CONFERENCE REPORTS

Meet on Intellectual Property Rights

The Intellectual Property Management Division of CSIR organized a meeting of the senior scientists of CSIR laboratories on Intellectual Property (IP) on 29 May 1996 in New Delhi. The main objective of the meeting was to make the CSIR scientists aware of the current national and international scenario in respect of IPR and to formulate an action plan for efficient implementation of the IP Policy of CSIR.

Dr R A Mashelkar, Director General, CSIR, inaugurated the meeting. In his address, Dr Mashelkar, emphasized the importance of IPR and said that CSIR should lead and demonstrate the way to convert intellectual property into wealth. He remarked that though CSIR is leading among the applicants for patents originating from India, the situation is not satisfactory, because the number of patents filed do not reflect the real capabilities of CSIR. It is essential, he said, to enlighten the people about the advantages of the Intellectual Property System to bring about a massive scientific cultural change and called for timebound training programmes to achieve the above objective. He added that the officials participating in the meeting have great responsibilities as promoters of IPR awareness in their respective laboratories.

In his opening remarks, Shri N R Subbaram, Advisor and Head of the Intellectual Property Management Division, highlighted the various programmes organized by the Division for creating awareness about IPR, not only for the CSIR system but for outside organizations as well.

The major recommendations that emerged from the deliberations on efficient management of IPR include: (i) organization of timebound training programmes for CSIR scientists, (ii) maintenance of uniform records for the R & D work being carried out in the various labs, (iii) establishment of an IP cell in each lab, (iv) strengthening the system in each lab to review the R & D results for protecting under appropriate IP legislation before they are made public, (v) giving weightage at the time of assessment to the personnel who have contributed towards development, securing and management of IP in CSIR and establishing CSIR as a National and International Resource Centre for IP.

Two publications entitled *Manual of Intellectual Property of CSIR Personnel and Compen-*

dium of CSIR inventions (in force patents and pending patent applications) were released by Dr Mashelkar on the occasion.

Later addressing the conference, Dr Mashelkar said that as a part of the massive drive launched by CSIR for increasing patent literacy in the country, timebound training programmes would be organized to generate awareness about the patents and IPR among the scientists, specialist groups/screening committees would be set up in each lab to help scientists search the latest patents filed related to their specific projects, and screen the R & D results for IP potential before these are published, and a record book system would be introduced which would contain all experimental results as per the global IPR guidelines. It is also planned to send CSIR scientists to the British Technology Group for training.

He pointed out that patent information is a valuable source not only for the researchers but for the business houses as well, since it helps potential investors know about the research collaborator, novelty of a process/product, etc. CSIR will help the Indian industries in strengthening their patent awareness base by providing them a CD-ROM based value-added patent information system. For setting up this information system, hardware obtained by Confederation of Indian Industries and software from CSIR will be used. Chemical industry has been identified as the first priority for which NCL, Pune, will provide the exhaustive, patent information. This will be followed by setting up of similar systems for drug industry at CDRI, Lucknow and biotechnology-based industry, at CFTRI, Mysore.

Dr Mashelkar also informed the media about the various measures taken during the past one year. These include enunciation of the CSIR IP Policy, organization of 15 training courses in the various CSIR labs as well as some outside organizations such as BARC, IARI & TISCO; bringing out the publication *Manual of Intellectual Property for CSIR Personnel* and *Compendium of CSIR inventions* (released at the IPR meet) and launching of a biomonthly *Journal of Intellectual Property Rights* (being brought out by NISCOM, New Delhi).

He added that, CSIR, which leads with the highest number of patents in India, has set a target of filing 400 patents this year, against 270 last year. Also compared to its present tally of 60 international patents, CSIR hopes to have 500 international patents by the turn of the century.

Workshop on Patent Awareness

A one-day workshop on Patent Awareness was organized jointly by the Indian Womens' Scientists Association (IWSA), Delhi Branch; Technology Information, Forecasting & Assessment Council (TIFAC) and Department of Science & Technology (DST) on 24 July 1996 at the National Physical Laboratory (NPL), New Delhi.

Shri Y S Rajan, former Executive Director, TIFAC, in his introductory remarks, said that all major applications of technologies have taken place only in the past 50 years, so there are immense opportunities of patenting. Addressing the women scientists, he stated that women who are not working but have the intellectual capability can also patent

an idea generated. It's not the laboratory work only which is patentable.

Speaking on the occasion, Prof E S R Gopal, Director, NPL, New Delhi, said that most universities and educational institutes never worried about putting a patent or a monetary barrier to the knowledge which they had acquired. He emphasized that every educational institute should make sure that the benefits of its works do come back to them in a more tangible form rather than in the form of intangible words of wisdom or praise that are said by their professional colleagues.

The workshop was inaugurated by Prof V Ramamurthy, Secretary, DST, who was the chief guest. Prof Ramamurthy, in his inaugural address, remarked that intellect has become a property which needs to be earned, preserved and protected like any other form of property. Thus it could even be traded. Inspite of assests like natural resources, monsoon, a good S&T base, reasonable amount of manpower and traditional knowledge, our country has a long way to go in comparison to the developed countries, in the field of patenting.

The technical session included talks by four faculty members covering different aspects of patenting. Shri R Saha, Director, DST, introduced the participants to intellectual property rights. According to him, unlike the 'Art for art's sake', research for research sake is not a self sustaining proposition in the present industrial era which is characterized by ever increasing competition. Therefore, one needs to be aggressive about patenting the inventions emerging from the R&D efforts. Also patent information, he said, has not been frequently used in India as an input for deciding research topics. This would become increasingly important in days to come as India also catches the attention of foreign companies for patenting. Hence, a thorough patent search and study of available patent has become essential. He also presented two case studies to dispel the notion that no new patent can be obtained in respect of an already patented area. Shri C M Gaind, Deputy Manager, Patent Section, National Research Development Corporation (NRDC), New Delhi, spoke on the Patenting System in India. He described in detail the procedures involved in filing a patent. He highlighted the activities of NRDC in the field of patents. NRDC provides financial assistance for filing patents, after evaluation by experts; in order to promote invention activities. It also provides online search facitities, such as Dialog Database for filing foreign patents. At present one can have an access to about 800 databases from on-line search at NRDC. Other services provided by NRDC include bibliographic references, abstracts, business information, and articles on patents at nominal charges.

Dr Noel J De Souza, Director, Sun Pharma Advanced Research Centre, Baroda, presented the newer forms of intellectual property protection in the field of drugs and pharmaceuticals. These include product patents for New Chemical Entities (NCEs) and formulations, in addition to the hitherto available process patents for methods of manufacture of drug substances and formulations. Especially pertinent to India, he said, is the area of bioactive natural products in view of the bio-diversity of its soil and tropical forest resources, and its ayurvedic system of traditional medicine. Under TRIPS, novel microorganisms, fermentation process and microbial metabolites are patentable. Plants and animals are not patentable, as also are biological processes for producing them. Non-biological processes or microbiological processes for production of

plants and animals are, however, patentable. Also patentable are novel constituents of plants and animals which meet the norms required for inventions. Opportunities for ayurvedic-based products have thus increased. He concluded his talk by stating the major threats to and opportunities for the Indian pharmaceutical industry in the area of patenting.

Shri D C Gabriel, Patent Attorney, New Delhi, spoke on the Opposition and Infringement of Patents. He stated that TRIPS provides two essential rights to the interested third parties—there are opposition and revocation. Opposition is the priviledge given to a third party to go to the controller and stop grant of any invalid patent at the stage of filing. If the patent is already granted there is a provision for revocation of the patent by the High Court on appeal by a third party. He described elaborately the procedural aspects and grounds on which an opposition can be filed against a frivolous or unvalid patent. He also spoke, at length, about the grounds of revocation or sealing of a patent subsequent to grant of a patent. Government of India, he said, can revoke a patent which is not in the interest of the public. This is not appealable. A patent can be revoked by the controller if the patent granted is related to atomic energy or if it is non-working.

The technical session was followed by a very fruitful discussion session among the participants and the faculty members.

In her concluding remarks, Dr Maitri Chaudhury, former convenor, IWSA, said the workshop would definitely help in motivating the women scientists to go ahead with patenting their intellectual property.

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