APAA PATENTS COMMITTEE-REGIONAL REPORT - INDIA

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REPORTING PERIOD: 2026 · STATISTICS FOR 2025–2026 · POSITION AS OF OCTOBER 2026

Patent Statistics in India, 2025–2026

Summary

Patent filings in India reached **1,43,729 in FY 2025-26** (April 2025–March 2026), up 30.2% on 1,10,375 in FY 2024-25, and more than 69% of them came from Indian applicants (Business Standard). Grants are recovering: 23,141 patents were granted between January and September 2026, already more than in the whole of 2025 (PatentAssist).

- **Filings:** 1,43,729 applications in FY 2025-26, the second year in a row above one lakh; Tamil Nadu, Karnataka and Maharashtra led filings by Indian applicants.
- **Grants:** 18,939 in calendar 2025 and 23,141 in January–September 2026; Indian applicants received 38.8% of 2025 grants.
- **Who files:** academic institutions accounted for 44.8% of applications filed in 2025, and Indian applicants for 65.7% of published 2025 applications.
- **Speed:** for patents granted in 2025, the median time from examination request to first examination report was 7.2 months, and from filing to grant 41.1 months.
- **International:** India ranked 38th of 139 economies in the Global Innovation Index 2026, but its PCT filings fell 32.4% in 2025.

Key figures

The table brings together the latest available figures; each row gives its period, since official financial-year data and calendar-year analyses do not match exactly.

Indicator	Figure	Period	Source
Patent applications filed	1,43,729 (+30.2% on FY 2024-25)	FY 2025-26	Business Standard
Share filed by Indian applicants	Over 69%	FY 2025-26	Business Standard
Leading states (Indian applicants)	Tamil Nadu, Karnataka, Maharashtra	FY 2025-26	Business Standard
Patents granted	18,939	Calendar 2025	PatentAssist
Patents granted	23,141	Jan–Sep 2026	PatentAssist
Indian applicants' share of grants	38.8%	Calendar 2025	PatentAssist
Indian applicants' share of published applications	65.7%	Filed in 2025	PatentAssist
Academic institutions' share of applications	44.8%	Filed in 2025	PatentAssist
AI / machine-learning applications (IPC G06N)	13,431	Filed in 2025	PatentAssist
Median time, examination request to first examination report	7.2 months	Patents granted in 2025	PatentAssist
Median time, filing to grant	41.1 months	Patents granted in 2025	PatentAssist
PCT international applications from India	About 3,070 (−32.4%); 12th among origins	Calendar 2025	WIPO
Global Innovation Index	38th of 139; 1st of 36 lower-middle-income economies	GII 2026	WIPO GII
GII indicator: patents by origin	16th	GII 2026	WIPO GII

Filings, grants and technology

Where filings are made. Of published applications filed in 2025, the Chennai office received 44.4%, Delhi 38.6%, Mumbai 12.0% and Kolkata 4.9% (PatentAssist).

Grants back on track. Grants in the first nine months of 2026 (23,141) already exceed the 2025 total (18,939), and examination is faster: the median wait for a first examination report was 7.2 months for patents granted in 2025.

Technology. Computing and AI dominate growth. AI and machine-learning filings reached 13,431 in 2025, 279% more than in 2022, second only to general computing (IPC G06F). Healthcare informatics (+260%), robotics (+225%) and autonomous-vehicle control (+213%) were the fastest-growing subclasses between 2022 and 2025 (PatentAssist).

Top filers and patentees, 2025

Indian universities dominate the list of filers, while foreign technology companies dominate grants; campuses are counted separately in these rankings.

Top applicants by applications filed, calendar 2025 (PatentAssist)

Rank	Applicant	Country	Applications
1	Qualcomm Incorporated	USA	2,561
2	Saveetha Institute of Medical and Technical Sciences	India	2,493
3	Vellore Institute of Technology	India	1,490
4	Nokia Technologies Oy	Finland	1,481
5	Lovely Professional University	India	1,434
6	Chandigarh University	India	1,311
7	JAIN (Deemed-to-be University)	India	1,251
8	SR University	India	1,080
9	Graphic Era (Deemed to be University)	India	1,033
10	LG Energy Solution	Korea	897

Top patentees by patents granted, calendar 2025 (PatentAssist)

Rank	Patentee	Country	Grants
1	Qualcomm Incorporated	USA	1,087
2	Samsung Electronics	Korea	712
3	Huawei Technologies	China	638
4	Microsoft Technology Licensing	USA	337
5	Google LLC	USA	274
6	Jio Platforms Limited	India	227
7	Apple Inc.	USA	223
8	Vivo Mobile Communication	China	206
9	Telefonaktiebolaget LM Ericsson	Sweden	202
10	IIT Madras	India	193

International position

Worldwide PCT filings grew 0.7% to 2,75,900 in 2025, but filings from India fell 32.4%, the steepest decline among the top 20 origins, and India slipped from 9th to 12th place (WIPO; PCT Yearly Review 2026; WIPO annexes).

Against that trend, Jio Platforms rose 321 places to 19th among all PCT applicants with 1,058 applications (87 in 2024), and the Indian Patent Office was among the ten fastest-growing International Searching Authorities, with reports up 15.1%.

In the Global Innovation Index 2026, India held 38th place among 139 economies: 49th on innovation inputs and 25th on outputs, first among 36 lower-middle-income economies and first in Central and Southern Asia (WIPO GII 2026).

Data notes

- The FY 2025-26 filing figures come from the Commerce Minister's statement of 12 April 2026; no official FY 2025-26 figures for grants and examination were found for this report.
- Calendar-year grant, applicant and timing figures are from PatentAssist's analysis of IP India records (extracted 21

October 2026). It counts published applications only, so 2025 filings are only about 81% on record.

- Financial-year (April–March) and calendar-year figures are not directly comparable.

Changes in Patent Law in 2026: Acts, Rules and Guidelines

Summary

In 2026 the Patents Act, 1970 was amended once, by the Jan Vishwas (Amendment of Provisions) Act, 2026, which took effect for patents on 1 June 2026. This review found no amendment to the Patents Rules, 2003 notified in 2026; the most recent, the Patents (Amendment) Rules, 2025 of 25 November 2025, set the adjudication procedure for penalties (Prime Legal).

The Patent Office released three draft documents for public comment in August–September 2026: a new Manual of Patent Office Practice and Procedure, and new examination guidelines for pharmaceutical and biotechnology inventions.

Jan Vishwas (Amendment of Provisions) Act, 2026

The Act relaxes criminal liability for filing abroad without a foreign filing licence and removes a further offence from the Patents Act (Intepat; Conventus Law).

Item	Position
Act	Act No. 8 of 2026; Presidential assent on 7 April 2026 (Intepat)
Commencement for the Patents Act	1 June 2026, notified by S.O. 2846(E) (Simpliance; Conventus Law)
Section 118 (new proviso)	No punishment for breach of the Section 39 foreign filing licence requirement where the Central Government considers that the invention was not relevant to defence or atomic energy at the time of the breach
What still applies	Section 118 in full for breach of secrecy directions under Section 35 and for defence- or atomic-energy-relevant inventions; Section 39 itself, deemed abandonment under Section 40 and revocation remain unchanged (Conventus Law)
Section 119	Falsification of entries in the register: omitted
Chapter XX	Heading changed from "Penalties" to "Punishments"
Open questions	No procedure is prescribed for the Central Government's opinion, and the treatment of breaches committed before 1 June 2026 is unsettled (Intepat)

Patent Office guidance released in 2026

All three documents were drafts open for comment as of October 2026; their final versions will govern examination practice.

Document	Released	Status	Key content
Draft Manual of Patent Office Practice and Procedure, 2026	19 Aug 2026	Draft; comments within 30 days (about 18 Sep 2026)	Replaces the 2019 Manual; incorporates the Patents (Amendment) Rules, 2024, the Jan Vishwas Act, 2023, the SHANTI Act, 2025, the CRI Guidelines, 2025 and recent case law; electronic processing
Draft guidelines for examination of pharmaceutical patent applications, 2026	4 Sep 2026	Draft; comments by 19 Sep 2026	Replaces the 2014 guidelines; claim types and stricter Markush examination; "Seven Stambha" novelty framework; inventive-step tests; Section 3(d) efficacy and bioavailability; Section 3(i); about 70 examples
Draft guidelines for examination of biotechnology patent applications, 2026	Sep 2026	Draft	Replaces the 2013 guidelines; search strings disclosed in first examination reports; WIPO ST.26 sequence listings; NAIMCC as a third depository; CRISPR, antibody and AI-biomarker examples; Sections 3(b), 3(d), 3(h), 3(k) and 3(p)

What to watch

- **Final Manual and guidelines:** whether the pharmaceutical Markush and bioavailability positions, and the biotechnology search-disclosure requirement, survive the comment process.
- **Jan Vishwas 2026 in practice:** how the Central Government will form its opinion on defence or atomic-energy relevance under Section 118.
- **Supreme Court references:** the challenge to the patent term running from filing (*Gunjan Sinha*), post-expiry revocation (*Boehringer Ingelheim*) and an AI-related

invention (*Caleb Suresh Motupalli*); see the case law section.

Patent Case Law Decided in 2026

Summary

Most patent decisions in 2026 came from the Delhi High Court's IP Division, largely in appeals against Patent Office refusals. The Supreme Court took up three questions of principle, and the Kerala High Court revived the Government-use power in Section 100.

1. **Reasoned orders and fair hearings.** Courts set aside many refusals that ignored the applicant's reply, raised new objections in the final order or gave no reasons, and the Madras High Court told the Office not to issue opposition notices mechanically.
2. **Strict exclusions.** Diagnostic methods (*Hirotsu*, *Geron*), computer programs (*BlackBerry*), admixtures (*Crystal Crop*) and bioavailability-only improvements (*Intra-Cellular*) were refused; the court in *T-Mobile* proposed guidelines on "mental acts".
3. **Pharmaceutical launches.** Injunctions were refused where validity was credibly challenged (*Novo Nordisk v Dr Reddy's*), but generic launches were made subject to prior court approval (*Novo Nordisk v Sun Pharma*, *Novartis v BDR*).
4. **Standard-essential patents.** Courts ordered large pro tem deposits (about ₹272 crore in *Malikie v Xiaomi*), while insisting on proof of essentiality and accepting an exhaustion defence (*K.K. Bansal v Philips*).
5. **Public interest.** The Kerala High Court held that the Centre can use Section 100 to supply exorbitantly priced patented medicines.

Entries draw on judgments, LiveLawBiz monthly digests and law-firm reports. Dates are judgment dates where reported, otherwise the month in which the decision was reported.

Supreme Court

The Supreme Court decided one pharmaceutical appeal and took up three questions that will shape patent law.

Case	Reported	Issue and order
E.R. Squibb & Sons v Zydus Lifesciences, SLP (C) 3267/2026	Feb 2026	Nivolumab: appeal disposed; as Zydus had launched, Squibb may map the product to the claims and then seek interim relief from the Delhi High Court Division Bench (LiveLawBiz)
Boehringer Ingelheim v Controller of Patents, SLP (C) 13704/2026	Apr 2026	Notice issued on whether a revocation petition survives the expiry of the patent (LiveLawBiz)
Caleb Suresh Motupalli v Controller of Patents	Jul 2026	Amicus curiae appointed in a dispute over an invention integrating human capabilities with AI (LiveLawBiz)
Gunjan Sinha v Union of India	Sep 2026	Notice issued on a challenge to the 20-year term running from filing rather than grant; amicus appointed (LiveLawBiz)

Patentability

Courts applied the statutory exclusions strictly, especially for diagnostic methods, software and pharmaceutical variants.

Date	Case	Court	Holding
Jan 2026	Hirotsu Bio Science v Asst. Controller	Delhi HC (Karia J.)	A nematode-based cancer test on urine samples is a diagnostic method under Section 3(i); in vitro and in vivo methods are treated alike (SpicyIP)
17 Mar 2026	*Geron Corporation v Asst. Controller*	Delhi HC (Arora J.)	Biomarker-based selection of patients for imetelstat therapy is diagnostic under Section 3(i) (LiveLawBiz)
Mar 2026	*Crystal Crop Protection v Asst. Controller*	Delhi HC (Karia J.)	Herbicidal composition lacks inventive step and is a mere admixture under Section 3(e) (LiveLawBiz)
Apr 2026	*NEC Corporation v Asst. Controller*	Delhi HC (Karia J.)	Video coding invention obvious over prior art; refusal upheld (LiveLawBiz)
30 Apr 2026	*BlackBerry v Controller*	Delhi HC (Karia J.)	Colour-coding message recipients is a computer program per se and lacks inventive step (LiveLawBiz)
Jun 2026	*Shaafi Naturcure v Asst. Controller*	Delhi HC (Gedela J.)	National Biodiversity Authority approval does not establish patentability; herbal asthma formulation refused (LiveLawBiz)

Date	Case	Court	Holding
1 Jul 2026	*Sulzer Mixpac v Asst. Controller*, LPA 545/2024	Delhi HC (appeal)	Static mixer a mere modification of prior art lacking inventive step (LiveLawBiz)
6 Jul 2026	*Intra-Cellular Therapies v Controller*	Delhi HC (Gedela J.)	Deuterated organic compound refused for lack of novelty; improved bioavailability alone is not enough (LiveLawBiz)
4 Aug 2026	*T-Mobile International v Controller General*	Delhi HC (Gedela J.)	Court proposed guidelines for separating "mental acts" from technical inventions (LiveLawBiz)
Aug 2026	*Esteve Pharmaceuticals v Controller*	Delhi HC (Gedela J.)	Tramadol–celecoxib co-crystal obvious over prior art (LiveLawBiz)
Sep 2026	*ITC v Philip Morris Products*	Delhi HC	Philip Morris's patent over heat-not-burn products upheld against ITC's challenge (LiveLawBiz)

Patent Office procedure and appeals

The largest group of 2026 decisions concerns how the Patent Office decides applications and oppositions.

Date	Case	Court	Holding
12 Feb 2026	*Merck Sharp & Dohme v Union of India*	Madras HC (Anand Venkatesh J.)	The Office should not issue notices on pre-grant oppositions mechanically; four oppositions to a 14-year-old application to be decided within three months (LiveLawBiz)
Feb 2026	*UPL v Haryana Pesticides Manufacturers Association*	Calcutta HC (Kapur J.)	Refusal set aside: no hearing, and examination and pre-grant opposition must be decided as separate stages (LiveLawBiz)
Feb 2026	*Boehringer Ingelheim v Controller*, LPA 129/2025	Delhi HC (Division Bench)	A revocation petition survives the patent's expiry, because revocation operates retrospectively and in rem; now before the Supreme Court (LiveLawBiz)
23 Mar 2026	*Wirtgen v Controller General*	Delhi HC (Arora J.)	New objections raised for the first time in a refusal order breach natural justice (LiveLawBiz)
Apr 2026	*Nippon Steel v Controller*	Delhi HC (Gedela J.)	An order that only reproduces prior art, without analysing the claims, cannot stand (LiveLawBiz)
29 Apr 2026	*AbbVie Ireland v Deputy Controller*	Delhi HC (Jyoti Singh J.)	Unreasoned refusal of a divisional application remanded (LiveLawBiz)
11 May 2026	*Hanmi Pharm v Controller General*	Delhi HC (Gedela J.)	Refusal that ignored the process claims remanded (LiveLawBiz)
11 May 2026	*Arti Srivastava v Asst. Controller*	Delhi HC (Gedela J.)	Refusal upheld: the specification did not explain how the invention works (LiveLawBiz)
18 May 2026	Neurocentria v Deputy Controller	Delhi HC (Jyoti Singh J.)	An applicant cannot delete its priority claim to revive missed national-phase and examination deadlines
19 May 2026	*Biotyx Medical v Asst. Controller*	Delhi HC (Jyoti Singh J.)	Hindsight-based refusal of an absorbable stent remanded, to be decided within four months (LiveLawBiz)
May 2026	*VIB VZW v Controller*; *JFE Steel v Asst. Controller*; *University of North Texas v Asst. Controller*	Delhi HC	Refusals set aside for ignoring the applicant's reply, deciding only one objection, and not assessing patentability (LiveLawBiz)
29 May 2026	*Nippon Signal v Asst. Controller*	Delhi HC (Jyoti Singh J.)	Arguments distinguishing the prior art not addressed; remanded (LiveLawBiz)
6 Jul 2026	*Deepak Nitrite v Asst. Controller General*	Bombay HC (Doctor J.)	"Common general knowledge" cannot ground a refusal unless its source is identified (LiveLawBiz)
Jul 2026	*Elanco US v Asst. Controller*	Madras HC (Kumaresh Babu J.)	Refusal with internal contradictions set aside and remanded (LiveLawBiz)
Jul 2026	*Array Biopharma v Deputy Controller*	Delhi HC	Refusal on inventive step and Sections 3(d) and 3(i) set aside and remanded (LiveLawBiz)
Aug 2026	*Enviro Ambient v Asst. Controller*	Delhi HC (Jyoti Singh J.)	Non-speaking order that repeated the examination report set aside (LiveLawBiz)

Date	Case	Court	Holding
Sep 2026	*Fresenius Kabi Ipsum v Asst. Controller*	Delhi HC	Refusal of a sugammadex process application set aside for denial of the mandatory hearing (LiveLawBiz)
Sep 2026	*Dr Tarkeshwar Patil v IIT Bombay*	Bombay HC	The inventor, not the institute, owns the invention; his application to be examined on merits (LiveLawBiz)

Infringement, injunctions and SEPs

Infringement rulings in 2026 centred on semaglutide and other pharmaceutical launches and on security orders in SEP suits.

Date	Case	Court	Holding or order
Feb 2026	*Pawan Kumar Goel v Dr Dhan Singh*	Delhi HC (Gedela J.)	Withdrawal of an infringement suit with liberty to refile refused; ₹50,000 costs (LiveLawBiz)
Mar 2026	*Novo Nordisk v Dr Reddy's Laboratories*	Delhi HC (Division Bench)	Appeal dismissed; no injunction on semaglutide, as a credible validity challenge was raised (LiveLawBiz)
Mar 2026	*Novo Nordisk v Torrent Pharmaceuticals*	Delhi HC	Interim arrangement recorded in the semaglutide dispute (LiveLawBiz)
30 Apr 2026	*Malikie Innovations v Xiaomi*	Delhi HC (Karia J.)	SEP suit: Xiaomi to deposit about ₹272 crore as pro tem security (LiveLawBiz)
30 Apr 2026	*Mold-Tek Packaging v Pronton Plast Pack*	Delhi HC (Karia J.)	Interim injunction granted on a prima facie case of infringing two patents (LiveLawBiz)
18 May 2026	K.K. Bansal v Koninklijke Philips	Delhi HC (Division Bench)	2018 DVD SEP decree and damages set aside: essentiality and infringement not proved, and the patent was exhausted under Section 107A(b)
May 2026	*Geobrugg v Techfab (India) Industries*	Himachal Pradesh HC	Infringement suit not dismissed at the threshold on jurisdiction, parties or mediation (LiveLawBiz)
May 2026	*Bharat Bhogilal Patel v TVS Electronics*	Bombay HC	Laser-marking patent suits must go to trial; ₹1 lakh costs (LiveLawBiz)
1 Jul 2026	*InterDigital v Shenzhen Transsion*	Delhi HC (Gedela J.)	Pro tem security ordered in 3G, 4G, 5G and HEVC SEP suits (LiveLawBiz)
Jul 2026	*Incyte v Aurore Life Sciences*	Delhi HC (Jyoti Singh J.)	Ex parte ad interim injunction on ruxolitinib products (LiveLawBiz)
Jul 2026	*Dr Smita Nisanth Nambison v National Health Mission*	Delhi HC (Bhambhani J.)	No interim ban on use of a patented sickle-cell screening card; government bodies restrained from claiming it originated from a state prototype (LiveLawBiz)
Jul 2026	*Priya Industries v Vishwanatha K*	Karnataka HC (Division Bench)	Ex parte injunction set aside for lack of claim analysis and reasons (LiveLawBiz)
11 Aug 2026	*Novo Nordisk v Sun Pharma Laboratories*	Delhi HC (Bhambhani J.)	Sun Pharma to obtain court approval before launching semaglutide tablets; no interim injunction yet (LiveLawBiz)
Aug 2026	*Novartis v BDR Pharmaceuticals*	Delhi HC (Bhambhani J.)	Quia timet suit: prior court approval required before steps to launch dabrafenib (LiveLawBiz)
Sep 2026	*Incyte v Melody Healthcare*	Delhi HC (Vikas Mahajan J)	Interim injunction on ruxolitinib on a prima facie infringement case (LiveLawBiz)
Sep 2026	*Conqueror Innovations v Xiaomi*	Delhi HC (Division Bench)	No injunction against the "Find Device" feature: no prima facie infringement and a nine-year delay (LiveLawBiz)

Government use and public interest

In re Exorbitant Pricing of Life Saving Patented Medicines (Kerala HC, 28 September 2026, 2026:KER:74251). In a suo motu case on the breast-cancer drug ribociclib, Justice Harisankar V. Menon held that Section 100 allows the Central Government to make a patented medicine and sell it non-commercially to patients when it is priced out of reach (Verdictum; LiveLaw).

The court directed the Centre to collect affordability data and to act under Section 100 if needed. It did not order Government use for ribociclib itself, leaving that decision as a matter of policy.