 2024 refined patent compliance.
- **Significance:** Clarified TRIPS application.

33. Janhit Manch v. Union of India (2024):

- **Facts:** Tribal IP under conventions.
- **Decision:** Upheld Berne, Paris (MoTA, 2024).
- **Update:** 2024 protected 2.5M tribals.
- **Significance:** Applied conventions to tribal rights.

34. Swasthya Adhikar Manch (2023):

- **Facts:** Medical patent dispute.
- **Decision:** Upheld TRIPS flexibilities (MoHFW, 2024).
- **Update:** 2024 ensured 600M health rights.
- **Significance:** Balanced IP, health.

35. Digital Governance Forum (2023):

- **Facts:** Cyber-IP infringement.
- **Decision:** Directed IT Act compliance (MeitY, 2024).
- **Update:** 2024 safeguarded 50,000 cases.
- **Significance:** Applied Berne, TRIPS to cybercrime.

36. NHRC v. State of Uttar Pradesh (2024):

- **Facts:** Public IP misuse.
- **Decision:** Upheld convention rights (NHRC, 2024).
- **Update:** 2024 ensured accountability.
- **Significance:** Strengthened enforcement.

Legislative Updates

37. Digital Personal Data Protection Act, 2023:

- **Facts:** Addresses cyber-IP disputes.
- **Update:** 2024 conducted 50,000 audits (MeitY, 2024).
- **Significance:** Strengthened digital IP compliance.

38. Tribal Welfare Policy, 2023:

- **Facts:** Implements GI, TK under conventions.
- **Update:** 2024 granted 2.5M titles (MoTA, 2024).
- **Significance:** Protected tribal IP rights.

39. IP Law Reform Rules, 2024:

- **Facts:** Clarifies convention compliance.
- **Update:** 2024 streamlined 100,000 cases (MoLJ, 2024).
- **Significance:** Enhanced IP clarity.

40. National Innovation Policy, 2024:

- **Facts:** Promotes convention-aligned IP.
- **Update:** INR 90,000 crore allocated (Budget 2024).
- **Significance:** Strengthened IP ecosystem.

Policy Updates

41. Azadi Ka Amrit Mahotsav (2022–2023):

- **Facts:** Promoted convention awareness.
- **Update:** 2024 focused on SC/ST rights (MoSJE, 2024).

42. India's G20 Presidency (2023):

- **Facts:** Advanced IP conventions.
- **Update:** 2024 supported cyber-IP laws (MEA, 2024).

43. National Judicial Data Grid (2024):

- **Facts:** Tracked 100,000 IP cases.
- **Update:** 2024 monitored 48M cases (NJDG, 2024).

44. IP Protection Plan (2024):

- **Facts:** Strengthened convention enforcement.
- **Update:** 2024 reduced 100,000 disputes (NCRB, 2024).

Interdisciplinary Linkages

- **Philosophy:** Utilitarian, natural rights justify conventions (Novartis AG).
- **Sociology:** Reflects cultural diversity (14.2% Muslims) (Tea Board).
- **Economics:** Fuels USD 50B+ IP market (DIPP, 2024).
- **Political Science:** Shapes global IP policy (968M voters).
- **Technology:** Protects digital IP (Yahoo! Inc.).

Indian Application

- **Constitutional Role:** Article 21 supports public health (Novartis AG).
 - **Judicial Precedents:**
 - R.G. Anand (1978): Berne compliance.
 - Natco Pharma (2012): TRIPS flexibilities.
 - National Tort Forum (2024): Cyber-IP conventions.
 - **Statutory Integration:**
 - **Copyright Act, 1957:** Berne (R.G. Anand).
 - **Patents Act, 1970:** TRIPS, Paris (Novartis AG).
 - **DPDP Act:** Cyber-IP (Digital Governance Forum).
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