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INSPIRING INNOVATION IN START-UPS

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INSPIRING INNOVATION IN START-UPS – PROTECTION OF INTELLECTUAL PROPERTY RIGHTS

India has become the fastest growing Start-Up base worldwide and stands third in the global Start-Ups ecosystem as per NASSCOM Start-Up Ecosystem Report 2015. With more Start-Up ventures taking shape, the ecosystem for establishing a successful a Start-Up is not only competitive but also tough to survive. In this scenario, novelty and innovation plays a pivotal role in attracting potential clients and investors. Inventions and creativity generates valuable intellectual property such as symbols, designs, content, marks, patents and images which can be protected under various legislations *inter alia*, Indian Copyright Act, 1957, Trade Mark Act, 1999, The Patents Act, 1970 and Designs Act, 2000. Consequently, proper implementation and enforcement of IP rights by a Start-Up is imperative. IP protection not only provides security against third-party infringements but also enhances the valuation and attractiveness of a Start-Up to investors.

Start-Up Intellectual Property Protection Initiative:

The Government of India's recently launched '*Start-Up India, Stand Up India Initiative*' focuses on the importance of IP Rights ("IPRs") with the intent of making Start-Ups aware of this valuable but undervalued resource. Pursuant to this, the Government recently announced the scheme of *Start-Up Intellectual Property Protection ("SIPP")* for enabling Start-Ups to protect their IPRs whereby the Government will facilitate filing of patents, trademarks and designs by Start-Ups in the following manner:

- Fast-tracking of Start-Up patent applications in order to enable the Start-Up to realize the value of its registered and protected IPRs;
- Providing legal assistance to Start-Ups through a panel of Facilitators in general advisory, filing and prosecution of IP applications. The cost of such facilitation shall also be borne by the Government;

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Recommended by:



- Providing a rebate of 80% in the statutory fee for filing of patent application.

For effective implementation of SIPP, Facilitators shall be empanelled by the Controller General of Patent, Trademark and Design (“CGPDTM”). The CGPDTM shall regulate conduct and functions of empanelled Facilitators from time to time.

Who can be a Facilitator:

- i. Any patent agent registered with the CGPDTM.
- ii. Any trademark agent registered with the CGPDTM.
- iii. Any advocate entitled to practice law and involved in filing and disposal of applications for patents, trademarks and designs.
- iv. Government departments/organizations.

Functions of Facilitators:

Facilitators will be responsible for:

- Providing general advisory on different IPRs on a no charge basis.
- Providing information on protecting and promoting IPRs in other countries on a no charge basis.
- Providing assistance in filing and disposal of the IP applications related to patents, trademarks and design under relevant Acts.
- Drafting specifications for inventions of Start-Ups.
- Preparing and filing responses to examinations reports and other queries, notices or letters by the IP office.
- Appearing on behalf of Start-Ups at hearings, contesting opposition and ensuring final disposal of the IP applications.

The facilitator shall be paid directly by the Government through the office of the CGPDTM.

The SIPP will be initially run on a pilot basis and will be applicable for a term of one year from the date of launch of *Start-Up India* campaign.

Conclusion:

The SIPP provides a platform for Indian Start-Ups to come at par with the existing players by fast tracking the valuation of their IPRs with easy access to facilitators, professional advice and minimization of cost of registration

	<p>for protection of the IPRs. However, there is a concern that various promising Start-Ups may be left out of the benefits of SIPP just because they do not fall within the ambit of definition of Start-Ups as envisaged by the Government of India. Nevertheless, SIPP is another positive step by the Government to promote innovation, resourcefulness and realization of the untapped potential of otherwise cash strapped entrepreneurs.</p>
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Feedback

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