

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

UNSTARRED QUESTION NO:3181  
ANSWERED ON:11.08.2000  
PATENT OF PLANTS BY MULTINATIONAL COMPANIES  
HANNAN MOLLAH

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

- (a) whether the Government are aware that USA and many other Foreign Multinational Companies are aggressively trying to patent many Indian plants and other traditional products including basmati rice and medicinal plants;
- (b) if so, whether there is any financial intelligence machinery with the Government to collect such information;
- (c) if so, the present status in this regard; and
- (d) the action taken by the Government to acquire patent rights of our traditional plants and products?

**Answer**

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (DR. RAMAN SINGH)

(a): Patents are granted on application, under the sovereign prerogative of countries according to their respective Patent laws and have territorial effect, that is, they are effective only in the country of grant.

(b) to (d): No, Sir. However, as and when information is received about patents being obtained on certain items which are not considered patentable and which affect Indian interests, steps are taken to assess whether the grant of such patent can be challenged under the patent laws of the country concerned.

Earlier a patent granted in the United States of America on the use of turmeric in wound healing was challenged. The said patent was also cancelled.

Limited claims of the patent on Basmati Ricelines and grains granted in the United States of America have also been challenged.

In order to protect bio-resources, the Patents (Second Amendment) Bill 1999, contains provisions for mandatory disclosure of source and geographical origin of the biological material used in the invention while applying for patents in India. Provisions have also been incorporated to include the non-disclosure or wrongful disclosure of the same as grounds for opposition and for revocation of the patent, if granted. Provisions in this regard are contained in clauses 8, 17 and 28 of the said Bill.

In order to protect traditional knowledge from being patented, provisions have been incorporated in the Patents (Second Amendment) Bill, 1999, to include anticipation of invention by available local knowledge, including oral knowledge, as one of the grounds for opposition as also for revocation of patent. Provisions in this regard are contained in clauses 17 and 28 of the said Bill.

Apart from this, Government has also initiated an exercise to develop a digital database of traditional knowledge in the field of medicinal plants to prevent patenting of such knowledge.