

**GOVERNMENT OF INDIA
MINISTRY OF COMMERCE & INDUSTRY
DEPARTMENT FOR PROMOTION OF INDUSTRY AND INTERNAL TRADE
RAJYA SABHA**

**UNSTARRED QUESTION NO. 2922.
TO BE ANSWERED ON FRIDAY, THE 20TH DECEMBER, 2024.**

COLLECTION OF UNDUE PAYMENTS FROM PATENT APPLICANTS

2922. Shri Rajeev Shukla:

Will the Minister of **Commerce and Industry** be pleased to state:

- (a) whether Government is aware that fraudsters are collecting data about IP applications and seeking undue payments from applicants in sectors such as patents, trademarks, designs, geographical indications, copyright, etc.;
- (b) if so, whether Government has taken cognizance of these frauds and any action has been taken thereon; and
- (c) if so, the details thereof and if not, the reasons therefor?

ANSWER

**THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE & INDUSTRY
(SHRI JITIN PRASADA)**

(a) to (c): The Intellectual Property (IP) office undertakes proceedings in respect of two types of applications i.e. published and unpublished IP applications. Un-published applications remain confidential and are not accessible to the public as their details are kept confidential for a specified period of time, after which they are published in accordance with the relevant IP statutory provisions. The office has limited scope in maintaining secrecy of data of published applications that is statutorily required to be made publicly accessible after the specified period is over.

A few instances of misuse of publicly accessible information from the IP India website for unethical purposes have been reported. While IP laws lack specific provisions to address such issues, the Information Technology Act, 2000 criminalizes unauthorized access, alteration, or damage to data with dishonest or fraudulent intent, and the Bharatiya Nyaya Sanhita 2023 provides stringent provisions to address such issues.

Recently, the government has implemented measures to enhance data management systems in IP offices, ensuring greater robustness, transparency, and confidentiality at every stage of processing IP applications:

- a) To enhance accessibility and reliability, all data has been securely uploaded to the cloud providing better protection against data loss and enabling more efficient management.
- b) Data encryption has been added for sensitive data and automated requests on trademark public search servers have been blocked. Further, CAPTCHA has been added to restrict automation from collecting data from public site.
- c) Public notices have been issued to alert stakeholders not to fall prey to fraudsters who may misuse data and IP application statuses collected from the IP India website.
