

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

STARRED QUESTION NO:346

ANSWERED ON:19.12.2011

. PATENTS OF AYURVEDIC MEDICINES

Rani Killi Krupa

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

(a) whether a number of applications have been received by the Government from the foreign companies to get the patents of readymade formula of traditional Indian Ayurvedic System of Medicine;

(b) if so, the details thereof;

(c) the details of the Ayurvedic/Unani Medicines whose patents have been claimed and obtained by foreign companies/ Indian companies; and

(d) the action taken by the Government to restrict the grant of patents for the formulae of Indian Ayurvedic system of Medicines to the Indian companies only?

Answer

THE MINISTER OF COMMERCE AND INDUSTRY (SHRI ANAND SHARMA)

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

Statement referred to in reply to Lok Sabha Starred Question No. 346 by Dr. Kruparani Killi regarding Patents of Ayurvedic Medicines for answer on 19.12.2011.

(a) & (b): 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 Controller General of Patents, Designs and Trademarks - www.ipindia.nic.in. While database on applications received and patents granted specific to Ayurvedic Systems of medicine is not maintained by the Patent Office, a search of the Indian Patent Office database conducted by the Office of the Controller General of Patents, Designs and Trademarks for inventions based on traditional knowledge/herbal composition indicates that 79 applications were received from foreign companies. The details are at Annexure-A.

(c): 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 under Section 3(p) of the Patents Act, 1970. However, substantial improvements on traditional knowledge which fulfills the criteria prescribed for patentability in the Patents Act, 1970 can be granted patents.

So far 4 patents have been granted to inventions based on traditional knowledge/herbal composition which satisfy the patentability criteria, to foreign companies and 117 such patents have been granted to Indian companies. The details are at Annexure B & C respectively.

(d): Under the Agreement on Trade Related Intellectual Property Rights (TRIPS Agreement) to which India is committed, every country is required to accord to the nationals of other members, treatment which is no less favourable than it accords to its own nationals with regard to the protection of intellectual property. Therefore, the question of restricting the grant of patents to inventions that meet the criteria of patentability to Indian companies only does not arise.