

PATENT NEWS

Free patent-related services

The Department of Science and Technology (DST) has decided to offer free services for patent-related innovations resulting from R&D activities sponsored by the Department and Universities and also tie-up with a Delhi-based NGO to collect data on indigenous knowledge on herbs and other medicinal plants among tribals in chota Nagpur area.

These services would benefit independent researchers and scientists working in universities who would get the same level of support as that available for scientists working in institutions like CSIR. The main aim of the programme is to keep the benefits of traditional knowledge within the country. Routine patent search operation by the Patent Facilitating Cell (PFC) of DST has revealed that four scientists abroad have so far obtained patents related to turmeric and two of them had used research articles by Indians as reference material.

At the first anniversary function of the Cell, Prof V S Ramamurthy, Secretary, DST, said that during the past one year the Cell had facilitated filing of six patent applications and had set up a panel of patent attorneys. Eight workshops on patent awareness had also been organized in the country.

The Cell which now provides information on patents filed in the US and Europe is also planning to acquire databases on patents filed in Japan and establish nucleating centres for application of IPR inputs for technology acquisition, export and new R&D plans.

DST is also planning to set up centres for patent search and studies in educational institutions and conduct workshops on IPR especially for small and medium enterprises and create a library of legislations of different countries on IPR, particularly on patents.

Speaking at the function, Dr S Majumdar, a Calcutta-based Patent Attorney stressed upon the need for dissemination of patent-related information to every section of society and pointed out that in a recent case small entrepreneur could be prevented from paying a heavy penalty (for violating the Patent Act) because of timely professional advice. Shri A R Lall, a Patent Attorney of Delhi also urged the need for conducting patent awareness programmes, particularly for parliamentarians and government officials.

Foreign firms leading in patents

According to an analysis carried out by the Patent Facilitating Cell of the Department of Science and Technology, the foreign companies are leading in applying for patent pro-

tection in India. In the area of textiles, 82% of patents filed during the last year were by foreign companies. A total of 67 applications were filed in textiles out of which only 12 were from India and the rest, 55 were from foreign companies. In addition there were 24 applications for conventions.

Star Spin and Twist Machineries Limited, the only Indian company which has filed four applications related to improvements in spindle and bolster assembly and brake assembly of cabler machines for use in textile and carpet industries. Lakshmi Machine Tools has also filed two applications, one on transverse guide for a ring frame and the second on a sliver feed roller for a spinning machine. Alps Textiles has filed an application on a process for preparation of natural dyes. The rest of the five applications have been filed by individuals and cover many different areas.

Among the foreign companies, Machinefabrik Rieter has filed five applications relating to ring spinning frames and machines. The sixth application is on a sliver feeding device. Another foreign company, Rieter Ingolstadt has filed applications in respect of process for positioning a sliver end at a charged flat can method and device for severing the sliver. Trutzschler of Germany has filed five applications, all of which concerning apparatus for measuring the thickness of fibre sliver combination at a draw frame.

PTO hits record high

During the year 1995, the Patent and Trademark Office (PTO) received the largest number of applications, 2,22,204 for utility, plant, reissue (UPR) and 15,375 for design. The corresponding figures for the year 1994 were 1,86,123 and 15,431. There is an increase of 19% in UPR application well above

PTO's historical annual growth rate of 4% to a surge of about 35,000 additional third-quarter filings. This increase in filings led to an 11% increase in PTO revenues—\$ 605 million— and an 8% increase in expenses - \$ 525 million—over the previous year levels. Patent examiners allowed a total of 1,14,241 patents, including 11,662 design patents, an increase of 973 patents over the year 1994.

CSIR ties up with NGO

The Council of Scientific and Industrial Research (CSIR), has taken up a scientific project in collaboration with a Non-Government Organization (NGO). The aim of the project is to tap the data collected by the Ahmedabad-based NGO on the knowledge gained by villagers, particularly tribals in different parts of Gujarat on herbal medicines. The NGO, run by Prof Anil Gupta of the Indian Institute of Management, Ahmedabad, has so far prepared 4,000 databases. Under the proposed agreement, CSIR scientists would screen them and conduct further research to identify the active principles in the plant materials and develop the technology for the production of drugs based on them. Any profits that get generated from the project are to be shared with community from which the information was obtained.

According to Dr R A Mashelkar, Director General, CSIR, the objective is two fold: to establish links between the formal and informal systems of knowledge and to address the problem of biopiracy by ensuring that the benefits of indigenous knowledge remained within the country and were not tapped by outsiders.

CSIR to challenge US patent on turmeric

The Council of Scientific and Industrial Research (CSIR), has decided to challenge the US patent granted to two non-resident Indians on the use of turmeric or haldi in healing wounds. The CSIR has got documentary evidence to contest the claim made by the "inventors", Shri Suman K Das and Shri Hari Har P Cohly of the University of Mississippi Medical Centre in Jackson, that the wound-healing property of turmeric was novel.

Dr RA Mashelkar, Director General, CSIR, said the use of turmeric in healing wounds had been published as a paper way back in 1953 as shown by records at the Central Drug Research Institute (CDRI), Lucknow, and is mentioned in *the Glossary of Indian Medicinal Plants* by Shri RN Chopra. Based on these and more supporting material to be collected, Dr Mashelkar said "we will request for reexamination of the patent granted in the US in 1995".

To challenge a patent application or patent, the contestant has to provide documentary evidence that the knowledge or claim made by the patentee existed before the date of filing the patent. In the case of turmeric, the NRIs had applied for patent in December 1993 and obtained it in March 1995. Therefore, the CSIR would have to provide evidence prior to December 1993.

Dr Mashelkar said the situation was rather amusing, as the patent was valid only in the US with no application filed in India, as the claimed invention did not fulfil the basic criteria of novelty needed for obtaining a patent. Expressing concern over the veracity of the invention, Dr Mashelkar said "I am wonder-struck how the patent was awarded in the US where the scanning and criteria for selection is very rigorous". In cursory search

itself, the CDRI spotted a paper in the *Journal of Indian Medical Association (JIMA)*, published in 1953 and also mention on page 89 of the book written by Shri RN Chopra to the wound healing properties of turmeric. "We will make a comprehensive study and present data to justify our contest in the US very soon", Dr Mashelkar said.

Government urged to acquire IPR for biological wealth

Leading scientists and environmentalists have sent an SOS to the government asking it to acquire complete intellectual property rights over the rich biological wealth of the country to preempt their patenting by private companies abroad. Alarmed at the recent American patent for the wound-healing properties of haldi, the Forum for Biotechnology and Food Security has expressed concern at the indiscriminate patenting of indigenous plants and animals by private companies.

Shri Devinder Sharma, forum president, said that at this rate, it is a matter of time before valuable plant and animal genetic resources, as well as the traditional knowledge about them, is patented abroad". The forum, a collective of internationally renowned figures such as Dr M S Swaminathan, Prof Yuko Murofushi, Sir James Goldsmith and Mr Roberts Chambers, also called for an independent biodiversity commission to determine the country's genetic wealth and bring it under intellectual property control. The commission should have judicial powers with the mandate to take control over the genetic resources in the given time-frame.

Citing the example of Australia which has patented the entire plant and animal biodiversity, the forum urged the government not to waste time over meeting the obliga-

tions under the TRIPS regime, and instead patent the country's 45,000 plant and 75,000 animal species, including lower forms of life.

Such patenting of the country's biodiversity by the state will, however need amendments to the Indian Patents Act, 1970. The forum has warned that by not doing so, the government would be violating the constitutional obligation to protect its massive biodiversity from accumulating in the hands of a few private companies.

Value-added patent information service at NICMAP, CMTI

The Value-Added Patent Information Service (VAPIS) centre was inaugurated by Dr R A Mashelkar, Director General, CSIR, at the National Information Centre for Machine Tools and Production Engineering (NICMAP), Central Manufacturing Technology Institute (CMTI), Bangalore, on 15 July 1996. About a hundred representatives from various industries, R&D organizations, academic institutions and from CMTI attended the programme. This VAPIS centre is set up with the assistance on NISSAT, DSIR.

The functions of VAPIS will be

- to provide full text of patents
- use patent literature to provide information products and services
- to develop training and teaching programmes concerned with patents
- monitoring the patenting activity

Welcoming the chief guest, Shri S Vasantha Kumar, Director, CMTI, emphasized the need for patent information services to the industries and said that this VAPIS centre will procure databases of patents available on CD-ROM in the area of engineering to

provide information on patent published/ filed all over the world.

In his inaugural address, Dr Mashelkar, appreciated the image CMTI has built and the collaboration it has with industries by virtue of which it has a self financing capability covering upto 80% of the non-plan budget. He also appraised the excellent services rendered by NICMAP ever since its establishment by NISSAT in CMTI way back in 1977.

Dr Mashelkar said that unless a value is added to a product in terms of quality, the product will not be sold in the market. The fierce competition faced by Indian industries, the necessity of the awareness of competitive innovations and the availability of foreign technology have made the patent information vital for the industry. He said the innovations have to be protected to have a value. Pointing to the poor awareness in the country regarding patents, he said we are not even aware of what our competitors are doing. He explained that the addition of value to patent information is made by analyzing contents of the patents. The patent information will provide an understanding of the trends in technology, help to predict future developments and avoid duplication in research and development. It also helps to know potential competitors and their work to avoid the infringement of intellectual property rights.

The first VAPIS centre is functioning at NCL, Pune, and the chemical industry is benefited from it. Engineering industry also needs such an information centre and CMTI is the choice of NISSAT for establishing such a centre.

Dr Mashelkar noted that while the first VAPIS centre at NCL has expertise in the same organization, CMTI needs to pool in

the knowledge-bases available in Bangalore to provide the service. Bangalore being the intellectual capital of India the networking of the knowledge-bases will be successful. He said that the time has come to take up forward engineering in the country rather than the current practice of reverse engineering. He was hopeful that this VAPIS centre will not only create awareness of power of patents but also enable to create global competition.

The Centre will initially acquire the following databases for the four back years and the current year.

ESPACE - UK, US PATENT SEARCH, ESPACE INDIA

DERWENT FILES : Machine Tools, Computer Technology, Vehicle Engine Technology.