

## Patent office issues list of pending patent applications deemed as TK

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*Monday, August 13, 2012, 08:00 Hrs [IST]*

With a view to foster transparency in the system, the Controller General of Patents, Designs & Trade Marks (CGPDTM) has made available a list of all the pending patent applications that implicate traditional knowledge (TK). The main aim behind releasing this information on the patent office website and bringing it under the purview of the public domain is to sensitise all stakeholders about pending applications under this segment, so that only genuine inventions that are built on TK are granted patents. Applications that merely claim TK without adding more should be left free of patent monopolies.

This move is expected to help in addressing the issue of biopiracy and unethical bioprospecting of TK. The uploaded list contains data in its present form, the application number, date of filing, the publication date, the title of the invention and the name and address of the applicant with a direction to contact the Delhi patent office in case of any discrepancy, correction or clarification in the given data.

Experts feel that this strategic step comes also as a response to the insinuation that the Indian government is more concerned about patenting of TK abroad in the US and EU, but not so much in India. Shamnad Basheer, professor in IP Law, National University of Juridical Sciences, Kolkata pointed out that the step taken by the patent office is highly commendable as it demonstrates that charity begins at home and that we are equally concerned about the misappropriation of TK in our own backyard.

Basheer informed, "The idea behind this move is to sensitise the public about patent applications that implicate traditional knowledge in some way. We need to ensure that only genuinely significant technical advances are patentable. And that applications that merely claim existing TK without adding anything significant to the body of existing knowledge more should be discouraged. This move will act as a trigger for the companies to come up with genuinely new stuff rather than a copy of the TK."

Anyone can challenge a patent application through an opposition proceeding on a variety of grounds as highlighted in the Patents Act. Basheer further pointed out that the move is both pro industry and pro public interest, as it keeps the competitive space open and also ensures that the product suffers a 20-year monopoly only if a genuine contribution and technical advance are made.

Industry experts believe that this will not only give rise to a competitive culture in the country by boosting genuine research activities to derive best product through R&D, but also will help in streamlining the functioning of the IP office by bringing better transparency into the system.