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A Quick Guide to the Chapter on Intellectual Property Rights

India-UK Comprehensive Economic and Trade Agreement



Quick Guide

Chapter on Intellectual Property Rights India – UK CETA

The India-UK Comprehensive Economic and Trade Agreement, signed on July 24, 2025, represents one of the most significant trade deals in recent years for both the countries. Chapter 13 of this agreement, comprising of 111 articles, deals extensively with intellectual property rights protecting innovations, creativity, and traditional knowledge among other things.

Framework of the IPR Chapter

Intellectual Property Rights are legal protections given for creative works and innovations. You can think of them as intangible properties that exist beyond physical form such as inventions, brand names, artistic works, designs, and trade secrets. Chapter 13, titled “Intellectual Property Rights”, is structured into nine sections, each addressing a specific aspect of intellectual property rights.

Section A: General Provisions
(Articles 13.1-13.12)

Section B: Cooperation
(Articles 13.13-13.23)

Section C: Trade Marks
(Articles 13.24-13.33)

Section D: Geographical
Indications (Articles 13.34-13.45)

Section E: Patents (Articles
13.46- 13.56)

Section F: Designs (Articles
13.57- 13.61)

Section G: Copyright and
Related Rights (Articles 13.62-
13.72)

Section H: Trade Secrets
(Articles 13-73)

Section I: Enforcement (Articles 13.74-13.111)

There are also Annexes including Annex 13A, Annex 13B concerning GIs and their specifications, and several side letters related to copyrights and GI protection.

Synopsis of the IPR Chapter

The IPR Chapter covers multiple aspects including copyright and related rights, designs, trade marks, geographical indications, patents, and trade secrets, along with enforcement frameworks and cooperation mechanisms between India and the UK. The Chapter is grounded in principles that aim to balance the rights of creators and inventors with public interest.

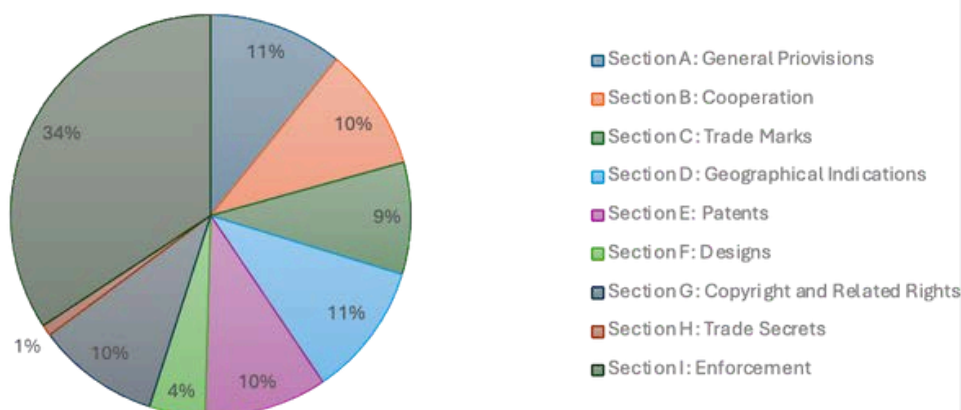
Balance of Rights- Articles 13.2 and 13.4 explicitly state that IP protection should facilitate the diffusion of knowledge and technology, contribute to social and economic welfare, and maintain a balance between right holders and users.

Public Health Safeguards- The IPR Chapter preserves India's right to use TRIPS flexibilities including the grant of compulsory licenses to protect public health and access to medicines. A critical aspect is the reaffirmation of the Doha Declaration on TRIPS and Public Health (Article 13.6).

Implementation Flexibility- Article 13.5 allows each Party the freedom to determine the appropriate method of implementing the provisions within its own legal system and practice. It also clarifies that a Party is not obliged to provide more extensive protection than required by the chapter.

The reference to voluntary licensing simply acknowledges global best practices that encourage collaborative solutions on mutually agreed terms. At the same time, the IPR Chapter maintains full TRIPS flexibilities as essential safety nets and reaffirms each party's sovereign right to determine national emergencies and take necessary measures to protect public health, including compulsory licensing.

Distribution of Articles in the IPR Chapter



Key Highlights

Patents

During the course of negotiations, India could secure its policy interests with respect to protection of Public Health and maintain TRIPS flexibilities in respect of several sensitive demands raised by the UK in the area of pharmaceutical patents. The IPR Chapter reaffirms India's policy autonomy:

- TRIPS-compliant safeguards like compulsory licensing and public interest exceptions remain untouched.
- Nothing in the IPR Chapter curtails India's ability to regulate or intervene when public health is at stake.
- Article 13.50 rightly preserves a Party's flexibility under TRIPS, ensuring public interest remains paramount in patent use. It is a vital reaffirmation of India's sovereign rights in health emergencies and beyond.

As part of the IPR Chapter obligations, India agreed to make systemic changes and process reforms in pre-grant opposition system, disclosure requirements for patent applicants and grantees. The IPR Chapter:

- encourages cooperation and work-sharing between patent offices
- simplifies the patent prosecution process, including streamlined pre-grant opposition and more flexible patent working disclosure requirements
- especially beneficial for SMEs, startups, and educational institutions through reduced compliance burdens and greater clarity.

It also introduces provisions for cooperation on traditional knowledge associated with genetic resources, whereby the Parties agreed to pursue quality patent examination which will include **utilization of databases and digital libraries including India's renowned Traditional Knowledge Digital Library during prior art assessments.** It will create robust defenses against erroneous patents that inappropriately claim existing traditional knowledge, thereby protecting India's cultural heritage.

Geographical Indications

GIs serve as vital IP tools that safeguard products intrinsically linked to specific regions, where unique environmental conditions, traditional methods, and local expertise combine to create distinctive qualities. These protected designations encompass renowned products like Darjeeling Tea, Kolhapuri Chappals and Scotch Whisky.

India is home to more than 600 registered GIs and the IPR Chapter represents a landmark achievement in international GI protection, establishing a sophisticated and comprehensive framework. **The Parties agreed to establish a framework for protecting a list of agricultural geographical indications through expedited examination** based on minimum documentation while conforming to legal requirements of either side. This will ensure recognition and protection of Indian GIs in the UK markets and global markets thereon. **A list of non-agricultural GIs and handicrafts will also be annexed with the agreement for greater product promotion and potential protection under the UK Collective and Certification marks scheme.** (Art. 13.17)

Trade Marks

Trade marks serve as crucial intellectual property assets, safeguarding the distinctive signs that identify businesses including names, logos, symbols, and sounds that distinguish goods and services in the marketplace. The IPR Chapter ensures robust protection through streamlined registration processes, with trademark rights secured for a minimum term of 10 years and renewal capabilities.

To facilitate seamless trademark registration, India and the UK commit to implementing electronic filing systems, significantly reducing administrative burdens and accelerating the registration process. **Importantly, the IPR Chapter incorporates strong safeguards against abuse by explicitly empowering authorities to cancel or refuse trademark applications filed in bad faith, thereby protecting legitimate business interests and maintaining the integrity of the trademark system.**

Copyright

Under Section G on Copyrights and Related Rights, the chapter affirms the minimum protection standards provided under TRIPS, it also incorporates the WIPO Internet Treaties (WCT and WPPT) to reflect the realities of the digital economy.

In the area of Copyright, the Parties agreed to align obligations with their domestic legal frameworks while establishing a cooperation mechanism to facilitate equitable remuneration for performers and producers of phonograms and monitoring manufacturing and trafficking of circumvention devices to curb digital piracy.

Enforcement

Enforcement provisions, as addressed in Section I, set out comprehensive civil, border, and criminal enforcement measures, largely consistent with India's existing IP laws. **It includes modern provisions for enforcement in the digital environment, addressing online infringement and establishing liability limitations for Online Service Providers, which is crucial for a growing digital economy like India's.**

It also highlights the importance of considering environmental impact in the destruction of infringing goods. It provides for structured cooperation on innovation, capacity-building, and enforcement covering collaboration on anti-counterfeiting efforts, awareness-building for SMEs, and the exchange of best practices on emerging technologies such as AI and green tech.

Conclusion

Overall, the IPR Chapter aims to create a balanced, transparent, and effective framework for protecting and enforcing IP rights, fostering innovation, creativity, and deeper economic integration. The extensive and detailed chapter delves into the complexities of 21st-century intellectual property issues, from digital enforcement to geographical indications. It aligns with international IP norms, especially the TRIPS Agreement, and respects each Party's ability to address public interest issues such as public health, innovation, and the environment.