

Commission on Intellectual Property Rights

Country Case Study for Study 9: Institutional Issues for Developing Countries in IP Policy-Making, Administration and Enforcement

India

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This report has been commissioned by the IPR Commission as a background paper. The views expressed are those of the author and do not necessarily represent those of the Commission.

OVERVIEW OF LEGAL AND INSTITUTIONAL FRAMEWORK

BACKGROUND¹

India is a Federal republic

Legal system: English Common Law based

Population: 1,029,991,145 (estimate on July 1, 2001) Second largest in the world.

GDP per capita of US \$2,200 (2001).

GDP composition by sector:

- Agriculture: 25%
- Industry: 24% (textiles, chemicals, food processing steel, transportation equipment, cement, mining, petroleum, machinery, software)
- Services: 51%

RECENT HISTORY

A Bill to amend the Patents Act (1970) was passed by both Houses of Parliament in March 1999, to address the “black box” medicines and drugs, Exclusive Marketing Rights, etc., (i.e. Articles 70.8 and 70.9) of TRIPS, effective from January 1, 1995.

India acceded to the Paris Convention effective December 7, 1998.

2001

India also acceded to the Patent Cooperation Treaty effective December 7, 1998, and began operating as a PCT Receiving Office, Designated Office and Elected Office for the purposes of international applications filed under the PCT. India announced its recognition of Chinese and US Patent Offices as authorized international search and examining authorities, in addition to the Australian, Austrian and European Patent Offices.

A Bill to further amend the patent law, the Patents (Second Amendment) Bill, 1999, is still under consideration. This Bill, once passed and in effect, would bring Indian Patent Law into compliance with the TRIPS Agreement.

The Copyright (Amendment) Act, 1999 has amended the Copyright Act, 1957, to bring it into compliance with TRIPS Article 14, to extend protection to performers from 25 years to 50 years.

¹ CIA – The World Factbook 2001

New laws relating to Trade Marks, Designs, Geographical Indications of Goods, Semi-conductor Integrated Circuits Layout Designs have all been passed by Parliament but await formal notification. Draft legislation on protection of plant varieties is still under consideration.

India had launched a major sensitization program of SMEs, in which 16 events are projected for the next six months.

The Government of India supports public education and outreach programs, holding 60 seminars on intellectual property in universities across the country during 2000.

KEY ISSUES AND CHALLENGES

The immediate issues facing the Indian IP system are the notification and operationalization of new, TRIPS-compliant IP legislation.

Major projects aimed at modernization of Indian patent and trademark office operations, including computerization and the reduction of significant backlogs of pending applications are under way.

LEGAL FRAMEWORK

The Indian IP system is over 150 years old and based on British law (1856). The Indian Patents & Designs Act came into force in 1911. Table 1 summarizes the existing IP legislation in India.

India is a member of the following international conventions and treaties regarding industrial property:

- WIPO Convention
- Paris Union
- Berne Union
- Universal Copyright Convention
- Convention for the Protection of Producers of Phonograms
- Patent Cooperation Treaty

**MAIN PUBLIC SECTOR AGENCIES FOR IP POLICY, INFORMATION
DISSEMINATION, ADMINISTRATION & ENFORCEMENT**

POLICY

The IP policy lead rests with the Minister of Commerce and Industry. The Ministry maintains an extensive and comprehensive inter-ministerial and private sector consultative network. IP policy is linked to economic development through trade and is viewed as an important component of science and technology policy. Thus, other key agencies that are closely involved in the development of IP policy include the Ministry of Science and Technology, the Ministry of Human Resource Development and the Ministry of Agriculture.

The Office of the Controller General of Patents, Designs and Trade Marks is a subordinate Office under the Department of Industrial Policy and Promotion in the Ministry of Commerce and Industry. This Office has statutory responsibility for administration of patents, trade marks and industrial designs and serves as a main source of policy advice to the Government of India on industrial property matters.

The Copyright Office, in the Ministry of Human Resources Development, provides policy advice to Government with respect to copyright and neighbouring rights.

The Copyright Enforcement Advisory Council (CEAC) is an advisory body established by the Central Government and includes representatives of state police authorities as members (See Annex A).

ADMINISTRATION

The Controller General of Patents, Designs and Trademarks (CGPDTM) is the administrative and statutory head of the Patent Office (PO) and the Trade Marks Registry (TMR).

The Patent Office is headquartered in Kolkata and has Branch Offices in Mumbai, Chennai, and New Delhi. The Patent Office performs duties relating to the granting of patents as set out in the Patents Act, 1970, and the registration of industrial designs under the Designs Act, 1911.

The Indian Trademark Registry is headquartered in Mumbai and maintains Branch Offices in Kolkata, Chennai, New Delhi and Ahmedabad. The TMR administers the Trade and Merchandise Marks Act, 1958.

The Indian Copyright Office is located in New Delhi and administers a system of voluntary registration of copyrights under the Copyright Act, 1957.

INFORMATION DISSEMINATION

India had launched a major sensitization program of SMEs, in which 16 events are projected for the next six months.

The Government of India supports public education and outreach programs, holding 60 seminars on intellectual property in universities across the country during 2000.

Information dissemination is an important aspect of the mission of the IPO. This is carried out by the Patent Information System (PIS), located in Nagpur. PIS was established in 1980 by the Government of India. A modernization project was completed in 1996 with the technical support of WIPO and funding from the UNDP. The mission of PIS is to provide patent information and documentation from around the world to Indian researchers and industrial enterprises and to meet statutory novelty requirements under the Patents Act, 1970. The effectiveness of PIS in achieving this mission is the subject of debate. PIS has been unable to complete the building of a database of Indian patents (INDIAPAT) apparently as a result of the inability of the Patent Office to provide the necessary data and the lack of appropriate technology and expertise at PIS itself. The Ministry of Commerce and Industry is presently reviewing the future role of PIS.

A Patent Facilitation Center (PFC) of the Technology Information Forecasting and Assessment Council, an agency in the Ministry of Science and Technology, was set up to assist (financially and technically) educational and research institutions in the filing of patent applications. It provides a broad range of information and news relating to IP and also maintains a searchable on-line database of Indian filed and notified patent applications. PFC is also active in enhancing patent awareness and have conducted over 115 patent workshops throughout India.

The National Informatics Center (NIC), an agency of the Ministry of Information Technology, maintains significant patent information holdings, including international patent search facilities on its World Wide Web site (Intellectual Property & Know-how Informatics Division).

ENFORCEMENT AND THE JUDICIARY

Intellectual property litigation takes place before High Court and the Supreme Court of India. A Copyright Board adjudicates certain cases pertaining to copyright. Litigants are represented by well-qualified patent and trademark attorneys and agents.

India has taken various initiatives to strengthen intellectual property law enforcement and administration. Anti-piracy activities have been carried out by enforcement agencies throughout the country. A number of Indian State Governments have set up intellectual property protection units in their Police headquarters. The Central Government facilitates ongoing dialogue between industry and enforcement personnel through the aforementioned Copyright Enforcement Advisory Council (See Annex A). The Central Government has also organized training

programs on intellectual property laws in its National Academies for Administrators, Police and Customs personnel.

IP-RELATED COMPETITION POLICY

The Monopolies and Restrictive Trade Practices Act, 1969, termed “obsolete” by the government in light of globalization, which presently implements competition policy, is to be repealed and the Monopolies and Restrictive Trade Practices Commission to be dissolved when the Competition Bill, 2001 becomes law. The latter Bill proposes the creation of the Competition Commission of India.

PUBLIC POLICY MAKING PROCESS AND ROLE OF PRIVATE SECTOR AGENCIES & NGOS IN IP POLICY DEVELOPMENT, ADMINISTRATION & ENFORCEMENT

PUBLIC POLICY MAKING PROCESS AND THE ROLE OF PRIVATE SECTOR AGENCIES AND NGOS

The Government of India has an interactive, broad-based and extensive consultation process for the development of IP policies and the enactment of laws to implement them. Interested parties have the opportunity to comment on proposed policy, statutory and regulatory documents before these are passed by Parliament. Given the domestic sensitivity of a number of issues flowing from the TRIPS Agreement that would require amendment of the Patents Act, 1970, the Government established an Inter-Ministerial Committee under the Chairmanship of Secretary, Department of Industrial Development (Ministry of Commerce and Industries) to address these issues from the public policy as well as legislative perspective.

The Department circulated issues papers not only within Government but also to associations and interested parties in the private sector, and established an Experts Group to propose legislative changes, set up an inter-ministerial working group to examine all aspects of the detailed legislative changes required for TRIPS compliance. Finally, the Department organized a series of interactive public sessions across the country in connection with patenting issues and also soliciting public views on matters such as bio-diversity, traditional knowledge, indigenous systems of medicine, compulsory licensing, etc.

The above efforts reflect the integration of IP policy making with that of wider national economic policy and strategies for development and poverty reduction. The consultative mechanisms and processes operated to not only ensure TRIPS compliance but also to ensure that India would exploit the flexibilities provided in TRIPS to provide “adequate safeguards” for national security and public interest. These include, inter alia, issues relating to bio-diversity,

traditional knowledge, indigenous systems of medicine, issues of patentability and compulsory licensing.

Domestic industry lobbies are well organized and effective. The Federation of Indian Chambers of Commerce and Industry (FICCI) and the Confederation of Indian Industry (CII) are major industry associations that take a great deal of interest in IP matters and represent their members in this regard.

Both the Patents (Second Amendment) Bill, 1999, and the Protection of Plant Varieties legislation are still under consideration, at least partially as a result of private sector lobbying.

The Institute of Intellectual Property Development (IIPD) of the Federation of Indian Chambers of Commerce and Industry is an IP “think-tank” that contributes to the national IP policy development directly and by sponsoring and organizing conferences, seminars and discussions about IP in India.

The Indian intellectual property legal community represents both domestic and international creators and owners of IPRs and lobbies on behalf of their clients.

Copyright collectives as well as associations of authors, publishers, software producers and others directly influence policy development and enforcement activities on behalf of their members.

The Copyright Enforcement Advisory Council (CEAC), as mentioned earlier, this an advisory body established by the Central Government.

INTELLECTUAL PROPERTY LEGAL RESOURCES

The Indian intellectual property legal community is extensive, well-established and sophisticated. The Controller General, Patents, Designs and Trade Marks maintains a register of practitioners (agents and attorneys) that are qualified and permitted to represent applicants before him/her. The register currently lists 182 individuals who are qualified agents. Many of the firms are of long standing, with the oldest active firm on the register having been established in 1856, at the same time as the patent system was initially established in India. Numerous barristers specialize in IP litigation and can represent parties in all IP litigation matters before the courts or in Alternative Dispute Resolution (ADR) fora.

INDICATORS OF THE IP SYSTEM

ANNUAL NUMBERS OF IP APPLICATIONS AND GRANTS

See Tables 1 to 6 for Patents, Industrial designs and Trade Marks.

ANNUAL NUMBERS OF OVERSEAS IPRS GRANTED IN THE LAST THREE YEARS

See Tables 7 to 9 for IPRs applications and grants to residents and non-residents

LEVEL OF BACKLOG IN PROCESSING IPR APPLICATIONS

The Patent Office is faced with a growing backlog of approximately 40,000 unexamined patent applications. To address this situation, the Government is implementing a major² modernization program to streamline and computerize procedures, to recruit additional patent examiners in various fields of science and technology, and to provide needed improvements to facilities and infrastructure.

MANAGEMENT AND LICENSING OF IPRS IN THE PRIVATE AND PUBLIC SECTOR

Copyright and related rights are managed by collecting societies on behalf of members. The following are registered copyright collective societies that are managed under the Copyright Act, 1957, and operate to collect royalties and protect the interests of members in both domestic and foreign markets.

- Society for Copyright Regulation of Indian Producers for Film and Television (SCRIPT), for cinematograph and television films;
- The Indian Performing Right Society Limited (IPRS), for musical works; and
- Phonographic Performance Limited (PPL), for sound recordings.

The Patents Act, 1970, provides for the issuing of compulsory licenses and requires patentees, assignees and licensees to report annually on the extent of working of patented inventions in India to the Patent Office.

EXTENT OF PIRACY AND IPRS INFRINGEMENT

Statistics on piracy and IPR infringement in India have not been consolidated and are unavailable.

² Rs. 75.59 Crores (equal to approximately USD 19 million) has been allocated over a five year period by the Government.

KEY NATIONAL IP INSTITUTIONS, HUMAN & FINANCIAL RESOURCES & TECHNICAL/FINANCIAL ASSISTANCE

HUMAN RESOURCES

The Patent Office, (including Industrial Designs) has a total staff of approximately 330 against an authorized strength of 530. These numbers include approximately 40 patent (and design) examiners, out of an authorized total of 190 examiners.

The Trade Marks Registry has an authorized strength of approximately 290, of which 24 are trade marks examiners.

The Copyright Office has a total staff of 12, including 9 professionals (Registrar of Copyright, 2 Deputy Registrars and 6 copyright examiners) plus 3 clerical support staff.

OPERATIONS**Patent**

The patent granting process is governed by the Patents Act, 1970 and Rules, 1972. The Patents (Second Amendment) Bill, 1999, is before a Joint Committee of Parliament and, if passed, would make Indian patent law TRIPS compliant and bring about a number of procedural changes. As the law presently stands, patent applications are filed in the branch of the Patent Office that exercises jurisdiction over the geographical part of the country in which the applicant (or the agent, in case the application originates abroad) resides. The application is examined for formalities and then for substance³. If it meets the requirements of the Act, it is published for opposition and if unopposed, is granted and registered. Annual maintenance fees are required for the life of the patent. The concept of statutory autonomy of the branch offices requires that the application be processed to the point of acceptance at the branch where it was filed, with final granting performed by the Head Office in Kolkata. This requirement has contributed to growing backlogs and is a key driver for examination of process re-engineering and automation in the modernization project.

Trade Mark

Trade mark applications are filed in the branch of the registry that has geographical jurisdiction, similarly to patents. Most of the remainder of trade mark processing, however, takes place at

³ Key requirements are: novelty, inventive step and industrial applicability.

Head Office in Mumbai, where applications are examined for formalities and substance (i.e. distinctiveness), advertised for opposition and, if unopposed, are registered. Opposed applications will be registered if the opposition is defeated, otherwise they are refused.

Industrial Design

Industrial Design registration is governed by the existing Designs Act, 1991. Applications are received and processed at the Patent Office in Kolkata. The Design Act, 2000 is awaiting the approval of the Design Rules, and will introduce a more detailed classification of designs to better conform with the international system.

Copyright

Copyright applications are processed under the Copyright Act, 1957. Applications are accepted in the Copyright Office in New Delhi and, following examination for compliance with formalities requirements, are registered. The registration system is a voluntary system under TRIPS and the Berne Convention.

PROFESSIONAL EDUCATION AND TRAINING

There are numerous experts in IP at various law schools. The Government of India has recently established five intellectual property Chairs in Universities in various regions of the country. In July 2001 WIPO organized an International Seminar on Intellectual Property Educational Research, in Delhi. Some 20 international delegates and about 150 professors from Indian educational institutions attended. Additionally, the Government has contacted the main technical and management training institutions in the country to encourage their participation in the WIPO Worldwide Academy's Distance Learning Courses. Professional training in IP has also been provided through foreign Universities and at the WIPO Academy in Geneva.

HUMAN RESOURCE CONSTRAINTS AND BOTTLENECKS

In order to reduce applications backlogs and to cope with the increases resulting from accession to TRIPS and to the PCT, the Patent Office has initiated a major modernization project. The PO has a present total complement of 326, against an approved strength of 530⁴. The actual and approved levels of patent examiners is as follows: Kolkata 11 (60); Delhi 14 (73); Chennai 8 (50); Mumbai 7 (6) for a total of 40 (189).

The Industrial Design Wing (of the Patent Office in Kolkata) is also in the process of modernizing in order to administer modernized design legislation. The Design Wing comprises

⁴ Recruitment is under way to staff to authorized levels.

2 Assistant Controllers⁵, 6 examiners (patent examiners seconded from the Patent Office) and 13 support staff.

The Trade Marks Registry was modernized under a project that ran from 1993 to 1996. Backlog growths during that period combined with increasing application rates have created a pending backlog of between 250,000 and 270,000 applications (approximately 2½ years of pendency). At the same time, recruitment of additional examiners was delayed. An additional 20 examiners (out of a sanctioned additional 30) have now been added to bring the total number of examiners to 179. At the same time, additional Hearing Officers have been added and a large (7 to 8 year duration) re-modernization project has been initiated with the assistance of WIPO. The total employee strength (on March 31, 2000) was 259 against an authorized level of 282. At that date there were some 43 authorized posts for Deputy and Assistant Registrars (total 13) and 30 Examiners.

REFORMS BEING CONSIDERED

The Patent Office is in the process of modernization. The statutory requirement to maintain “independence” of patent processing among the four branch offices will be addressed through the re-engineering of processes that will accompany planned large-scale computerization of operations of operations. The Patent Office is also exploring ways of possible networking with other national offices to share search and examination workloads.

The Trade Mark Registry has initiated a project⁷ to reduce a backlog of approximately 250,000 to 270,000 pending applications, to strengthen the infrastructure and to upgrade computer systems with a view to improve service levels in the face of constantly increasing application rates (the 2001 application rate is projected to reach approximately 80,000).

FINANCIAL RESOURCES

Annual Income and Expenditure in the past 3 years

In fiscal 1999-2000 the Patent Office earned revenues of approximately Rs. 90 million and incurred expenditures Rs. 56 million.

⁵ Both Assistant Controllers will report directly to the CGPDTM.

⁶ Technical assistance from WIPO and financial assistance from the Government of India and UNDP.

⁷ The Government approved a project budget of Rs. 5 crores (approximately USD) for five years commencing in 1997-98. The project will be extended to cover a total period of 7 to 8 years.

In 1999-2000 the Trade Marks Registry earned revenues of approximately Rs. 34.75 million and incurred expenditures of approximately Rs. 28.87 million. In 1997-98 revenues were approximately Rs. 23.13 million and expenditures were approximately Rs. 36.44 million. Revenues were Rs. 21.17 million and expenditures were Rs. 24.92 million in 1996-97.

Projected Annual Income and Expenditure

Not available.

Financial Resource Bottlenecks and Constraints

None apparent.

COST RECOVERY AND USER-CHARGES

Policy and Systems for Cost Recovery

The Office of the CGPDTM is seeking greater financial autonomy as part of the modernization project currently under way. Whereas the policy of the Government is reported to be one of cost recovery, the implications of IPO financial autonomy will result in a review of this policy with a specific focus on “businesslike” financial management including the possible adoption of an accrual accounting system by the Office.

It should be noted that the policy of recovering costs through user charges does not extend to the Indian Copyright Office. The Copyright Office maintains a voluntary registration system that is projected to accept and register approximately 5,000 applications during the year 2001 (from a total of 1500 in 1996). The fee for an application for registration of copyright is Rs. 50 (approximately USD 1) for a literary, dramatic musical or artistic work and Rs. 400 (approximately USD 8) for a literary or artistic work that is used (or capable of being used) as “trade label”.

Details of copyright revenues and expenditures are not available but costs of operating the registry reportedly far exceed revenues. The operations of the Copyright Office, including the registry, the costs of operating the Copyright Board (an independent tribunal primarily engaged in resolving disputes with respect to royalty rates) the costs associated with management of collective societies, the funding of studies on piracy, and the funding of IP training in universities are all financially underwritten by the Ministry of Human Resource Development.

Level of User Charges and Revenues from Cost Recovery last 3 years

Details not available

Projected Level of User Charges tariff and Revenues from Cost Recovery Coming Years

Details not available.

TECHNICAL/FINANCIAL ASSISTANCE

Main Technical Assistance Programmes (1996-2000)

WIPO has provided a variety of technical assistance and support for training in IPRs including TRIPS implications, the Patent Cooperation Treaty, etc. WIPO has also provided technical assistance and support with respect to the aforementioned projects to modernize the Trade Marks Registry, the Patent Office and the Patent Information System (Nagpur).

Assistance is also to be provided by the European Patent Office (on behalf of the European Community) to help train the patent examiners presently being recruited for the Patent Office modernization project.

PARTICIPATION IN INTERNATIONAL RULE MAKING AND CO-OPERATION WITH OTHER ORGANIZATIONS

Level and Nature of Participation in WIPO, WTO, FAO, UNESCO

India continues to play a leading role among developing countries and on behalf of developing countries in all international fora, including the above. Indian IP interests have been represented at all meetings of WIPO, WTO, etc., by representatives from the Permanent Mission in Geneva, supplemented and complemented, as required, by representatives from competent Ministries as well as the Office of the CGPDTM.

India has been very active in WIPO over recent years, particularly with respect to activities that will lead to the increased benefits for developing countries from participation in the international IP system. India chaired the inaugural meeting of the Standing Committee on Information Technologies (SCIT) in 1998 and most recently chaired the Information Technology Projects Working Group (ITPWG) of SCIT at its inaugural meeting in Geneva. India has also participated in other activities of WIPO including meetings on the harmonization of trade marks laws and patent laws, settlement of Intellectual Property Disputes, etc.

Support Provided in TRIPS

India participated actively in the negotiations leading to the TRIPS Agreement and has continued to be active in all areas of TRIPS Council activities.

India remains an active proponent for changes to the TRIPS Agreement that would, in its view, “operationalise the objectives and principles relating to transfer and dissemination of technology

to developing countries". Among areas proposed for amendment by India are provisions to facilitate technology transfer, harmonization of TRIPS with the UN Convention on Biological Diversity (CBD), and the extension of TRIPS Article 23 (extended protection for wines and spirits) to other areas. India made these points at the recent WTO Ministerial in Doha.

The Office of the CGPDTM contributes to the formulation of the national position on IP matters as and when required, through the Ministry of Commerce and Industry's Department of Industrial Policy and Promotion.

Level of Cooperation with other IP Offices

India acceded to the Patent Cooperation Treaty effective December 7, 1998, and began operating as a PCT Receiving Office, Designated Office and Elected Office for the purposes of international applications filed under the PCT. India announced its recognition of Chinese and US Patent Offices as authorized international search and examining authorities, in addition to the Australian, Austrian and European Patent Offices.

The IPO is presently engaged in a pilot study to determine best ways in which it may exploit the foreign search and examination results that relate to the backlog of (direct) nationally filed applications in the large backlog of appending applications. This project is supported by WIPO and funded by the Government of India.

The TMO is engaged in a project aimed at modernizing procedures and reducing the turn-around times for pending TM applications. This project is supported by WIPO and being executed by the Australian Trade Mark Office.

Both of the above projects are parts of modernization projects being carried out with support from WIPO under a Nationally Focused Action Plan.

Involvement in Regional Cooperation on IP Policy, Administration and Enforcement

India continues to play a leadership role in the South Asia Association for Regional Cooperation (SAARC) and has hosted conferences and seminars on IP in that context. In addition, India has presented the views of the region and developing countries in general, with respect to the need to encourage transfer of technology, to protect biodiversity and to extend protection of geographical indications of goods in WIPO and at the WTO, most recently at the Doha Ministerial.

TABLE 1**Patent Applications**

	1999	1998	1997	1996
Residents	2206	2247	1926	1660
Non-residents	2618	6707	8229	6632
TOTAL	4824	8954	10155	8292

Note: India acceded to PCT in 1998. Therefore 1999 figures include 269 foreign PCT designated applications that entered the national phase. Because of significant differences, the figure in this table reflect those reported by India, not those reported in WIPO Annual Statistics.

TABLE 2**Patent Grants**

	1999	1998	1997	1996
Residents	N/A	592	N/A	359
Non-residents	N/A	1119	N/A	661
TOTAL	N/A	1711	N/A	1020

TABLE 3**Industrial Designs Applications**

	1999	1998	1997	1996
Residents	N/A	N/A	N/A	1770
Non-residents	N/A	N/A	N/A	587
TOTAL	N/A	N/A	2595	2357

TABLE 4**Industrial Designs Registered**

	1999	1998	1997	1996
Residents	N/A	N/A	N/A	1455
Non-residents	N/A	N/A	N/A	549
TOTAL	N/A	N/A	N/A	2004

TABLE 5**Trademark Applications**

	1999	1998	1997	1996
Residents	60985	31799	N/A	N/A
Non-residents	5393	4472	N/A	N/A
TOTAL	66378	36271	43302	N/A

TABLE 6**Trademark Registrations**

	1999	1998	1997	1996
Residents	6747	4302	N/A	3654
Non-residents	1263	538	N/A	782
TOTAL	8010	4840	N/A	4436

TABLE 7**Annual Number of Patent Applications by and Grants to Foreigners****Notes:**

1. The numbers on the first row represent total applications and registrations (i.e. PCT designations plus direct national applications and grants) filed by foreign applicants in India. The numbers on the second row are applications and grants via the PCT. India acceded to the PCT in 1998.

	1999		1998		1997		1996	
	App	Reg	App	Reg	App	Reg	App	Reg
Argentina	N/A	N/A			N/A	N/A	2	
Austria			6				59	15
Australia							120	12
Belgium			8				58	4
Bulgaria							1	
Brazil							5	
Canada			1				67	9
Switzerland			17				300	20
China			15				54	1
Czech Republic							1	1
Germany			2				1036	101
Denmark			8				103	1

Spain							33	5
Finland			18				36	4
France			13				267	42
United Kingdom			61				440	54
Greece							1	
Hungary							5	
Ireland							17	
Israel			12				34	1
India								
Italy							128	9
Japan			31				659	40
Rep. of Korea			5				370	23
Liechtenstein							3	1
Luxembourg							9	1
Mexico							3	
Netherlands			12				167	18
Norway			1				14	2
New Zealand							6	
Poland							3	3
Portugal							3	
Romania								
Russian Fed.							1	2
Sweden							97	3
Slovakia			1					
Turkey								

United States			13				2453	280
South Africa							22	6
Other Countries			58				55	3
TOTAL	38348	N/A	7997	1119	10155	N/A	6632	661
(PCT)	N/A	N/A	282					

TABLE 8**Annual number of Industrial Design Applications and Registrations by Foreigners****Notes:**

1. 1997, 1998 and 1999: data not available

	1999		1998		1997		1996	
	App	Reg	App	Reg	App	Reg	App	Reg
Argentina	N/A	N/A	N/A	N/A	N/A	N/A		
Austria								
Australia							11	9
Belgium								
Bulgaria								
Brazil								
Canada							4	4
Switzerland							78	76
China							2	2
Czech Republic								
Germany							54	50
Denmark								
Spain								
Finland							4	4
France							34	30
United Kingdom							32	31
Greece								
Hungary								
Ireland								

Israel							2	2
India								
Italy							22	22
Japan							59	58
Rep. of Korea							9	9
Liechtenstein								
Luxembourg								
Mexico								
Netherlands							38	36
Norway								
New Zealand							2	2
Poland								
Portugal								
Romania								
Russian Fed.								
Sweden							6	6
Slovakia								
Turkey								
United States							217	196
South Africa							2	2
Other Counties							11	10
TOTAL	N/A	N/A	N/A	N/A	N/A	N/A	587	549

TABLE 9**Annual number of Trademark Applications and Registrations by foreigners**

	1999		1998		1997		1996	
	App	Reg	App	Reg	App	Reg	App	Reg
Argentina							N/A	
Austria			11					4
Australia			71	8				10
Belgium			37	1				3
Bulgaria								
Brazil								
Canada			35	1				10
Switzerland			333	41				55
China			55	5				2
Czech Republic								3
Germany			261	58				99
Denmark			22	10				2
Spain			53	6				49
Finland			11					2
France			308	59				30
United Kingdom			639	61				69
Greece								
Hungary			2					
Ireland				1				
Israel								
India								
Italy			183	23				19
Japan			261	43				63
Rep. of Korea			55					16
Liechtenstein			3					7

Luxembourg								
Mexico			2					
Netherlands			75	20				32
Norway			4	2				3
New Zealand			46					
Poland								
Portugal			2					
Romania								
Russian Fed.			22	1				
Sweden			63	5				14
Slovakia								
Turkey								
United States			1548	174				267
South Africa				1				1
Other Counties			370	18	1216	738		22
TOTAL	5393	1263	4472	538	6185	4195	N/A	782

Annex A

Composition of Copyright Enforcement Advisory Council

Chairman

Additional Secretary, Department of Education, Ministry of Human Resource Development (Ex-officio)

Vice-Chairman

Joint Secretary in-charge of Book Promotion and Copyright Division, Department of Education (Ex-officio)

Members

Joint Secretary (Films), Ministry of Information & Broadcasting (Ex-officio)

Joint Secretary, Department of Electronics (Ex-officio)

Director General of Police, Government of Uttar Pradesh

Director General of Police, Government of Andhra Pradesh

Director General of Police, Government of Gujarat

Director General of Police, Government of Punjab

Director General of Police, Administration of Chandigarh

Representative of the Federation of Indian Publishers, New Delhi.

Representative of Authors' Guild of India, New Delhi.

Representative of the Federation of Publishers' and Booksellers' Associations in India, New Delhi.

Representative of Film Federation of India, Mumbai

Representative of National Association of Software Service Companies, New Delhi

Representative of Phonographic Performance Limited, Mumbai.

Representative of Indian Performing Right Society Ltd., Mumbai

Representative of Cine Artistes Association, Mumbai