



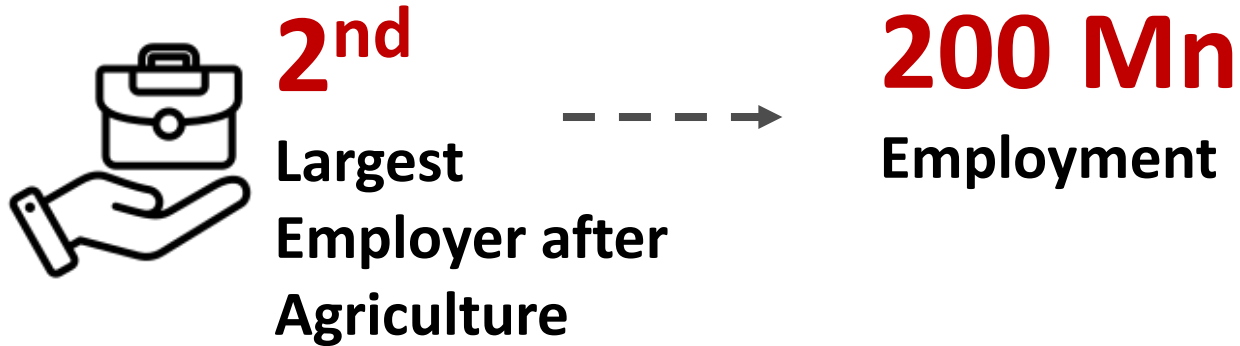
सूक्ष्म , लघु और मध्यम उद्यम मंत्रालय  
MINISTRY OF  
**MICRO, SMALL &  
MEDIUM ENTERPRISES**



# Challenges and Opportunities faced by Indian MSMEs in IP Enforcement (Awareness Building Initiatives by the Ministry of MSME)

By- Mr. Neeraj Arora, Deputy Director & Mr. Satish Kumar, Asstt.  
Director, Ministry of MSME, Government of India

# MSMEs in India



## MSME Sector Contributes:

**29%**

**to GDP**

(\*2021-22, Latest  
Available Data)

**36%**

**to Manufacturing  
Output**

(\*\*2021-22)

**44%**

**To EXPORT**

(\*\*\*2022-23)

\*National Statistical Office, Ministry of Statistics & Programme Implementation

\*\*73<sup>rd</sup> round of NSS, Ministry of Statistics & Programme Implementation

\*\*\*Data culled out Portal of Directorate General of Commercial Intelligence and Statistics (DGCIS)

# Why IP Enforcement Matters for MSMEs

Protects  
Innovations and  
Business assets

Prevents  
Counterfeiting and  
Piracy

Enhances Business  
Credibility and  
Market expansion

Ensures fair  
Competition

# Key Challenges in IP Enforcement for MSMEs

## Lack of Awareness

- No realization on importance of IP rights
- Lack of understanding of the processes regarding Registration and Enforcement

## Cost Concerns

- Cost is a deterrent for Small businesses with limited resources
- Considered an expense rather than investment.

## Complex Registration Processes

- Process is complex and time-consuming.
- Need for legal expertise adds to the complexity.

## Enforcement Difficulties

- Enforcement is a challenge while dealing with Infringement and Privacy.
- MSMEs lack technical know-how to act against infringement.

## Regional and Cultural Disparities

- Traditional Knowledge & Traditional Cultural Expressions interlocked with IP rights. However not been mainstreamed & recognized under IP Rights as defined in WIPO
- Remote areas have limited access to support services.

# Key Institutions Involved

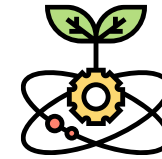


**Intellectual  
Property Office**



**MSME**  
MINISTRY OF MICRO, SMALL & MEDIUM ENTERPRISES

**Ministry of MSME**



**Dept. of Science &  
Technology/  
TIFAC**



**Ministry of  
Commerce and  
Industry**



**Ministry of  
Electronics &  
Information  
Technology**



# Legal Framework

**Patents Act, 1970**

Governs the process of patenting inventions in India, including filing, examination, grant, and enforcement of patents.

**Trademarks Act, 1999**

Deals with the registration, protection, and transfer of trademarks, ensuring brand identity protection.

**Copyrights Act, 1957**

Protects original literary, dramatic, musical, and artistic works, including software..

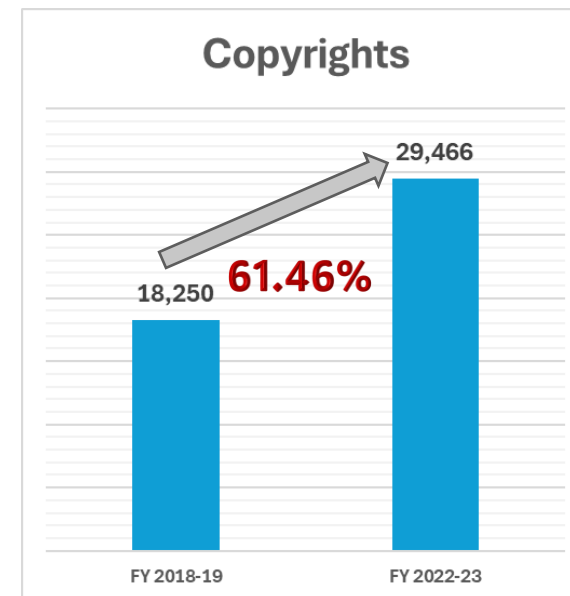
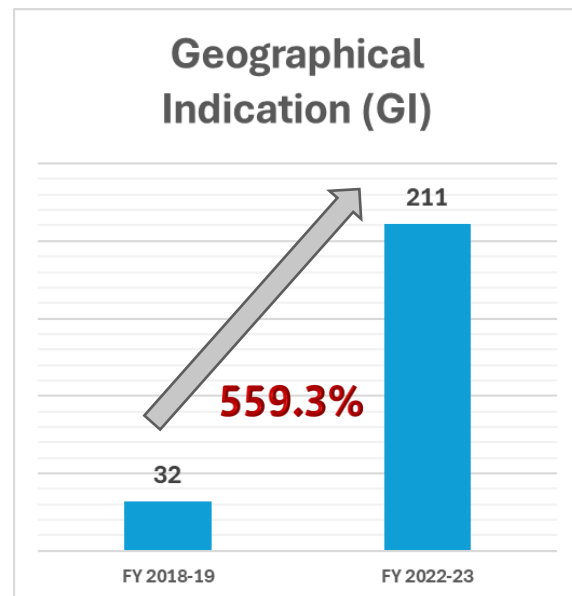
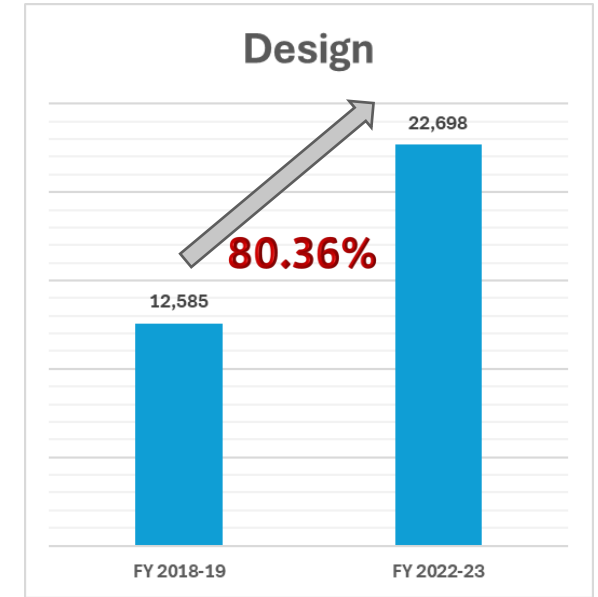
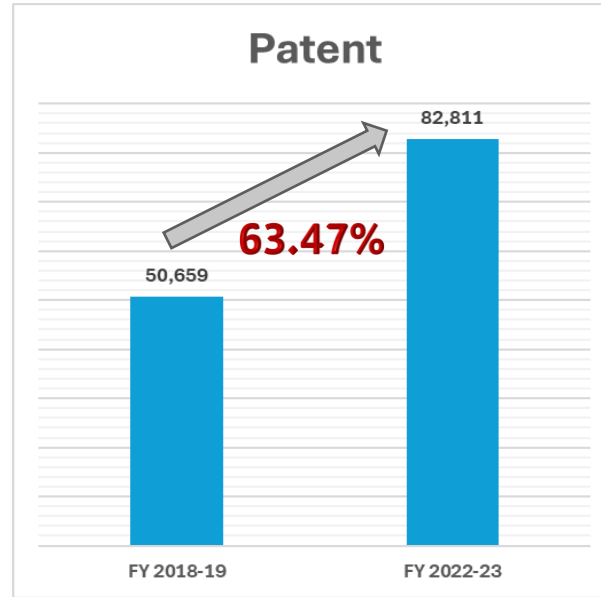
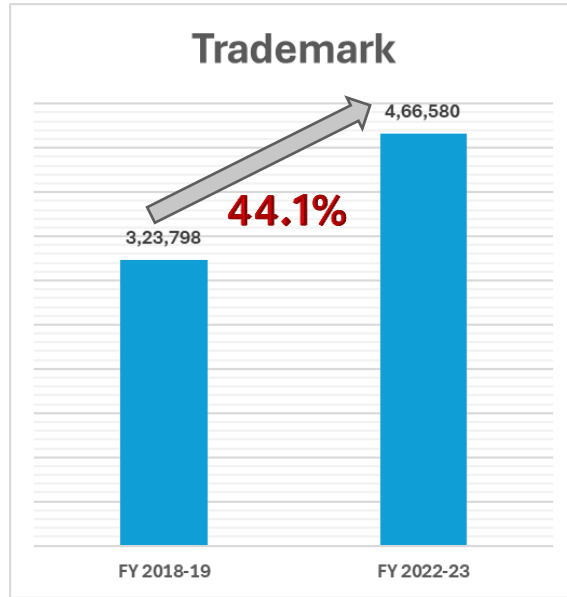
**Designs Act, 2000**

Safeguards the visual design of objects that are not purely utilitarian.

**GI of Goods Act  
1999**

Protects goods that have a specific geographical origin and possess qualities or a reputation due to that origin.

# Last 4 Years Trend of IP Filings in India



# Initiatives Taken by Ministry of MSME in India

## IPR Scheme (A Component of MSME Innovative Scheme):

### IPR Awareness campaign under the scheme:

- **IP Yatra:** These two-day events have facilitated invaluable brainstorming sessions, knowledge sharing, and heightened IP awareness among MSMEs, Industries, Entrepreneurs, Central Govt/State Govt officials across the country each year.
- **IP Awareness Programs in Aspirational Blocks/Districts:** A single day awareness programme is a concerted effort to extend our outreach to the grassroots level, we initiated IP awareness programs across **500 Aspirational Blocks nationwide and more than 17000+ MSMEs have participated during the year 2023-24.**
- **One District One GI Initiative:** This initiative aims at nurturing the GIs at the district level. It encompasses providing support to existing GI products or potential products for GI registration in districts lacking GI products. During the year 2023-24, we have sanctioned funds to facilitate handholding in **168 districts**, with the ultimate goal of covering every district nationwide.
- **GI Mahotsav (Mega Exhibition) :** These 3 days exhibitions serve as a platform to showcase the rich diversity and heritage of GI products, drawing attention to their unique qualities and potential for economic development.



# Intellectual Property Facilitation Centres (IPFCs) under IPR Scheme:

IPFCs are established to promote awareness, act as a SPOC for IP for IP protection, advisory and technology transfer for MSMEs, adoption of IPRs among the various stakeholders, including MSMEs, start-ups. The initiative is part of the broader effort to stimulate a culture of innovation and creativity in the country, thereby enhancing competitiveness in the global market.

## IP Facilitation Services by IPFCs

### Pre-Protection Stage

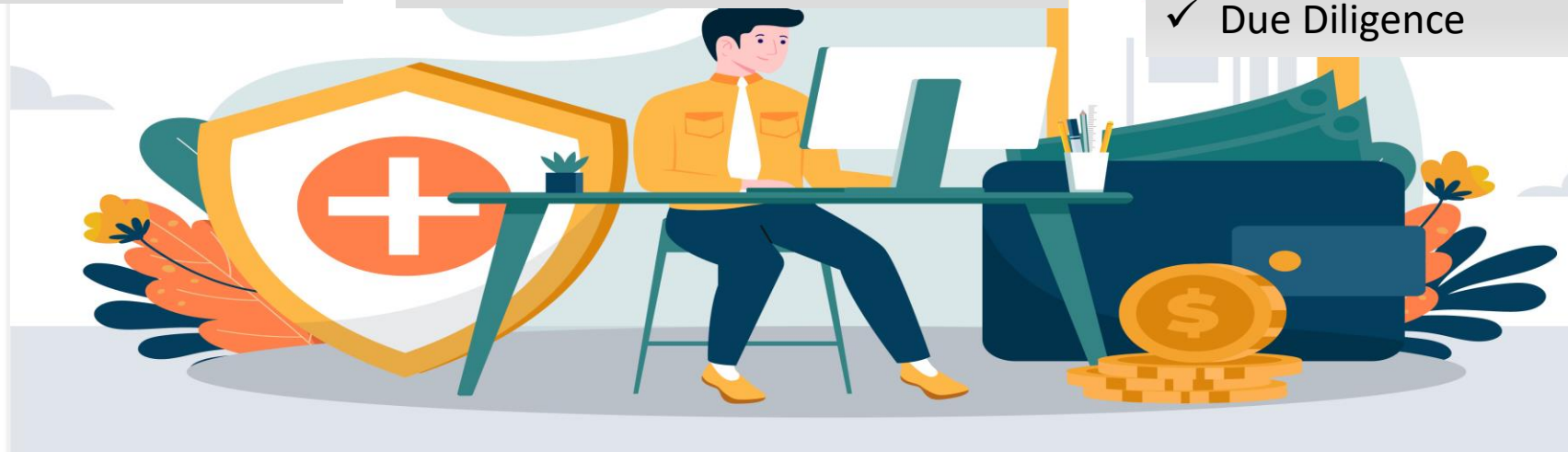
- ✓ IP Searches
- ✓ Prior Art searches
- ✓ Novelty Searches
- ✓ Validity Searches
- ✓ Advisory & Consultation

### Protection Stage

- ✓ Patent
- ✓ Trademark
- ✓ Geographical Indication
- ✓ Copyrights & Related Searches
- ✓ Designs etc

### Post-Protection Stage

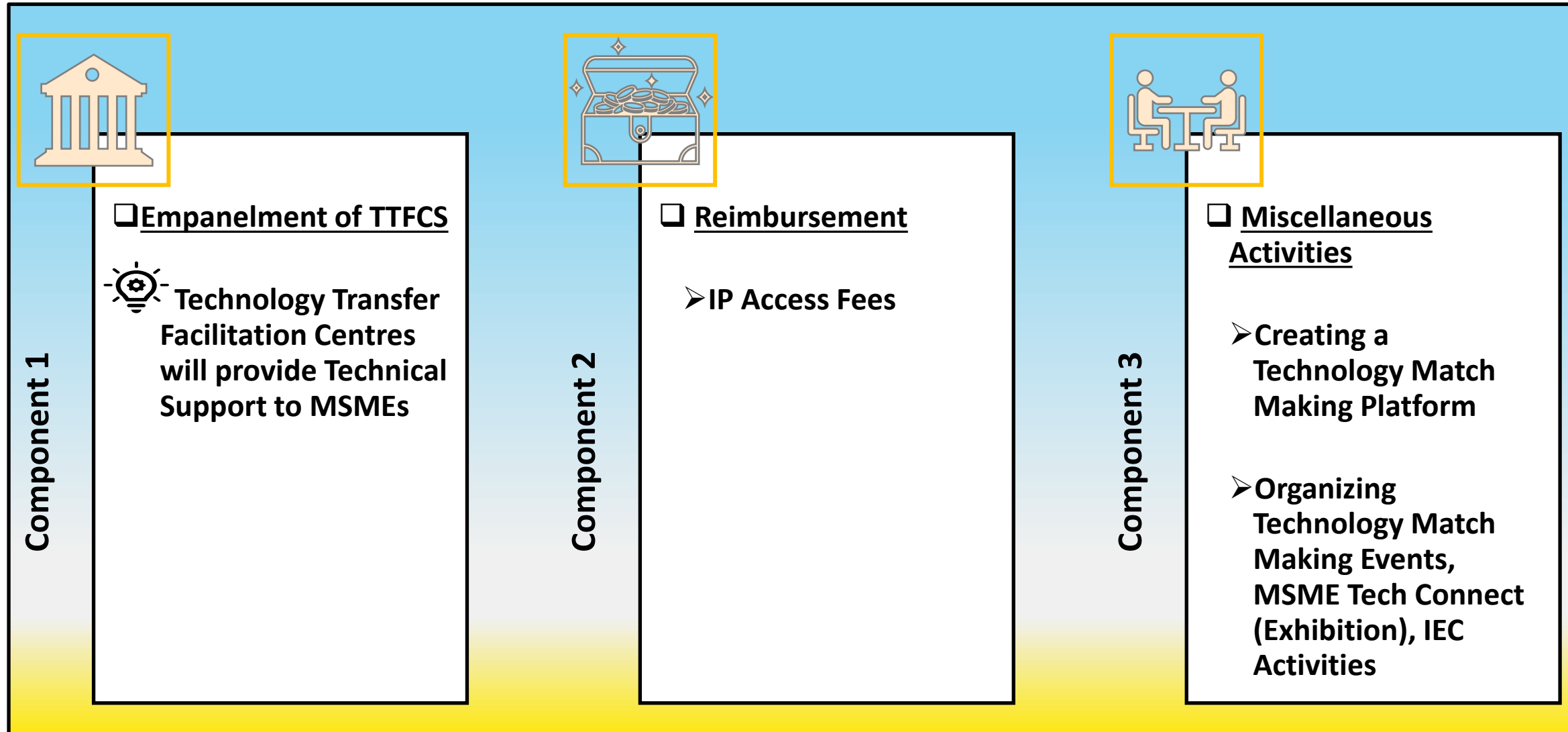
- ✓ IP Maintenance
- ✓ Advisory of IP Enforcement
- ✓ Infringement, Oppositions, Suits
- ✓ Valuation of IP Assets
- ✓ IP Monetization
- ✓ Due Diligence



# Financial Assistance under the IPR scheme



# MSME Support for Commercialisation of IP (SCIP) Programme:

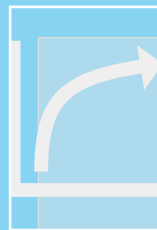


# TTFCs and Key Roles:

**Technology Transfer Facilitation Centre (TTC)** : A TTFC is an organization that plays a pivotal role in bridging the gap between research institutions or universities and the MSMEs/Industry. Its primary function is to facilitate the transfer of technology and innovation from the conceptual or development stage to commercial application. These centres are instrumental in identifying promising technologies, protecting intellectual property (IP), and finding commercial partners to bring these innovations to market.



**Collaboration with Industry Associations**



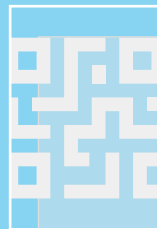
**Enhancement of Technology Readiness Level (TRL)**



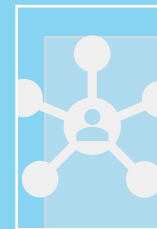
**Conduct Technology assessment and valuation**



**Capacity Building Workshops**

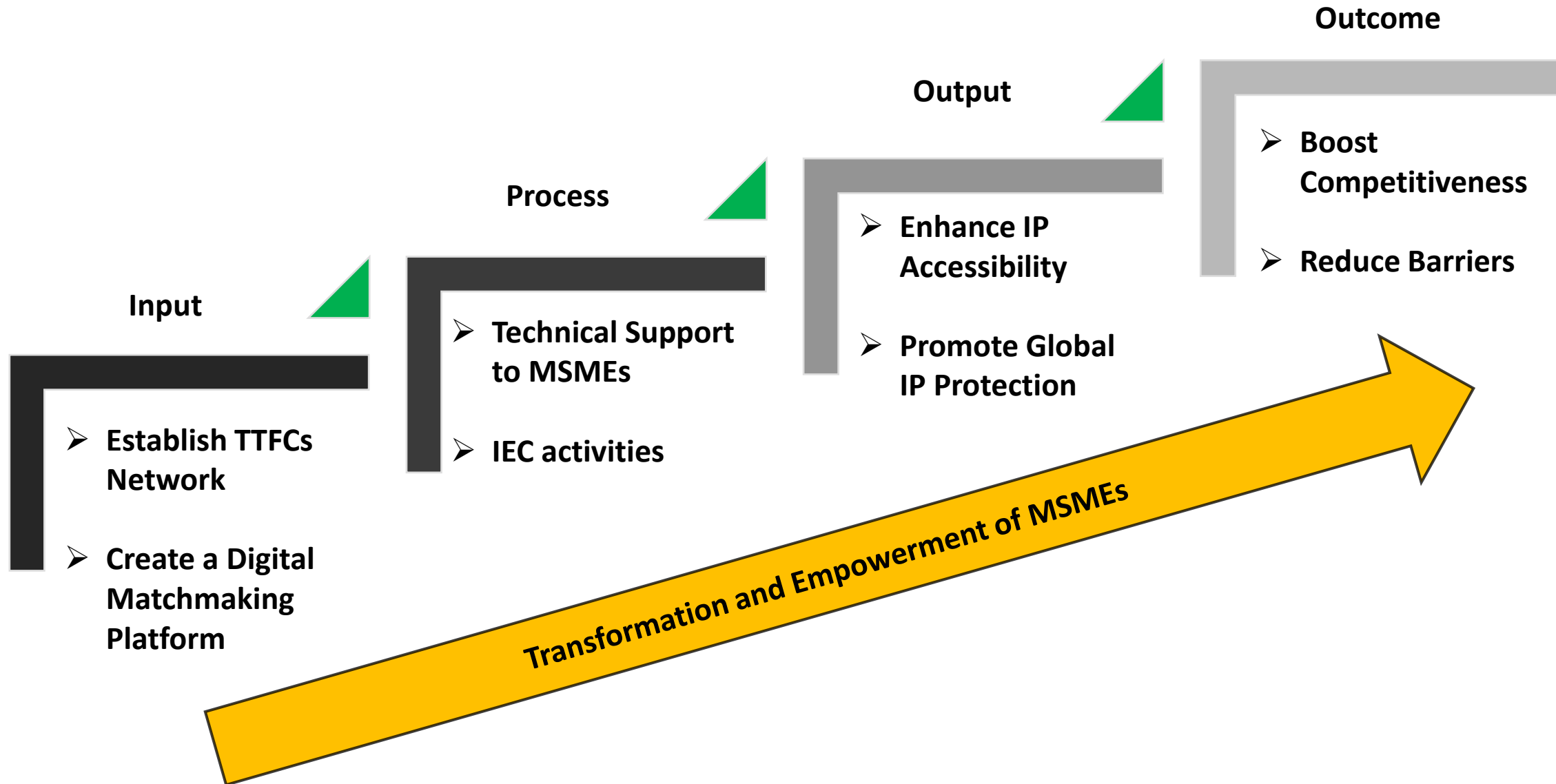


**Tailored Technology Transfer and Licensing Services**



**Coordination with MSME DFOs, State DICs etc.**

# MSME Support for Commercialisation of IP (SCIP) Programme:



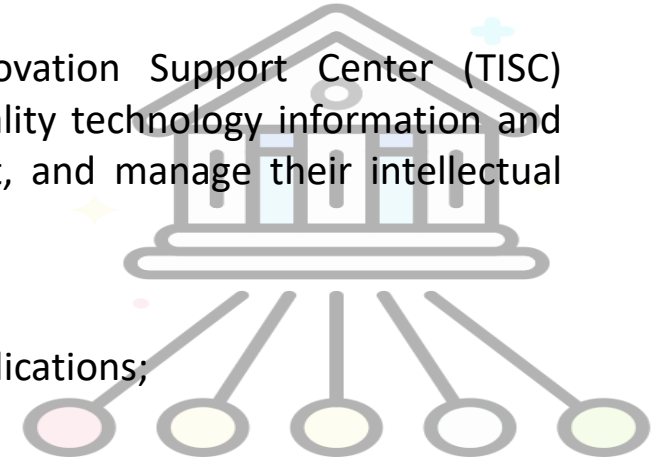
# IPR Schemes/Initiatives by other Ministries/Departments:

- ❖ **Technology and Innovation Support Center (TISC):** The WIPO- Technology and Innovation Support Center (TISC) program provides innovators in developing countries with access to locally based, high quality technology information and related services, helping them to exploit their innovative potential and to create, protect, and manage their intellectual property (IP) rights.

## Services offered by TISCs:

- Access to online patent and non-patent (scientific and technical) resources and IP-related publications;
- Assistance in searching and retrieving technology information;
- Training in database search;
- On-demand searches (novelty, state-of-the-art and infringement);
- Monitoring technology and competitors;
- Basic information on industrial property laws, management and strategy, and technology commercialization and marketing

- ❖ **SIP-EIT Support for International Patent Protection in E&IT (SIP-EIT) – II for Micro, Small and Medium Enterprises and Technology Startups:** Providing financial support for international filing in Information Communication Technologies and Electronics sector. Reimbursement upto maximum of **Rs 15 Lakhs per invention or 50 % of the expenses** incurred in filing patent, whichever is less. This is a pure grant subject to approval by DeitY and no stake in the supported patent is envisaged under the scheme.



# IPR Schemes/Initiatives by other Ministries/Departments:

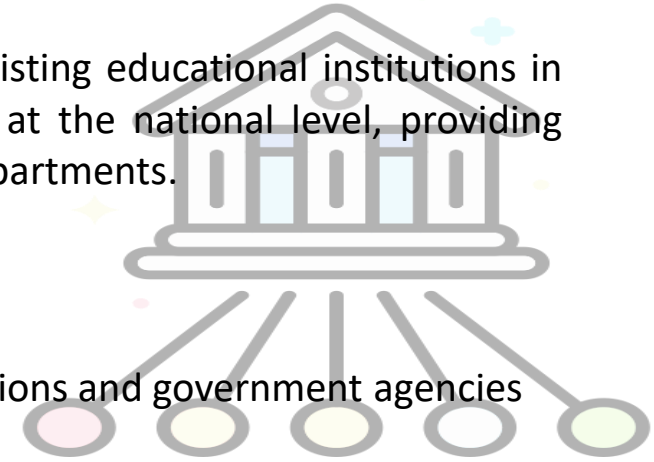
- ❖ **TIFAC Patent Facilitation Centre (PFC):** TIFAC PFC has been set up with the objective to assisting educational institutions in protecting their inventive work, spreading IPR culture to the state level, evolving policies at the national level, providing technical input to the government on IPR related issues and interacting with other science departments.

## Activities under scheme:

- Awareness creation in knowledge institutions
- Facilitation of IP Protection of inventions emanating from academic institutions, , R&D institutions and government agencies
- Training Programmes for Scientists and Technologists from India and abroad.
- Establishing Patent Information Centers (PICs) across the states
- Registering Geographical Indications involving the PICs
- Establishing IPR Cells in Universities to help academicians in matters related to IPR like patent searches, IP audit of universities, protecting their inventions etc

- ❖ **DRDO IPFC:** The objective of the scheme is to provide boost to Indian Industries and Defence Industries with free access to Indian patents by DRDO. The License for use of patent will be a zero license fee and zero royalty payment.

IPFCs provide services general services like advisory about IPRs, IP protection, IP awareness & training, counselling and advisory services. Provide services for patent searches, patent drafting, patent prosecution, facilitation in commercialization of inventions etc



**Thank You**



## Financial Assistance:

The limits for the reimbursement of IP access or acquisition fees for registered MSMEs are as under:

S. No.	Components	Sub-Components	Maximum Reimbursement upto (in INR) <i>(70% of the total actual cost or the reimbursement limit or whichever is lower)</i>
i.	IP Access Fees	Indian Patent	1.00 Mn
ii.		Foreign Patent	1.50 Mn
iii.		Copyright	200,000
iv.		Biomaterial or tangible research property	1.0 Mn
v.		Datasets	350,000
vi.		Know-how or Trade secrets	1.00 Mn

## Financial Assistance:

Establishment of TTFCs and Miscellaneous activities:

S. No.	Components	Sub-Components	Maximum Reimbursement upto (in INR)
i.	TTFCs	-	1 crore Annually
i.	Miscellaneous Activities	Technology Match Making Platform	As approved by PMAC
ii.		Technology Match Making Events	As per the extant provisions of MSME Innovative scheme guidelines.
iii.		MSME Tech Connect	40 Lakhs

*Note: TTFCs are eligible to organize various activities of the existing scheme as per the provisions entailed in the MSME Innovative guidelines.*