

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

STARRED QUESTION NO:436

ANSWERED ON:26.04.2010

PATENTS TO PHARMACEUTICAL INVENTION/INNOVATIONS

Mani Shri Jose K.;Ponnam Shri Prabhakar

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

- (a) the details of the products which have been granted patents for pharmaceutical inventions/innovations during the last three years;
- (b) the details of the patent applications which have been rejected by the Indian Patent Office during the last three years;
- (c) whether instances of the companies of other countries including America having been granted product/process patents have been reported;
- (d) if so, the details thereof product-wise and companies-wise alongwith the policy of the Government for granting of product/process patent to the companies of other countries;
- (e) whether the existing patent policy is discouraging innovations; and
- (f) if so, the details thereof and the reaction of the Government thereto?

Answer

THE MINISTER OF COMMERCE AND INDUSTRY (SHRI ANAND SHARMA)

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

STATEMENT REFERRED TO IN REPLY TO LOK SABHA STARRED QUESTION NO. 436 FOR ANSWER ON 26.04.2010 REGARDING PATENTS TO PHARMACEUTICAL INVENTION/INNOVATIONS.

(a): The Indian Patent Office granted 3470 product patents in the field of pharmaceuticals during 2007-08 to 2009-10. The details are available on the website of the Office of the Controller General of Patents, Designs and Trade Marks (CGPDTM), namely, <http://www.ipindia.nic.in>.

(b): Rejection of patent application by the Indian Patent Office includes refusal under Section-15, 25(1) and also rejection of applications under Section 21(1) of the Patents Act, 1970 due to non-receipt of response from the applicant after examination report is sent to him. The details of the patent application that were rejected are being compiled.

(c): Yes, Madam.

(d): During 2007-08 to 2009-10, the Indian Patent Office granted 2654 product patents in the field of pharmaceuticals to foreign applicants. The details are available on the website mentioned above. Patents are granted to inventions which fulfil the criteria of novelty, inventive step and industrial application, irrespective of the nationality of the applicant, in accordance with the provisions of the Patents Act, 1970 and Rules thereof.

(e): No, Madam.

(f): Does not arise.