

Gurinder & Partners

Guidance with Precision



News letter.

Startup India : The law front

A flagship Initiative by Gurinder and Partners

July 2025

**INTELLECTUAL PROPERTY RIGHTS
FOR STARTUPS**

Protect & Prosper



Intellectual Property Rights

In today's innovation led economy, startups thrive on creativity, technological advancement, and disruption. Yet, without the legal shield of Intellectual Property Rights (IPR), even the most groundbreaking ideas risk imitation and erosion of competitive advantage.

IPR Type	What It Protects	Example
Patent	New inventions, technologies, processes	AI algorithm, water filter
Trademark	Logos, names, slogans, brand identifiers	Nike Swoosh, "Just Do It"
Copyright	Artistic & creative works (text, code, design)	Software code, blogs, course materials
Trade Secrets	Confidential business know-how	Formulas, proprietary algorithms
Design Rights	Product aesthetics and visual features	iPhone shape, Coca-Cola bottle design

Intellectual Property Rights in Action

Use vs Text

IP law isn't just about the legal definitions and provisions; it's about how those protections are applied in the real world.

Example: A trademark isn't just a logo in legal terms; it's the trust and recognition it builds for a brand.

Think beyond the textbook, ask how the IP is being used and why it matters to the business or creator.

Live Disputes

IP law evolves through real-time disputes, often addressing new-age challenges. Keeping track of these disputes sharpens your understanding of the law's application in emerging scenarios.

Example: AI-generated content and NFTs are reshaping copyright and ownership norms.

Monitor ongoing cases and emerging issues to stay updated on the practical challenges and resolutions in IP law.

Sector Expertise

IP operates differently across industries. Understanding sector-specific nuances is crucial to providing effective legal strategies.

Example: In the tech industry, patents often form the backbone of innovation, while in entertainment, copyright drives revenue.

Gain in depth knowledge of the industry you're working in to address its unique IP challenges and opportunities.

Strategic Thinking

IP is not just a shield for protection but a sword for gaining leverage in the business world. Strategic use of IP can enhance valuation, secure funding, or strengthen market position.

Example: Licensing deals, brand collaborations, and patents for monetization.

Always connect legal protection to tangible business outcomes, helping clients see IP as a tool for growth and market advantage.

Government Support for Startup IPR

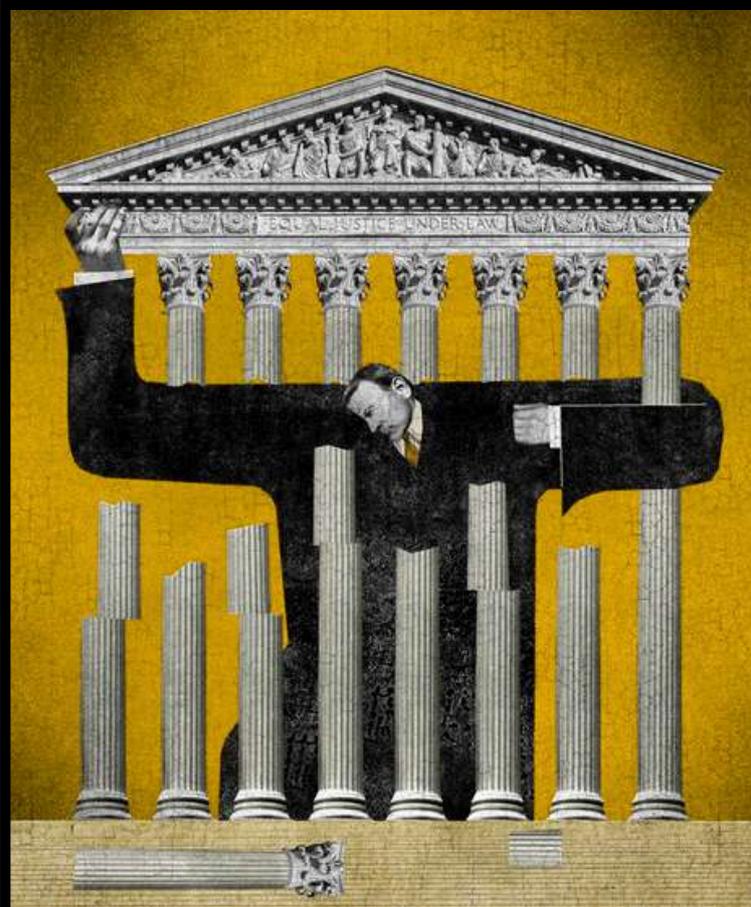
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Scheme for Facilitating Startups Intellectual Property Protection

Launched under the Startup India Action Plan (2016) and administered by the Department for Promotion of Industry and Internal Trade (DPIIT), the SIPP scheme is designed to:

Lower the entry barrier for IP protection

- Offers up to 80% rebate on patent filing fees and 50% rebate on trademark fees for eligible startups.
- Recognized startups can register patents, trademarks, and designs at significantly reduced costs.



Provide expert support

- Startups are assigned empaneled IP facilitators (registered patent/trademark agents or law firms) free of charge.
- These facilitators assist with:
 1. Drafting and filing IP applications
 2. Responding to examination reports
 3. Representing the startup in hearings or oppositions

Accelerate the process

- Patent and trademark applications filed under SIPP are fast-tracked, helping startups secure IP rights early—which is critical before launching products or raising investment.

SIPP has led to a sharp increase in IP awareness and filings among Indian startups, positioning IP as a core part of business strategy rather than an afterthought.



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Support for International Patent Protection in Electronics & IT

Initiated by the Ministry of Electronics and Information Technology (MeitY), the SIP-EIT scheme addresses a key gap: the cost of international IP protection. Its Long term goal is to enhance India's visibility in global innovation rankings and establish Indian startups as global IP leaders, not just domestic players.

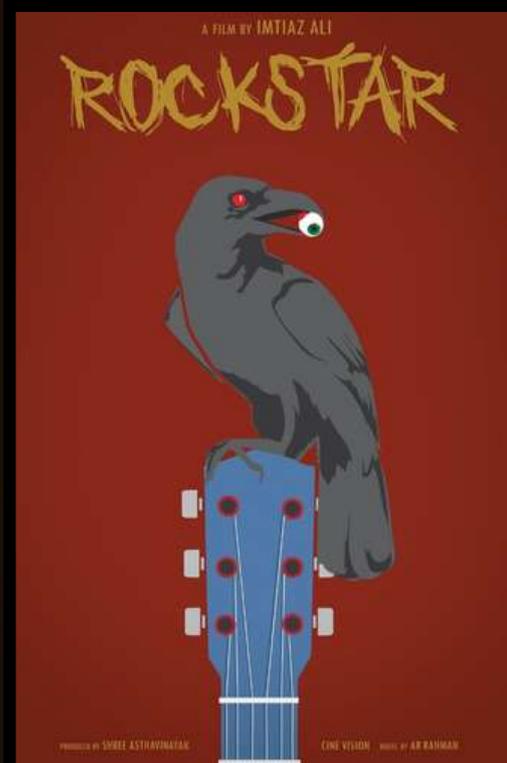
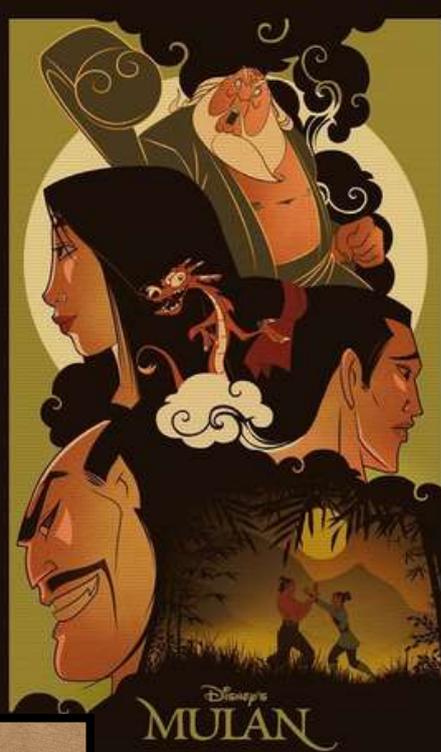
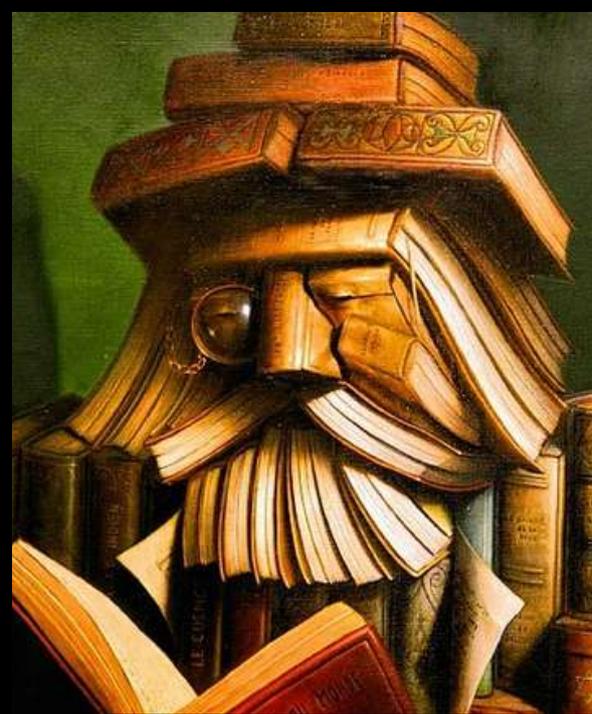
Global Patent Filing Support

Provides financial assistance to Indian startups, MSMEs, and individual innovators for international patent filings, including:

1. Patent Cooperation Treaty (PCT) filings
2. National phase filings in foreign jurisdictions
3. Legal and translation fees

Filing abroad is often essential for tech startups aiming to license globally, enter new markets, or attract foreign investment.

Without this support, many promising innovations remain unprotected outside India due to high costs.



COPYRIGHT

Copyright protects original literary, artistic, musical, or dramatic works. It doesn't protect ideas but only how you express them.

From pitch decks to product manuals, app UI to brand videos, your content is your IP. Without copyright, it's vulnerable to copying.

Timeline & Validity

Protection begins

The moment your original work is created and fixed in a tangible form

Registration (optional)

Adds legal weight for enforcement

Validity in India

Lifetime of the creator + 60 years after death
(for literary, artistic, musical works)

60 years from publication (for films, sound recordings)

Types of Work Covered

Literary

Blogs, books, code

Musical

Songs, compositions

Artistic

Logos, illustrations, designs

Cinematographic

Films, brand ads

Sound recordings

Podcasts, original audio

Types

Packaging Mark



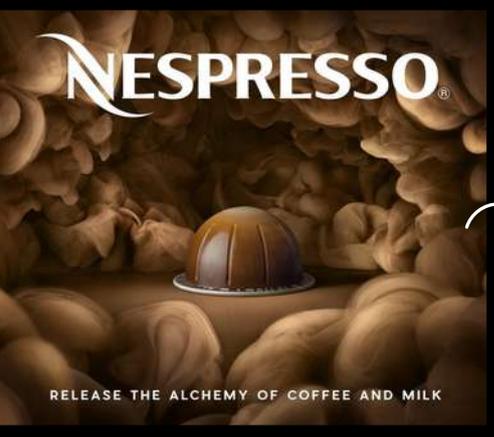
TRADEMARK

A trademark protects your brand identity such as logos, names, slogans, jingles, and packaging. It includes anything that distinguishes your product or service from others.

Slogan



Trademarks build recognition, trust, and value. They are often the first asset investors recognize.



Sound Mark
Nespresso's capsule insertion click + musical tone
A signature sound used in advertising and brand experiences.

Timeline

Application Filing
Examination
Objection (if any)
Advertisement
Registration



Word Mark



Logo Mark

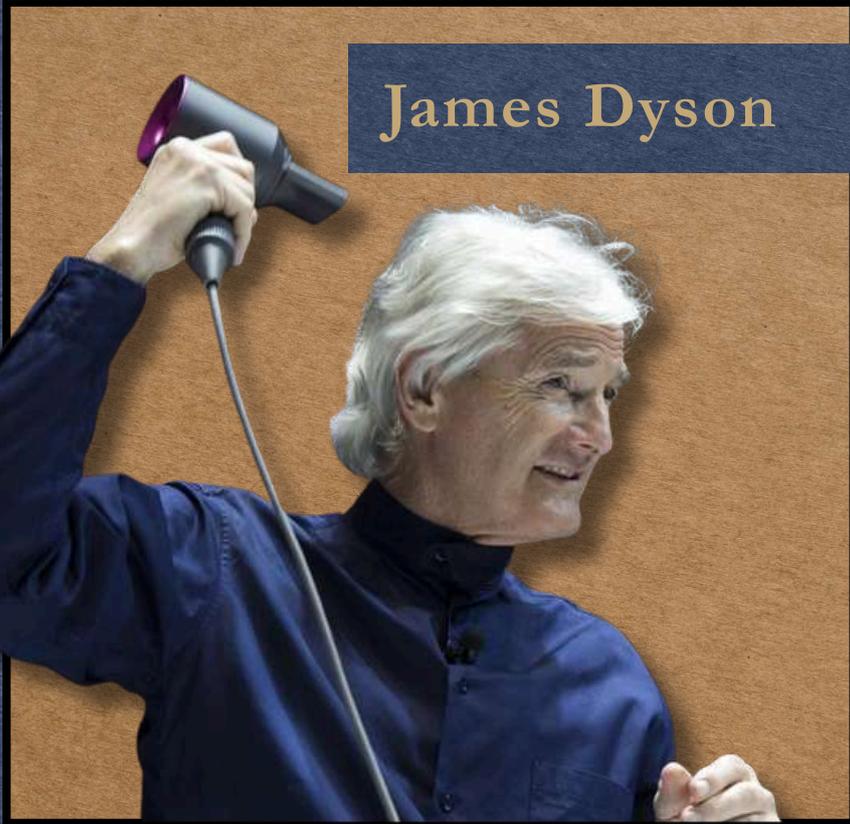
TM vs ®: What's the Difference?

™ (Trademark)
Used when your brand name/logo is in use but not yet registered

® (Registered)
Only used once your trademark is formally registered with the Trademark Registry

Validity
10 years (renewable indefinitely)

James Dyson



James Dyson developed a revolutionary bagless vacuum and filed his first patent in 1980. Instead of just launching a product, he protected every innovation globally. With over 3,000 patents today, Dyson turned intellectual property into a competitive moat, licensing tool, and driver of long-term commercial success.

A patent grants the inventor exclusive rights over an invention that is new, involves an inventive step, and is capable of industrial application. It may relate to a product, process, or technical solution.

Patents confer monopoly rights, enhance business valuation, and serve as a critical defense against imitation or infringement by competitors.

Criteria

- ✓ **Novelty** – Not publicly known
- ✓ **Inventive Step** – Not obvious to someone skilled in the field
- ✓ **Industrial Application** – Must be useful

Types of Patents in India

- **Utility Patents (Invention):**
Products, processes
- **Design Patents:**
Aesthetic design of a product
- **Plant Variety Rights:**
Protected under the PPVFR Act, 2001 for new, distinct plant varieties

PATENT

Timeline

Filing to Grant

2–4 years (with fast-track options)



Protection Duration

20 years from the filing date



Provisional Patent

Lets you claim “Patent Pending” early while you refine the invention

Disclaimer

This newsletter is intended solely for informational purposes and does not constitute legal advice or create any lawyer-client relationship. Legal advice is only provided after formal engagement and a thorough understanding of the relevant facts and circumstances. If you have any queries, require assistance, or seek clarification regarding any content in this edition or on legal matters concerning startups more broadly, please feel free to reach out to the team at Gurinder & Partners through the contact details provided below.

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