

**GOVERNMENT OF INDIA
COMMERCE AND INDUSTRY
LOK SABHA**

UNSTARRED QUESTION NO:5346

ANSWERED ON:28.04.2000

APPLICATIONS FOR PATENTING

AKHILESH YADAV;ASHOK NAMDEORAO MOHOL;GORDHANBHAI JAVIA;RAMSHETH THAKUR;RAVINDRA KUMAR PANDEY;SANJAY PASWAN;SHEELA GAUTAM;SHIVRAJ SINGH CHOUHAN

Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

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- (a) whether the Government have any plan to secure patent right from U.S.A. where various vegetables, fruits and basmati rice and other items of Indian origin have already been patented;
- (b) if so, the efforts made so far for getting the patent right from the U.S.A., item-wise;
- (c) whether the Government have secured the patent right of basmati rice from the United States;
- (d) if so, the details thereof;
- (e) whether the derivations patented in United States could be challenged legally;
- (f) if so, the details thereof and if not, the reasons therefor; and
- (g) the steps taken by the Government in this regard?

Answer

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY(DR. RAMAN SINGH)

(a) to (g) : Patents are granted under the sovereign prerogative of countries according to their respective Patent Laws and have territorial effect, that is, they are effective only in the country of grant. However, as and when information is received about patents being obtained on certain items which are not considered patentable and which affect Indian interest, steps are taken to assess whether the grant of such patent can be challenged under the patent laws of the country concerned. industrially applicable. This Act does not provide for patenting of indigenous knowledge. Further, no application for patenting the indigenous knowledge is reported to have been filed with the Indian Patent Office.

Earlier a patent granted in the United States of America on the use of turmeric in wound healing was challenged. The said patent was also cancelled.

It has now been decided to challenge limited claims of the patent on Basmati Ricelines and grains granted in the United States of America.

In order to protect bio-resources, the Patents (Second Amendment) Bill 1999, contains provisions for mandatory disclosure of source and geographical origin of the biological material used in the invention while applying for patents in India. Provisions have also been incorporated to include the non-disclosure or wrongful disclosure of the same as grounds for opposition and for revocations of the patent, if granted. Provisions in this regard are contained in clauses 8, 17 and 28 of the said Bill.

In order to protect traditional knowledge from being patented provisions have been incorporated in the Patents (Second Amendment) Bill, 1999, to include anticipation of invention by available local knowledge, including oral knowledge, as one of the grounds for opposition as also for revocation of patents. Provisions in this regard are contained in clauses 17 and 28 of the said Bill.

Apart from this Government has also initiated an exercise to develop a digital data base of traditional knowledge in the field of medicinal plants to avoid patenting of such knowledge.