

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

STARRED QUESTION NO:79
ANSWERED ON:20.11.2007
PATENT ON AYURVEDIC MEDICINE
Adhalrao Patil Shri Shivaji;Adsul Shri Anandrao Vithoba

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

- (a) whether the Government has received a large number of applications from the foreign companies to get the patents of readymade formulae of Ayurvedic medicines which are part of the traditional Indian Ayurvedic System of Medicine;
- (b) if so, the details thereof;
- (c) the details of Ayurvedic/Unani medicines whose patents have been obtained by other countries;
- (d) whether the Indian Ayurvedic medical practitioners will face difficulties due to it; and
- (e) if so, the steps taken by the Government in this regard?

Answer

MINISTER OF THE STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI KAMAL NATH)

(a) to (e): A statement is laid on the Table of the House.

Statement referred to in reply to Lok Sabha Starred Question No. 79 for answer on 20-11-2007 regarding Patent on Ayurvedic Medicine

(a) to (e): The Indian Patent Office has received a number of applications from Indian as well as foreign inventors and companies seeking patents in all fields of technologies, including possibly Ayurvedic medicines, which are published on the website of the Patent Office, namely, www.ipindia.nic.in. Database on patents granted to systems of medicine is not maintained by the Patent Office.

Patents are granted to inventors, including individuals and companies, for products and processes which meet the criteria of novelty, inventive step and industrial application under the sovereign prerogative of countries according to their respective laws which have territorial effect only; that is, they are effective only in the country of grant. Patents granted in other countries are not applicable in India and do not affect the Ayurvedic medical practitioners in India.

In order to protect traditional knowledge from being patented, provisions have been made in the Patents Act, 1970. As per section 3 (p) of the Act, an invention, which, in effect, is traditional knowledge or which is an aggregation or duplication of known properties of traditionally known component or components is not patentable. Sections 25 and 64 of the said Act include anticipation of invention by available local knowledge, including oral knowledge, as one of the grounds for opposition as also for revocation.

The Government has undertaken the development of a Traditional Knowledge Digital Library (TKDL) database which includes codified knowledge of traditional medicine, including Ayurveda and Unani, in five international languages, namely, English, German, French, Spanish and Japanese to prevent patenting of inventions which are mere traditional knowledge.