

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

UNSTARRED QUESTION NO:590

ANSWERED ON:26.11.2012

PATENT TO TRADITIONAL AYURVEDIC MEDICINE

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

- (a) whether the Government has revoked a patent granted by the Indian Patents Office for a diabetes medicine made from the extract of jamun, lavagpatti and chundun;
- (b) if so, the details thereof and the reasons therefor;
- (c) whether the Union Government has granted patent to some plants and fruits which have traditional and ayurvedic forms of medicine;
- (d) if so, the details thereof and number of such types of patents granted by the Government during the last two years and the current year;
- (e) the steps taken by the Government for protecting traditional knowledge and genetic resources of India; and
- (f) the steps taken by the Government to check piracy of ayurvedic and other traditional forms of medicine?

Answer

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (DR. S. JAGATHRAKSHAKAN)

(a) & (b): Yes, Madam. A Patent bearing No. 252039, entitled as 'a Synergistic, Ayurvedic/functional food bioactive composition (Cinata) and a process of preparation thereof granted to M/s. Avesthagen Ltd., Bangalore has been revoked by the Government in accordance with the provisions of Section 66 of the Patents Act, 1970. The patent has been revoked as it was found generally prejudicial to the public.

(c) & (d): No, Madam. The Plants or any part thereof are not patentable as per the provisions of Section 3(j) of the Patents Act, 1970.

(e)&(f): The Patent Act, 1970 as amended in 2005 incorporates provisions to protect traditional knowledge from being patented in India. Further, the Government has established the Traditional Knowledge Digital Library (TKDL) with the objective of preventing misappropriation of traditional Indian medicinal knowledge of Ayurveda, Unani, Siddha & Yoga. The TKDL has been prepared in five languages, namely English, French, German, Japanese and Spanish in patent compatible format to make available the existing knowledge which is already in public domain to the patent examiners so that such patent applications which are traditional knowledge are rejected at the examination stage itself.

Besides this, the Biodiversity Act, 2000 also requires an applicant to seek prior approval of the National Biodiversity Authority before making an application for any intellectual property right which involves an invention based on biological resources obtained from India.