



CERTIFICATE NO : ICRESTMH /2024/C0824834**An Evolution of Patent and Competition Law in India****M Varalakshmi**

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ABSTRACT

The evolution of patent and competition law in India reflects the country's journey toward fostering innovation while ensuring a fair market. The Patents Act, 1970, marked a significant shift from the colonial-era law by emphasizing indigenous innovation. It limited patent protection for food, drugs, and chemicals to processes rather than products, encouraging affordable access to essential goods. This approach aligned with India's socio-economic needs but underwent a transformation with India's accession to the World Trade Organization (WTO) in 1995. The Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement necessitated compliance with global patent norms, leading to amendments in the Patents Act in 2005, reintroducing product patents in pharmaceuticals and agrochemicals. Simultaneously, India recognized the need to balance innovation with market fairness. The Monopolies and Restrictive Trade Practices Act, 1969, aimed at curbing monopolistic tendencies, was replaced by the Competition Act, 2002. This modern legislation promotes healthy competition, preventing anti-competitive practices like abuse of dominance and cartelization. Over time, the interplay between patent and competition law has gained prominence, particularly in the pharmaceutical and technology sectors, where intellectual property rights and market dynamics often intersect. The evolving legal framework underscores India's commitment to fostering innovation, ensuring access, and maintaining market equilibrium in a globalized economy.