

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

UNSTARRED QUESTION NO:696

ANSWERED ON:27.02.2015

PATENT APPLICATIONS

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

- (a) the details of applications filed for grant of patents along with the applications out of them approved/rejected during each of the last three years and the current year;
- (b) whether the Government has granted patent of some indigenous medicinal plants/products to some foreign companies/institutions;
- (c) if so, the details thereof indicating the ayurvedic/unani medicines/medicinal plants whose patents have been claimed and obtained by the foreign companies;
- (d) the likely impact thereof on the Indian companies; and
- (e) the remedial steps taken by the Government to protect the interest of Indian companies and check exploitation of India's heritage and traditional knowledge?

Answer

THE MINISTER OF STATE (INDEPENDENT CHARGE) OF THE MINISTRY OF COMMERCE AND INDUSTRY
(SHRIMATI NIRMALA SITHARAMAN)

(a): The details of applications filed for grant of patents along with the applications out of them approved /rejected during each of the last three years and the current year are as under:-

Year	Patent Applications Filed	Patents Granted of the Patents Act	Patents (Refused)	Patent Applications Rejected under section 15
2011-12	43197	4381	236	
2012-13	43674	4126	353	
2013-14	42950	4225	771	
2014-15 (up to January 2015)	35431	5299	1119	

(b) & (c): Medicinal plants as well as the products derived from Medicinal Plants which is traditional knowledge or which is an aggregation or duplication of known properties of traditionally known component or components are not patentable under Section 3(j) and Section 3(p) of the Patents Act, 1970 respectively. However, substantial improvement in products derived from medicinal plants, which fulfils the criteria prescribed for patentability in the Patents Act, 1970, can be granted patents. So far, forty (40) such patents have been granted to foreign companies. The details of the patents granted are enclosed at Annexure.

(d): As existing knowledge is not patentable, there is no possibility of impact on Indian companies.

(e): The patents are granted after following the procedures as in the Patents Act, 1970, which includes pre-grant opposition under section 25(1). Any Indian Company aggrieved by the grant of this patent can also oppose the grant of patent under section 25(2) of the Act. Further, Department of Ayurveda, Yoga, Unani, Siddha and Homoeopathy (AYUSH), Ministry of Health & Family Welfare have established the Traditional Knowledge Digital Library (TKDL) in collaboration with the Council of Scientific and Industrial Research (CSIR) for prevention of grant of patents to inventions which are traditional medicinal knowledge in India. This database contains traditional medicinal knowledge from the existing literature compiled from Ayurved, Unani, Siddha and Yoga presented in international patent classification format and in five international languages. The database, therefore, breaks the language and format barriers and makes knowledge accessible and searchable to patent examiners for establishing prior art. TKDL has been provided to Patent Offices across the world including the European Patent Office (EPO), Indian Patent Office, German Patent Office, United States Patent and Trademarks Office, United Kingdom Intellectual Property (IP) Office, Canadian Intellectual Property Office, IP Australia, Japan Patent Office and Chile IP office through an Access Agreement on non-disclosure basis.