

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

UNSTARRED QUESTION NO:3937

ANSWERED ON:09.08.2002

PENDING PATENT APPLICATIONS

A. VENKATESH NAIK;ASHOK NAMDEORAO MOHOL;RAMSHETH THAKUR

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

- (a) whether there is a large number of patent applications pending with the Government;
- (b) if so, the reasons for their pendency;
- (c) whether there is a severe shortage of patent examiners;
- (d) if so, the steps taken by the Government in this regard;
- (e) whether the multinationals especially in the pharmaceuticals sector are concerned that the existing level of patent protection may effect foreign direct investment despite the passage of the Patent (Second Amendment) Act;
- (f) if so, the reaction of the Government thereto; and
- (g) the steps taken by the Government to safeguard national security and protect the varied interests of the nation?

**Answer**

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

(a) to (c) : Yes, Sir. The accumulation of backlog of applications has been due to a substantial increase in the filing of patent applications in India, hitherto manual nature of operations in the patent offices and shortage of patent examiners to handle the increasing work-load.

(d) : In order to address these issues, the Government has undertaken a comprehensive project for modernisation of the patent offices. The project components include infrastructure development, recruitment of additional manpower, human resource development, computerization and re-engineering of work procedures, networking of offices and awareness promotion activities. The Government has till date operationalised modernised patent offices in Delhi and Chennai while work is going on in the offices at Kolkata and Mumbai. As a result of initiatives taken so far, the patent offices have shown improvements in the functioning and have examined over 4,000 applications in the year 2000-2001 and over 5,000 applications in the year 2001-2002 against its yearly average of 2800 in the previous three years. The recruitment of a substantial number of patent examiners has also been approved and 50 have already been appointed. Recruitment of more examiners is also under process.

(e) & (f) : While a stronger patent protection regime, especially the introduction of product patents for drugs and pharmaceuticals, has been argued as a basis for a potential increase in foreign direct investment (FDI), India (as a developing country) is not obliged under the agreement on Trade Related Aspects of Intellectual Property Rights to provide for such product patent protection till January 1, 2005. This transition period is being availed by India to safeguard national and public interest. The Indian patent law, namely, the Patents Act, 1970 read with the Patents (Amendment) Act, 2002 is fully in accord with India's international obligations as on date. In the post economic liberalisation period (August, 1991 to May, 2002), Government has approved 257 FDI proposals in the drugs and pharmaceutical sector envisaging an investment of Rs. 2917 crores. These include major pharmaceutical companies such as Pfizer (USA), Burroughs Wellcome (UK), Rhone-Poulec (France), Willmar Schwabe (Germany) and Menarini (Italy).

(g) : The Patent Act, 1970 read with the Patents (Amendment) Act, 2002 contains comprehensive provisions to enable an appropriate, timely and efficient response to national and public interest requirements/concerns. These provisions relate to use of inventions for research and development purpose, grant of compulsory license, parallel import, revocation of patents in public interest including in the interest of national security and Government intervention in circumstances of national emergency or extreme urgency including public health crises.