

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

UNSTARRED QUESTION NO:1358

ANSWERED ON:02.08.2010

PATENT OF MEDICINAL ITEMS

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

- (a) the number of patent applications filed by the India in the European Patent Office;
- (b) whether a large number of countries including China filed an application in European Patent Office for getting patent for usage of mint and Kalamegha in medicine developed for treatment of bird flu;
- (c) if so, the details thereof alongwith the number of cases of patents are filed in European Patent Office which are used in making Indian medicines; and
- (d) the corrective measures taken by the Union Government?

Answer

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI JYOTIRADITYA M.SCINDIA)

(a): As per the information retrieved from the website of the European Patent Office (EPO), the patent applications filed by Indian applicants during the last three years are as follows:

2007 2008 2009

383 439 321

(b) to (d): The Government of India has created a Traditional Knowledge Digital Library (TKDL) on over 2 lakh medicinal formulations from Ayurveda, Unani and Siddha texts in five international languages. TKDL has been made available, through an Access Agreement, to a number of international patent offices including the EPO.

A patent application titled 'Chinese traditional medicine composition for treatment of avian influenza/bird flu, method for preparation and application thereof', was filed by M/s Livzon Pharmaceutical Group, China in the European Patent Office (EPO), for use of mint and kalamegha for bird flu. Based on the contents of the Traditional Knowledge Digital Library (TKDL) and evidence submitted to the EPO, the application was rejected.

In 20 cases, patent applications based on Indian Systems of Medicine filed by foreign applicants in the EPO have either been cancelled or withdrawn by the applicant, due to the contents of TKDL or evidence submitted to the EPO. The details of these applications are given in Annex.