

UNIVERSITIES AND PATENTS

Relevant for: Science & Technology | Topic: Science and Technology- developments and their applications and effects in everyday life

Universities and patents benefit each other. Patents help universities to improve their ranking, establish an innovation ecosystem, incubate knowledge-based start-ups, earn additional revenue and measure research activity. In its biggest push to create entrepreneurial universities, the University Grants Commission (UGC) has now asked all universities in India to set up Intellectual Property (IP) Centres. As universities line up to set up these centres, they will face a strange human resources problem: despite the policy push to have more IP, we simply do not have enough IP professionals in the country.

All you need to know about the new IPR Policy

The dearth of IP professionals is a problem related to the field of intellectual property itself. Its recent rise to prominence in the international arena, thanks to various international treaties and trade agreements, along with the legal-centric approach where law schools and colleges are the only institutions which mandate teaching these subjects, are reasons why the supply of IP professionals is not keeping pace with demand. But there is a great opportunity now that should not be missed. The Central government conducts the only competitive examination in the country to check a person's proficiency in IP. Fine-tuning the patent agent examination to cater to the growing IP needs of the country can be a successful way to build a band of professionals and create career opportunities.

On October 28, the Central government conducted the competitive examination to test proficiency in patent law, a type of intellectual property right (IPR), after a hiatus of two years. Any Indian citizen with a bachelor's degree in science or technology can take the examination. Upon clearing it the person is entitled to practise before the Patent Office as a registered patent agent. Qualifying the exam allows science graduates to draft, file and procure patents from the Patent Office on behalf of inventors.

India witnessed significant changes in IPRs since the introduction of the National IPR Policy in 2016. The grants rates at the Patent Office have increased: in 2017-2018, there was a 32% increase in the number of patents granted compared to the earlier year. The Patent Office increased its workforce with the inclusion of 459 new examiners and is on the lookout for more. The timeline for filing responses to official objections for patents has been reduced by half. While the disposal rate has increased, the filing rate for patents has not changed significantly. In 2016-17, the Patent Office reported a dip of 3.2% in filing compared to the previous financial year.

Patently a missed opportunity

The new policy has pushed universities to file more patents. Kindled by the call to have more IPRs, the higher education sector has witnessed many reforms. The UGC's call to universities, highlighted earlier, has come after a series of policy directives to introduce awareness about IP in higher educational institutions.

The number of patents applied for, granted and commercialised by universities and institutes is factored in in the National Institutional Ranking Framework (NIRF) rankings: no surprise that the top ranked engineering institutes in India are also the leading filers of patents. Whether a higher educational institute has an innovation ecosystem could also have a bearing, with the National Assessment and Accreditation Council, awarding up to 24 points to an institute which sets up an

innovation ecosystem and has a facility for identifying and promoting IPRs. The All India Council for Technical Education (AICTE) model curriculum for its member institutions lays emphasis on the need for IPR education in technical institutes.

As the IPR Chair at IIT Madras, I was part of a committee constituted to draft the IPR guidelines for institutions under the AICTE. The lack of IP professionals to teach IP was one of the reasons the committee could not suggest the mandatory introduction of IP courses in all technical institutes. Online courses on IPR are available on the National Programme on Technology Enhanced Learning platform. Though thousands register every year, much needs to be done to build capacity on IP in universities. We need to focus on careers rather than courses.

India has a poor patent agent density, with only about 2,000 registered patent agents currently in practice. The last time when the Patent Office conducted the patent agent exam, in 2016, around 2,600 candidates took it, a paltry number if one looks at the ambitious goals set by the IPR Policy. Despite the infrequent manner in which the examination has been conducted, the private sector does give good weightage to the examination as it is considered to be the de facto IP qualification today.

The ambitious goal set by India's IPR Policy will be realised only when the examination becomes the foundation for making a career in IPR. In a dynamic field such as intellectual property, in order to create a band of qualified IP professionals there should be a push towards post-qualification continuous education as well. To achieve this, the format, membership, syllabus and the frequency of the patent agent examination will need to be addressed. This will not only increase the number and quality of IP professionals in the country but also become a new career choice for graduates with a degree in science and technology.

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