

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

UNSTARRED QUESTION NO:569

ANSWERED ON:13.08.2012

PATENT TO FOOD PRODUCTS MEDICINES

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

- (a) whether Indian companies are facing difficulties in obtaining patent of food products/medicines;
- (b) if so, the details thereof along with the steps taken by the Government to simplify the patent rules for the above products;
- (c) the details of applications seeking patent for food products and medicines lying pending with the various patent offices along with the reasons for delay to get the patent;
- (d) the names of the food products and medicines for which patent has been granted during the last three years along with steps taken by the Government to clear backlog of the pending patent applications;
- (e) the details of number of proposal for patents to pharmaceutical inventions/ innovations are pending for a long time along with the reasons therefore; and
- (f) the measures taken/proposed to be taken by the Government to clear the pending proposals?

**Answer**

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

(a)to(c): As on 31st December, 2011, 12690 applications seeking patent for food products/ medicines/pharmaceutical inventions are pending with the Office of the Controller General of Patents, Designs & Trade Marks (O/o CGPDTM).

The location wise pendency of patent applications is as follows:-

Location    Patent applications pending for examination

Delhi        6386

Mumbai     2669

Kolkata     1862

Chennai     1773

Total       12690

The details of these applications are available on the official website of the O/o CGPDTM i.e. [www.ipindia@nic.in](http://www.ipindia@nic.in)

(d): During the last three years, i.e., from 2009 to 2011, 94 patents were granted to food products and 1810 patents were granted for medicines/pharmaceutical inventions in the same period. The details in respect of patents granted to food products and medicines/pharmaceutical inventions in the last three years are also available on the official website of the O/o CGPDTM.

(e): Grant of 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.

(f): The Government has completed the process of selection of 248 patent examiners. Of these, as on 30th April, 2012, 135 have joined. At present, all essential steps involved in the processing of patent applications are carried out through electronic module, which has been an important factor in imparting accuracy, efficiency and transparency to the patent examination system and in avoiding delays in carrying out the process steps.