

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

UNSTARRED QUESTION NO:6047
ANSWERED ON:14.05.2012
. PENDING PATENT APPLICATIONS
Ajay Kumar SHRI ;Thomas Shri P. T.

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

- (a) whether a large number of patent applications are pending with the various patent offices in India;
- (b) if so, the details thereof alongwith the number of applications received and rejected during the last three years and reasons of such delay in granting the patent;
- (c) the steps being taken by the Government to clear the backlog of the pending patent applications;
- (d) whether the decision to grant compulsory license to the patented drug is facing challenges from the multinational companies;
- (e) if so, the details thereof and the response of the Government thereto; and
- (f) the details of pending applications for granting compulsory licenses?

Answer

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

(a) & (b): Yes, Madam, as on 26th April 2012, 1,23,255 patent applications, where requests for examination have been filed, are pending with the office of Controller General of Patents, Designs and Trade Marks. Location wise pendency of patent application where requests for examination have been filed are as follows:

Location Pendency in requests for examination.
Delhi 47082
Kolkata 23857
Mumbai 14415
Chennai 37901

The number of applications received and rejected during the last three years are as under:-

Year 2009-10 2010-11 2011-12

Applications 34287 39400 43183
received/filed
Applications 105 207 364
rejected

Grant of a Patent is a quasi-judicial process and tends to be time consuming as it involves various steps, inter alia, publication of the application, filing of requests for examination, examination of the application and disposal of any pre grant opposition filed. In addition, substantive increase in filing of patent application by more than 250% in the last ten years as also the relative shortage of patent examiners have been the other reasons for increase in pendency.

(c): The Government has completed the process of selection of 248 patent examiners. Of these, as on 30th April 2012, 135 have joined. At present, processing of patent applications are conducted through Electronic Modules which enable achieving enhanced speed in the examination and final disposal of patent applications and has also improved transparency.

(d) & (e): Yes, Madam. The decision issued by the Controller General of Patents, Designs and Trade Marks granting compulsory licence to M/s. Natco Pharma Ltd., Hyderabad for the anti-cancer drug covered under the Patent No. 215758 has been challenged by the Patentee, namely, M/s Bayer Corporation, USA in the Intellectual Property Appellate Board (IPAB). The matter is, therefore, subjudice.

(f): No application for grant of compulsory license is pending.