

BIF Counter Comments to TRAI Consultation Paper on Encouraging R&D in ICT (Telecom, Broadcasting & IT)

After going through the comments of various stakeholders, the following is hereby submitted as an updated status:

Q16 Para 16.3

In spite of rising IPR awareness, government initiatives and educational programs to increase awareness about IPR among students, inventors, startups and businesses, India's IPR contribution to global standards is still significantly low primarily attributed to low investments in R&D and lack of awareness. IPR is a crucial collaboration tool that accelerates breakthroughs among different organisations, attracts investors, and ensures fair outcomes in knowledge sharing and technology transfer. It results in reducing uncertainty, promoting trust, and incentivizing strategic partnerships. Moreover, Standard Essential Patents (SEPs) are playing vital role in India's telecommunications and technology sector, promoting innovation, connectivity, and foreign investments.

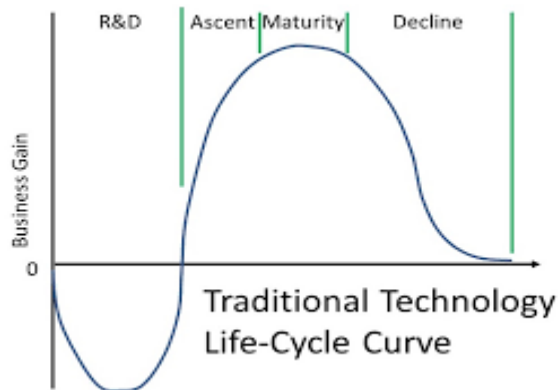
Q20 Para 20.2

Due to lack of investments in R&D, Indian domestic companies take a long time to reach the end of the production curve and achieve economies of scale, thereby leading to inability of the domestic companies to match the scale of production of global majors and thereby inability to match the global pricing and capture a significant market share.

Q20 Para 20.4

India has established efficient mechanisms for handling SEP issues, with courts providing speedy remedies through newly constituted IP Divisions. The Patents Act protects small innovators from predatory practices, ensuring Indian courts are competent to understand and provide relief. The Indian patent system should encourage domestic innovators to participate in global

standardization by encouraging them to invest in R&D, to be the part of evolution journey of the technology by starting at early stages of the technology life cycles. A typical technology life cycle is depicted below in diagram. Further, India may consider adopting similar mechanisms to the US International Trade Commission, which can stop importation of products infringing on US.



Q20 Summary:

In summary, the FRAND mechanism balances innovation and competition by compensating SEP holders for essential standards, preventing market power abuse, safeguarding competition, promoting cross-industry collaboration, and allowing negotiation-based dispute resolution in licensing negotiations. It has been crucial in implementing wireless communication standards, fostering innovation, and preventing anti-competitive behavior.
