

GLOBAL IP DISPUTES: LESSONS FOR INDIA

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BEST CITATION – VINAY KRISHNA YADAV, GLOBAL IP DISPUTES: LESSONS FOR INDIA, *INDIAN JOURNAL OF LEGAL REVIEW (IJLR)*, 5 (13) OF 2025, PG. 645-648, APIS – 3920 – 0001 & ISSN – 2583-2344

Abstract

In today's interconnected world, intellectual property (IP) has become a cornerstone of innovation, trade, and competition. As globalization deepens, disputes over intellectual property rights (IPR) increasingly transcend national borders, creating complex challenges of enforcement and harmonization. This paper examines prominent global IP disputes, explores their legal and economic implications, and extracts valuable lessons for India's evolving IP landscape. The study emphasizes India's role as a developing economy balancing innovation incentives and public interest while adapting to international standards under the TRIPS framework. Through case analyses and policy perspectives, it suggests how India can strengthen its IPR regime to encourage creativity, attract investment, and assert itself as a global leader in IP governance.

Keywords: Intellectual Property Rights, Global Disputes, TRIPS Agreement, Patent Law, Copyright, Trademark, India, Innovation, Enforcement.

1. Introduction

Intellectual Property Rights (IPR) have emerged as one of the most influential areas of international law and commerce. In the age of technology, where creativity and innovation drive economies, IP disputes have gained global significance. Multinational corporations, startups, and research institutions frequently face conflicts over ownership, licensing, and infringement that cross national boundaries.

Global IP disputes highlight not only the importance of strong legal frameworks but also the need for cooperation among nations. For a country like India—where innovation is rapidly growing but enforcement remains challenging—examining global disputes offers valuable insights. Understanding these conflicts helps policymakers and legal professionals shape a more effective system that supports innovation while safeguarding public welfare.

2. Evolution of Global Intellectual Property Disputes

The modern global IP regime is largely shaped by the **Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS)**, adopted in 1995 under the World Trade Organization (WTO). TRIPS created a baseline for IP protection worldwide, but implementation varies widely between developed and developing nations.

Global disputes generally arise from:

- **Patent conflicts** (especially in pharmaceuticals, biotechnology, and software)
- **Trademark infringement** (brand imitation, domain names, and cross-border commerce)
- **Copyright violations** (music, films, and digital platforms)
- **Trade secrets and data misuse**

The rise of digital technologies, e-commerce, and artificial intelligence has intensified these

disputes, exposing the gaps between national laws and global trade realities.

3. Major Global IP Disputes

This section explores a few influential IP disputes that have shaped global IP jurisprudence and enforcement.

3.1 Apple Inc. v. Samsung Electronics Co. (2011–2018)

One of the most high-profile global patent battles, this dispute centered on smartphone design and technology. Apple accused Samsung of infringing its patented features such as the “slide to unlock” and rounded icon layout. Courts in multiple jurisdictions, including the U.S., South Korea, and Germany, handled variations of the dispute.

The case emphasized the **economic value of design patents** and the **challenges of enforcing IP rights globally**. It also revealed how different jurisdictions interpret similar patent claims differently, resulting in inconsistent outcomes.

Lesson for India: India should strengthen its **design and utility patent systems**, ensuring clarity in scope and better technical examination of patent claims to avoid overlaps.

3.2 Novartis AG v. Union of India (2013)

In this landmark case, Novartis sought patent protection in India for its anti-cancer drug *Glivec*. The Indian Patent Office rejected the application under **Section 3(d)** of the Patents Act, which prevents “evergreening” – the practice of making minor modifications to extend patent life.

The Supreme Court upheld this decision, affirming India’s right to prioritize **public health over monopoly interests**. While criticized by some pharmaceutical giants, the judgment gained global recognition for balancing innovation with access to medicines.

Lesson for India: India’s approach demonstrates that **TRIPS compliance does not mean surrendering national policy autonomy**.

However, India must continue updating its patent infrastructure and R&D incentives to remain innovation-friendly.

3.3 The Disney Enterprises Inc. v. Hotstar (2020)

This copyright dispute arose from unauthorized distribution and streaming of Disney content in digital markets. The rise of OTT platforms made copyright enforcement difficult across jurisdictions, as servers and users could be located anywhere in the world.

The dispute highlighted the **limitations of national copyright laws** in addressing global digital infringements and emphasized the need for stronger cross-border cooperation in tackling online piracy.

Lesson for India: India should modernize its **Copyright Act** to include **digital enforcement provisions**, streamline takedown procedures, and improve cooperation with global digital intermediaries.

3.4 Starbucks v. Sardarbuksh Coffee & Co. (2018, India)

This case, though local, had global significance in the realm of **trademark protection**. Starbucks challenged a Delhi-based café for using a deceptively similar mark, “Sardarbuksh,” alleging infringement and passing off. The Delhi High Court ruled in favor of Starbucks, recognizing the **doctrine of trans-border reputation**, which protects well-known trademarks even without local registration.

Lesson for India: Strengthening recognition of **well-known marks** enhances investor confidence and aligns India with international trademark norms.

4. Analysis of Patterns in Global IP Disputes

A comparative analysis of global IP disputes reveals a few key patterns:

1. Territoriality vs. Globalization

IP rights are territorial, but innovation is global. Disputes often arise because inventions or works protected in one

jurisdiction may not be recognized elsewhere.

2. Economic Asymmetry

Developed nations possess stronger enforcement and litigation capabilities. Developing nations like India must balance compliance with TRIPS while safeguarding local industry and access to knowledge.

3. Digital Piracy and Technology Challenges

The internet has blurred jurisdictional boundaries, making enforcement nearly impossible without multilateral cooperation.

4. Need for International Arbitration Mechanisms

Current dispute resolution systems under WIPO and WTO are slow and costly. Emerging economies require faster, affordable mechanisms for cross-border IP enforcement.

5. India's Position in the Global IP Ecosystem

India has evolved from being a TRIPS-resistant nation to a TRIPS-compliant one. The **Patents (Amendment) Acts of 1999, 2002, and 2005** aligned Indian law with international standards while preserving national interests. India's **National IPR Policy (2016)** further aimed to build a culture of innovation and improve enforcement.

However, challenges remain:

- **Backlog in patent examination**
- **Weak IP awareness among small enterprises**
- **Limited deterrence for infringement**
- **Lack of technological infrastructure for digital enforcement**

Despite these hurdles, India's legal framework is increasingly viewed as a **model for balancing innovation and public interest**, especially in the pharmaceutical and biotechnology sectors.

6. Lessons for India from Global Disputes

6.1 Strengthening Enforcement Mechanisms

India must invest in specialized IP courts, quicker adjudication, and better coordination among enforcement agencies. Learning from the U.S. and EU, **injunctive relief** and **damages assessment** should be made more efficient.

6.2 Enhancing International Cooperation

Cross-border infringement demands collaboration with organizations like **INTERPOL** and **WIPO**. Bilateral treaties for information sharing can make IP enforcement faster and more transparent.

6.3 Promoting IP Literacy and Innovation Culture

Public awareness campaigns and education at universities can reduce unintentional infringements and promote respect for creators' rights.

6.4 Encouraging Mediation and Arbitration

Alternative dispute resolution (ADR) mechanisms for IP disputes, as practiced in Singapore and the EU, can reduce litigation costs and timelines.

6.5 Digital Adaptation

As disputes increasingly involve online content, India should adopt stronger digital monitoring, takedown procedures, and data protection frameworks that work hand in hand with IP law.

6.6 Balanced Patent Policy

India should continue resisting evergreening while encouraging indigenous R&D and startups through incentives, expedited patenting, and collaborative licensing models.

7. Future Outlook

The future of global IP disputes will be shaped by **emerging technologies**—artificial intelligence, blockchain, biotechnology, and the metaverse. These developments will test existing legal boundaries and force countries to rethink definitions of ownership and authorship.

For India, the path forward involves becoming not only a consumer of global IP standards but also a **contributor to global IP policymaking**. Active participation in WTO, WIPO, and regional IP dialogues can help India voice the concerns of developing nations while maintaining competitiveness.

8. Conclusion

Global IP disputes mirror the tension between creativity, commerce, and public welfare. Each case offers valuable insights into how innovation should be protected without stifling access and equity. For India, the challenge is dual: ensuring robust IP protection that attracts global investment while safeguarding the constitutional vision of social justice.

By learning from global precedents, strengthening domestic enforcement, and fostering an innovation-driven economy, India can evolve into a leader in global IP governance. A transparent, efficient, and balanced IPR framework will not only resolve disputes effectively but also nurture the creativity and entrepreneurship that define the 21st century.

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