



**INPI**

**INTELECTUAL  
PROPERTY GUIDE  
FOR EXPORTERS**

**INDIA**



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## Introduction

This guide is part of a collection designed to help Brazilian exporters protect their Intellectual Property (IP) assets in the countries they wish to export to.

Each country has its own particularities regarding the IP system and this volume is dedicated to India.

The IP topics covered in this guide are: trademarks, patents, industrial designs, geographical indications, new plant varieties and copyrights.

The guide is divided into three parts. In the first, we indicate reliable sources where you can deepen your knowledge about Intellectual Property. In the second, we introduce you to India's IP system, advising you on how to protect your IP assets in the country and addressing issues to consider before you start exporting there. At the end, we provide information on what to do if you suffer any type of violation of your rights.

Our goal is to provide you with important and easy-to-understand information, so you can confidently navigate IP challenges and make the most of export opportunities to India.

## Before you start exporting

Before starting your export process, what steps need to be taken in the IP area?

1. Know what IP is;
2. Have a deep understanding of the IP of your business and protect it in your home country;
3. Develop a strategic export plan that includes IP-related issues;
4. Research if there is anything similar to your IP assets that is already protected in the countries you want to export to;
5. Protect your IP in these countries and \_ only after that;
6. Take your product or service overseas.

This guide will tell you:

1. The main mistakes of exporters in the area of IP;
2. Where to learn more about IP and about IP and export;
3. Where and how to protect your IP in Brazil;
4. Where to conduct research if there are already IP assets similar to yours in other countries;
5. What is India's IP law;
6. Where and how to protect your IP in India;
7. Some cost estimates of this process;
8. What to do to protect yourself in case your IP are copied.

We hope this will be a facilitator in your export process!

## Five biggest mistakes of the exporter in the area of Intellectual Property

Some common IP mistakes made by those who start exporting that we want to help you avoid:

1. **Do you know that your trademark, your patent and your industrial design are only valid in the country where they are registered?**

One of the most common mistakes made by exporters is not knowing that Intellectual Property rights, such as trademarks, patents and industrial designs, are **TERRITORIAL**. This means that, although we live in a globalized world, IP rights are not. They are valid only in the country or territory in which they were protected.

The only exception to this rule is that which is protected by copyright. This is because the 181 signatory countries of the Berne Convention agreed that the protection of rights of artistic and literary works, among others, should not be subject to the fulfilment of any formality, nor depend on the existence of protection of the work in their country of origin. The author has moral and patrimonial rights in relation to his work, since it was produced, regardless of registration.

However, all other intellectual property rights need to be protected **IN EACH COUNTRY** where you wish to export, so that you have rights to these assets.

Thus, BEFORE you start your export activities, it is crucial that you decide WHERE you want to protect your IP assets. This is a fundamental decision that must be made with caution and planning, as the costs involved can be high.

## 2. Do you want to have your trademark, your patent and your design protected?

Did you know that the disclosure of an invention or an industrial design, without having a previously filed application for protection, can make your right over these assets unfeasible?

We are sure that you do not want to have your IP copied, inadvertently made public, or protected by a third party. Imagine, for example, not being able to use your own trademark in another country because someone else has already registered it before you.

Therefore, it is essential that you seek to secure your IP rights BEFORE entering and presenting your products in a new market. Remember: **what guarantees the right to IP in a territory is its REGISTRATION, and not just its use.**

When planning your international expansion, pay special attention to protecting your IP assets. This way, you'll avoid unpleasant surprises and maintain control over your resources.

## 3. Do you want to protect yourself from taking an IP infringement lawsuit in another country?

Did you know that it is essential **to RESEARCH** if there are already trademarks, patents or industrial designs similar to yours, which are already protected, in the country to which you want to export? This is an important step to avoid the risk of infringing on a third party's right in a new market.

Most countries make databases available for research in their IP offices. You can make an online query in these systems to check if there is already any prior notice that may make your request unfeasible. This pre-search can help you save a lot of time and money. In addition, there are also international databases that allow research to be carried out. Several of them are indicated in this guide.

#### 4. Does IP rights obtained in one country guarantee the same right in another?

Many exporters think that if they have obtained an IP right in one country, they will automatically get the same right in another. Unfortunately, this is not the reality.

Although there are some common parameters established by international agreements, the area of IP varies widely between countries in terms of legislation and rules for granting rights.

Therefore, there is no guarantee that what was granted in one country will also be granted in another. Each nation has its own particularities and requirements when it comes to protecting Intellectual Property, which makes each country's decision **INDEPENDENT**.

This means that when planning your export strategy, you need to carefully analyse the IP situation in each destination country. It is not possible to assume that a right obtained in one place will be automatically recognized in another.

#### 5. Did you include IP issues when you did your export project?

The preparation of a good **STRATEGIC PLANNING** is key to success in exporting. Many exporters make the mistake of neglecting IP-related issues when planning their export activities. However, it is essential to consider these issues as an essential part of this process.

IP assets can be some of the most valuable that your company has. Therefore, it is essential that your planning is careful and that it includes a detailed analysis of these assets.

Depending on the number of countries in which you decide to protect these assets, the costs can be significant. Therefore, it is necessary to evaluate in advance what, and where you want to protect<sup>1</sup>.

Regarding the deadlines you have for the protection of your IP assets, according to the Paris Agreement, an international treaty of the World Intellectual Property Organization (WIPO) valid in 176 countries, when you file an application for a patent, utility model (MU), trademark or industrial design (DI) with an IP office, you have a

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<sup>1</sup>Some important questions that need to be answered in strategic planning: why, what, when, where, with whom, how and how much it costs to export.



period of 12 months (for patent and utility model), and 6 months (for industrial design and trademark), to apply for protection in any other country, without losing the "right of priority", that is, in this period you will have priority in relation to another applicant who files something similar to the one you filed, anywhere in the world. After this period, what you have protected in a territory will be free and available to anyone, in all countries where your asset has not been protected.

We highlight that this happens when you choose to make national deposits, in each country individually. There is also the option of making international deposits, in a group of countries, at once, through WIPO, which makes the process much easier. We'll provide more details on this option later.

For these reasons, it is essential that you make good strategic planning regarding the IP area in the initial phase of the project, even before starting export actions, when you decide to protect your IP assets. This way, you'll avoid missing opportunities, reduce risk, and lower unnecessary costs.

By prioritizing IP planning in your export project, you will be taking a crucial step towards the success of your business in the international market.

## Courses on Intellectual Property

Intellectual Property is traditionally divided into three branches:

- **Copyrights** that protect literary, artistic, technological and software works;
- **Industrial property**, such as trademarks, patents, utility models, industrial designs and geographical indications; and
- **Sui generis protection**, such as the protection of new plant varieties.



If you wish to deepen your knowledge of IP before deciding to use it when exporting to India, you can consult the schedule of free courses on the subject available on the website of the National Institute of Industrial Property (INPI).




You can also participate in the free IP course, in Portuguese, offered twice a year by WIPO, called: DL 730 "Executive Course on Intellectual Property and Exports".



## Intellectual Property information and tools for companies





INPI offers guides on intellectual property for businesses that can help you explore the possibilities of IP for your company.

**Table 1: INPI Information and tools on IP for companies**

Tools	Link
IP Information for Businesses	

WIPO also offers a series of tools, guides and information on IP available free of charge that can help you.

**Table 2: WIPO IP information and tools for businesses**

Tools	Link
IP Information for Businesses	
IP self-diagnostics for businesses	
IP Guides for Businesses *	
Strategic IP Walkthrough for SMEs	





\* Some of the guides provided by WIPO, in Spanish, English and French, are:

1. **Secrets of Intellectual Property: A Guide for Small and Medium-sized Exporters;**
2. **Inventing the Future: An Introduction to Patents for Small and Medium-sized Enterprises;**
3. **Making a Mark: An Introduction to Trademarks for Small and Medium-Sized Enterprises;**
4. **Looking Good: An Introduction to Industrial Designs for Small and Medium-sized Enterprises;**
5. **Exchanging Value - Negotiating Technology Licensing Agreements: A Training Manual;**
6. **A Guide to Intellectual Property for Startups; among others.**





## How to protect your Intellectual Property in Brazil

Before you start exporting, consider protecting your IP in Brazil. Here we indicate the step-by-step process for trademarks, patents, industrial designs, protection of plant varieties and copyrighted works.

**Table 3: Step by step for filing Intellectual Property in Brazil**

Type of IP	Institution	Link
Trademarks	National Institute of Industrial Property (INPI)	
Patents	National Institute of Industrial Property (INPI)	
Industrial Designs	National Institute of Industrial Property (INPI)	
Plant Variety Protection	Ministry of Agriculture and Livestock (MAPA)	

**Table 4: Institutions for voluntary registration of copyrighted works in Brazil**

Type of Copyrighted Work	Institution	Link
Musical Works	School of Music of the Federal University of Rio de Janeiro (UFRJ)	
Architectural Works	Council of Architecture and Urbanism of Brazil (UCC)	
Audio-visual Works	National Film Agency (ANCINE)	
Computer Programs	National Institute of Industrial Property (INPI)	

## National Intellectual Property Rights Institutions in India

In India, the **Office of Controller General of Patents, Designs & Trade Marks** (O/o. CGPDTM) under the Department for Promotion of Industry and Internal Trade (DPIIT), Ministry of Commerce and Industry, is primarily responsible for administering the country's Intellectual Property System. The main functions of the O/o. CGPDTM include the grant of patents and registration of trademarks, industrial designs, copyrights, Geographical Indications (GI) and Semiconductor Integrated Circuits Layout-Designs (SICLD).

**For more information, please visit the official websites:**

IPRs: Patents, Designs, Trade Marks and Geographical Indications



IPR: Copyright registration in India is administered by the **Copyright Office of India**. Copyright Office functions under the O/o. CGPDTM.



IPR: Semiconductor Integrated Circuits Layout-Design Registry (SICLDR) is the office where the applications on Layout-Designs of integrated circuits are filed for registration of created IPR. SICLDR Registry functions under the O/o. CGPDTM.



In India, plant variety protection is governed by the Protection of Plant Varieties and Farmers' Rights Act, 2001 (PPV&FR Act), which is implemented and administered by the Protection of Plant Varieties and Farmers' Rights Authority (PPV&FRA). PPV&FRA works under the Ministry of Agriculture and Farmers Welfare.



## Where to conduct your IP search in India

How to search if an IP is already protected in India?

As we said, before applying for an IP right in another country, you need to check if your trademark, invention, industrial design or plant variety already exists and if it is already protected.

If you find something similar in the market you want to explore, it may be difficult to get the protection you want.

Your search should include the Internet, social media, international IP search databases, and search databases from the country where you are filing.

Make sure your search is as broad as possible, to avoid future unnecessary costs.

With the advancement of Artificial Intelligence technology, in a short time, it will be much easier and faster to know if there are already protected assets similar to the ones you want to protect.

### Trademark Search

Before applying for a trademark, you can start by searching the O/o. CGPD TM database for trademarks related to goods and services like that of INPI.



You can also search the global database of trademarks. WIPO's **Global Trademark Database**, which contains data from more than 80 countries including India, on trademarks, designations of origin and official emblems.



**Madrid Monitor** allows access to international applications and registrations made through the Madrid System, with millions of trademarks from more than 130 member countries. In this database, your search can include words, numbers, dates, classes, and countries.



Another database available in the trademark area is **Search TMview**. TMview contains trademarks from throughout the European Union and parts of Africa, Asia, America, and Oceania. This database allows search by words, numbers, dates, classes and countries.



If you find the process complex, you can hire an IP professional to help you.

## Patent Search

Before you file an application for a patent and apply for the protection of an invention, you need to make sure that it is novel and inventive. For an invention to be considered new/novel, it must not have been published anywhere in the world, not just in the country where you seek protection.

You can start your search on **Google Patent Advanced Search**, which allows you to search by name, date, inventor, applicant, patent office, and language, among other options.



You can search in the O/o. CGPDTM database **inPASS**, Indian Patent Advanced Search System by using various fields such as title, date, name of the inventor/applicant etc.



You can also search WIPO's **Patentscope**, which contains data on more than 100 million patents. Here you can search by title, abstract, name, and filing date.



Examiners from the INPI have prepared, based on material provided by WIPO, a Guide that indicates how to perform a search on **Patentscope**.



The patent search process is more complex than the trademark and industrial design search process. As a result, if you wish, you can hire a professional specialized in IP to help you.

## Industrial Design Search

Your industrial design needs to be new and original so that you can protect it. Because of this, you will need to search published designs and check if they have similarities to yours.

Your search needs to include, in addition to design databases, trademark and patent databases, the Internet, and social media. Any similar results, even if they are not registered, may prevent your right to register the design.

In the databases, you can search by image, product name, rating, number, and owner.

You can search for designs in the O/o. CGPD TM database by using various fields such as name of the article, date, applicant's name, applicant's country etc.



The **Global Design Database** is a worldwide collection of data organized by WIPO, from deposits made through the Hague System. You can search by description, name, depositor, date, and country.



**DesignView**, in turn, allows you to search for designs from all over the European Union and parts of Africa, Asia, America and Oceania. You can search by name, number, designer, Locarno classification, filing date, and country.



## Geographical Indications Search

In case of India, you may look into the database of GI Registry having updated list of all Registered GI.



## New Plant Variety Search

If you want to sell your plant variety internationally, you will need to do an international search to verify that the variety of your plant is really new.

First, you can check the internet if you can find any disclosures of varieties similar to yours.

Then, you can search in databases of new plant varieties in the country where you want to protect and market your new variety. In most databases, you will find information regarding the common name of the plant, genus, species, title holder, and term of protection.

In case of India, you may look into the database of PPV&FRA having updated list of Registered Certificates.



In the European Union, there is a plant variety database in the **Community Plant Variety Office** (CPVO), with information on plant registers from more than 70 countries.



You can also search the International Union for the Protection of New Plant Varieties (**UPOV**) **PLUTO plant variety database**, which provides name results for plant varieties protected by members of UPOV and other international organizations. To access PLUTO, you will need to create a user account.





## Relevant data on Intellectual Property in India

### Trademarks

A trademark in India is defined as a sign that can be represented graphically and serves to distinguish the goods or services of one person from those of others.

This definition encompasses a wide range of signs, including words (names and phrases); symbols (logos and designs); shapes (the physical form of the products); packaging (the design and appearance of product containers); sounds; and colors (specific color combinations that identify the trademark), or any combination of these elements.

In India, a trademark is acquired through **Trademark registration**, which is valid for **10 years** and **can be renewed indefinitely every 10 years**, depending on the payment of the corresponding fees.

In India, it is possible to protect well-known trademarks, collective trademarks and certification marks.

There are two ways to register trademarks in the country:

1. **National Route:** The registration of a **Trademark** directly with the O/o. CGPDTM.
2. **International Route:** The registration of an **International Trademark**, through WIPO's International Madrid System. In this system, you choose, among more than 130 member countries, those in which you want to have your trademark protected, with a single application, in a single language (English, French or Spanish) and with the payment of a single set of fees.

The objective of the Madrid System is to facilitate the registration of trademarks in the world. The application for registration must be made through one of the IP offices of the countries that are part of the agreement. The INPI, in Brazil, is part of it. Thus, if your company wants to renew or expand its global portfolio of trademarks, it can easily do so through this centralized model.

After the certification of the International Registration has been made by the office of origin (the office where the registration application was made), the registration will be sent to WIPO and distributed to the countries designated by you, those where you want to have your trademark protected. This is where a

second stage begins, known as the national phase, in which your application will be examined by the IP offices of the designated countries. In analysing the application, these offices will use local laws and practices for the examination, which makes **each country's decision independent**. After your application has been reviewed by each of them, the offices will communicate their decisions to WIPO, which in turn will inform you of the decisions of each of the designated countries.

The path you choose will depend on the needs of your business. Later in this guide, there are cost links so that you can make analyses that facilitate your decision process, as well as links to make deposits, of each of the IP rights presented here, through the different existing routes.

If your trademark has been refused registration by O/o. CGPDTM, an appeal may be filed with the High Court having jurisdiction over the matter.

## Patents

A patent is a right granted for an invention. It can take the form of a new product, process, or technical improvement to an existing technology. They are granted for inventions that are novel, involve an inventive step and are industrially applicable.

**Patent protection** in India is granted for **20 years** from the date of filing of the patent application. After the patent is granted, an annual fee must be paid at the expiration of the second year from the date of the patent or of any succeeding year.

It is important to know that in India, after filing a the patent application, the patent application is not examined automatically. It is necessary for the applicant or a third party to request the examination within 31 months from the priority date.

In India, there are two different ways to apply for an invention patent:

1. **National Route:** you file your patent application directly with the O/o. CGPDTM.
2. **International Route:** As India is a signatory to the Patent Cooperation Treaty (PCT), you can select it from the countries in the International Patent System of the WIPO PCT. Through this system, with a single patent application, in one language and a group of fees, you can apply for protection in more than 150 countries at the same time.

The international application via PCT has two phases: International and National.

- **International Phase** - There are two ways to file an international application: **directly at the Office of a country that is part of the PCT** (where the applicant is domiciled or a national of this country); or, **at the International Bureau of WIPO**.

When making the international filing, it is necessary to indicate an Office that is approved by the PCT to carry out the international search (*International Search Authority – ISA*), among those indicated by the country where the international filing took place.

The language of the international application must meet that defined by the country in which it was filed and the chosen ISA. In case Brazil is chosen as ISA, the deposit can be in Portuguese, English or Spanish.

- **National Phase**- After the international phase, usually 30 months, from the date of international filing or priority (if any), you must apply for the granting of your patent directly with the countries in which you are interested. At the end of the process, you will have the patent for your invention, if granted, in each country you chose. **The decision of each country is independent of that of the others.**

Entry into the national phase can be requested in any country that is part of the PCT, adapting your international PCT application to the legislation of that country.

If your patent application has been refused by O/o. CGPDTM, it is possible to appeal to the High Court having jurisdiction over the matter.

There is no Utility Model Patent in India.

## Industrial Design

Industrial Design refers to the characteristics of a shape, configuration, colours, pattern, or ornament applied to any product that gives that product its appearance. It protects the external or aesthetic appearance of the product.

In the country, the protection of an **Industrial Design (ID)** is granted for **10 years**, and can be renewed for additional **05 years**, totalling a maximum of **15 years**, from the date of registration.

In India, two-dimensional designs can be protected both as ID and as copyright. However, after the registration of the ID, the right to the protection of the copyright is lost. If the copyright is used, this right is lost if the product has been reproduced more than 50 times.

There is a pathway to register your ID in India:

**National Route:** The application for ID registration can be requested directly from the O/o. CGPDTM.

### Geographical Indications

Geographical Indication (GI) is an IP right that protects the name of a product that has a specific geographical origin and owes its qualities and/or reputation essentially to its geographical origin.

In India, a wide range of products can be registered as Geographical Indications (GIs) including agricultural products, handicrafts, textiles, food items, natural goods (such as Makrana Marble), industrial products, and distilled beverages such as wines.

In India, the protection of a GI is indefinite as long as the product continues to meet the registration criteria. However, the GI registration must be **renewed every 10 years** to maintain its protection.

### Plant Variety Protection

In India, the protection of a new plant variety, in case of vines and trees, is valid for **09 years** from its date of registration, and can be extended to a total maximum of **18 years**. For other plant varieties, the protection period is **06 years** and can be extended up to **15 years**.

### Copyright

For literary works, the protection period lasts from the creation of the work until **60 years after the death of the author**.

Since India is a signatory to the Berne Convention, registration is not required for copyright protection.

However, registering your work is beneficial in case of legal disputes

## Layout-Design of Integrated Circuit

In India, the Layout-Design of Integrated Circuits must be registered for protection.

The protection period for a Layout-Design of Integrated Circuit is **10 years**, starting from the date of filing or the date of the first commercial exploitation of the design, whichever is earlier, provided the exploitation occurred within two years before the application.

## Intellectual Property Laws and Regulations in India

India has adopted a number of regulations and directives (Acts and Rules) to protect and enforce IP rights in the country.

**Table 5: Some of India's IP laws**

Theme	Law
Copyright and Related Rights (Related Rights)	Copyright Act 1957 (Act No. 14 of 1957, amended until Act No. 7 of 2017).
Geographical Indications	Geographical Indications of Goods (Registration and Protection) Act, 1999 (Act No. 48 of 1999).
Integrated Circuit Layout Designs	Semiconductor Integrated Circuits Layout-Designs Act, 2000 (Act No. 37 of 2000).
Patents (Inventions)	The Patents Act, 1970 (Act No. 39 of 1970, as amended by Act No. 15 of 2005).
Plant Variety Protection	Protection of Plant Varieties and Farmers' Rights Act, 2001 (Act No. 53 of 2001, amended by Act No. 33 of 2021).
Industrial Designs	The Designs Act, 2000 (Act No. 16 of 2000).
Trademarks	The Trade Marks Act, 1999 (Act No. 47 of 1999).

A comprehensive list of India's IP legislation can be found on the WIPO website.



## International Intellectual Property Agreements in India

India is a signatory to several international IP agreements with the World Intellectual Property Organization (WIPO) and the World Trade Organization (WTO).

**Table 6: International IP Agreements in India**

Agreement	Description
Paris Convention	It allows an applicant from another signatory state to apply for a patent or trademark in India and enjoy the same rights as an Indian applicant.
Berne Convention	It ensures that party to the convention, including India, give equal recognition and protection to the copyright holders from other convention member states.
Patent Cooperation Treaty (PCT)	It allows inventors to search and obtain patent protection in more than 150 countries*by filing a single international application.
Madrid Protocol	It allows trademark owners to register their trademarks in more than 120 countries*by filing a single international application.
WIPO Treaty on Performances and Phonograms (WPPT)	It deals with copyright protection in the digital environment, specifically for performers and producers of sound recordings, ensuring their rights in the digital and online platforms.
TRIPS Agreement	It establishes a minimum standard for the protection and enforcement of IP rights that all members of the World Trade Organization, including India, must comply with.

\*Data referring to October 2024








A comprehensive list of international IP agreements adopted by India can be found on WIPO's website.



## How to protect your Intellectual Property in India

A list of IP objects recognized in India, with a link to websites where information on how to protect each of them, can be found in the tables below.








**Table 7: Where to protect your IP in India**

IP Object	Description	Link
Patents (O/o. CGPDTM)	Patents protect inventions, which are novel products or processes that provide a new way to do something or offer a new technical solution to a problem.	
Trade Marks (O/o. CGPDTM)	In India, a trademark is a sign that distinguishes your goods or services from those of others. A trademark can be in the form of words, logos, symbols, shapes, packaging, sounds and colors, or any combination of these elements.	
Industrial Designs (O/o. CGPDTM)	Industrial Design refers to the characteristics of a product, including its shape, configuration, colors, pattern, or ornamentation applied to any product that gives that product its unique visual appearance.	
Geographical Indications (O/o. CGPDTM)	GI protects the name of a product that has a specific geographical origin and owes its qualities and/or reputation to its specific origin.	
Plant Variety Protection & Farmers Right Authority (PPV&FRA)	Protection of new plant varieties.	
Layout-Design of Integrated Circuit (SICLDR)	Registration of Semiconductor Integrated Circuits Layout Design.	
Copyright (Copyright Office)	Copyright Registration.	

## How to apply for the protection of your Intellectual Property in India via International Cooperation Treaties and Agreements

In the table below, we provide information on how and where to deposit your IP in India, via international treaties and cooperation agreements.

**Table 8: IP application requests in India**

IP Object	Description	Link
Patents	Information from the INPI on how to protect your patent abroad.	
	<b>Information from the INPI on international patent filing.</b>	
	Information from the INPI on fees, codes and procedures of the Patent Cooperation Treaty (PCT).	
	Application for filing an <b>International Patent Application</b> via <b>PCT</b> directly with WIPO.	
Trademarks	<b>Information from the INPI on the Madrid Protocol and step-by-step instructions</b> for applying for international trademark registration.	
	Application for <b>International Trademark Registration</b> directly on the WIPO website – <b>Madrid System</b> .	
WIPO	All WIPO International Deposits.	



## Intellectual Property costs in India



Before deciding on which system to use to file an IP application in India, you need to evaluate the costs involved and each of the options.

### Trademarks

In the case of trademarks, it is possible to choose between national filing through the O/o. CGPDTM or international filing via the Madrid System.

To make your decision easier, we have provided links to the comparative calculation of costs, in the table below, remembering that, in the Madrid System, you will need to choose the countries in which you want to protect your trademark, among the more than 130 that are part of the System.



**Table 9: Information for calculating trademark filing costs**

Institution	Link
O/o. CGPDTM Costs	
Madrid System Costs	

### Patents

Understanding the costs involved in a patent, in turn, is much more complicated. In the table below, you will find information on the amounts of fees requested for a patent in the O/o. CGPDTM, as well as the PCT price list, so that you have an idea of the costs involved in an international patent application.

**Table 10: Information for calculating patent filing costs**

Institution	Link
O/o. CGPDTM Costs	
PCT System Costs	

## How to enforce your Intellectual Property Rights in India

If you believe that an entity is using or benefiting from your IP rights without your consent, you may seek expert IP legal advice at an early stage.

Gather evidence that proves the violation of your rights, such as copies of works, trademark or patent registrations, and communications that evidence the violation.

When you already own the rights to trademarks, copyrights, industrial designs or geographical indications and you suspect that your rights are being infringed, you can register them with the country's Customs Authority and file a complaint, so that it can stop the suspicious goods are detained and prevented from crossing borders.



If there is seizure of the goods, you will have 10 days to start the procedures related to this seizure. This period, in some cases, can be extended for another 10 days.

In addition to customs seizure, if your IP right has been violated, you have two other alternatives: civil litigation or criminal prosecution.

Depending on the type of jurisdiction (civil/criminal), IP-related lawsuits should be directed to the District Court or the High Court having the jurisdiction over the matter.

Another option for international IP protection is the use of the Mediation and Arbitration services for Intellectual Property and Technology Disputes offered to companies by WIPO.



WIPO also offers mediation alternatives for resolving disputes over internet domains.



## Closing remarks

After the path proposed in this document, we hope that it has become easier to protect your IP before you start exporting.

Remember, because IP law is territorial, you'll need to protect it before you can introduce, sell, or manufacture your product in a new market. You can also protect it in other markets, even if you do not wish to exploit them at this time, in order to prevent others from copying, manufacturing or importing your trademark, product or service, and not paying your rights.

In some countries it is possible to carry out the procedures described here directly, but many require the hiring of a local IP professional who will act on your behalf. Having the support of an IP agent, in general, helps, not only with filings, but also to understand issues related to the local culture that can facilitate their access to the market in the region.

Another point that deserves to be highlighted is the cost of IP protection. It can be expensive, so it is always important to emphasize the need for good initial planning on how, where and why to invest abroad.

Finally, the information provided in this document is a support resource for exporting and protecting your IP in other countries and should not be used as a substitute for expert legal advice.