

Japan benefits from India's improving IP ecosystem

26 May 2025



The India-Japan partnership in intellectual property stems from the mid-20th century. The 1958 Agreement for Technical Co-operation helped transfer Japanese expertise in manufacturing and engineering to India. By the 1980s, companies such as Suzuki had transformed India's automotive industry through joint ventures that brought Japanese quality to Indian markets.

India continues to offer opportunities for Japanese innovators, businesses and IP professionals. During the last decade, the IP framework has transformed, strengthened by forward-looking policies and progressive judicial decisions.

The 2019 India-Japan Patent Prosecution Highway (PPH) programme speeded up patent grants, benefitting electronics and automotive companies. Dozens of Japanese patent filings were processed before the PPH ended in 2022. The PPH harmonised IP processes, engendering the trust underpinning current frameworks.

India's ambitions for a modern IP system were boosted by the 2016 National IP Rights Policy. This aimed to align IP laws with international standards. It streamlined processes, increased

transparency and encouraged the commercialisation of IP. These goals resonated with Japan's innovation-driven technology industries.

India ranked 40th on the 2023 World Intellectual Property Organisation's global innovation index. During the past decade, reforms such as updated patent rules, digitised IP processes and expedited examinations have modernised the IP infrastructure, reduced backlogs and encouraged innovation. India now ranks among the top 10 global filers of patents, trademarks and industrial designs, becoming an innovation titan and an attractive centre for R&D investment.



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The Intellectual Property Divisions (IPD) of the High Courts were established following the abolition of the Intellectual Property Appellate Board (IPAB) in 2021. Led by Delhi High Court in 2022 and the Madras High Court in 2023, these specialised divisions have streamlined IP litigation. Consolidating cases, using expert assistance and embracing technology such as video conferencing, IPDs have reduced backlogs and improved decision-making. The 2022 Rules of IPDs set out damage calculations, incorporating lost profits and infringer motives. Such consistency and efficiency appeal to Japanese companies. The Calcutta and Himachal Pradesh High Courts now also have IPDs.

Emerging technologies have been integrated into India's IP framework. The Indian Patent Office has issued draft guidelines for patenting inventions based on AI, blockchains and the internet of things (IoT).

These reforms promote emerging sectors such as renewable energy, in which Japan excels. Japanese companies can partner with local entities to develop smart grid systems with robust IP protection. In healthcare, Japanese pharmaceuticals may patent drug delivery innovations with India's biotech companies, using the streamlined IP processes. Japan's robotics expertise can partner with India's software capabilities to create synergies in IP-protected medical automation.

The Trade Marks Registry recognises and protects globally renowned brands, such as Toyota, Sony and Suzuki, by maintaining a "Well Known Trade Marks" list. This offers enhanced protection against infringement, reflecting India's commitment to safeguarding international intellectual property rights.

Courts, particularly Delhi High Court and its IPD, have delivered landmark rulings in favour of Japanese companies, aligning with Japan's emphasis on quality and brand integrity. Casio, Panasonic, Bridgestone and others have secured injunctions and won punitive damages for IP infringements such as counterfeiting. The IPD of Delhi High Court has delivered progressive judgments involving standard essential patents (SEP) and fair, reasonable, and non-discriminatory (FRAND) terms, providing a balanced approach to technology licensing. India's courts are not

merely resolving disputes; they are shaping a predictable and robust IP regime that provides trust to global investors.

The India-Japan business alliance is a testament to the enduring strength of collaboration. This partnership continues to evolve, driving advancements in technology, IP and entrepreneurship. The nations' intertwined histories and complementary strengths promise a resilient and prosperous alliance, shaping global approaches for years to come.

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