

**GOVERNMENT OF INDIA
HEALTH AND FAMILY WELFARE
LOK SABHA**

UNSTARRED QUESTION NO:3877
ANSWERED ON:17.05.2006
PATENTING OF INDIAN HERBS MEDICINAL PLANTS
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Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

- (a) whether some developed countries and multinational companies have got patent of various Indian herbs and medicinal plants;
- (b) if so, the names of such herbs and medicinal plants; and
- (c) the measures taken by the Government to file the Indian claim on those herbs and medicinal plants?

Answer

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH & FAMILY WELFARE (SMT. PANABAKA LAKSHMI)

(a) & (b) According to the provisions contained in the Indian Patent Act 1970 the herbs and plants are not patentable subject matter vide section 3 (j) of the said Act. Further no patents have been granted to any developed countries and or multi-National Company by the Indian Patent Office on any Indian herbs or Medicinal Plants. However, a number of applications related to formulations based on medicinal usage of Indian Plants and Plant extract were reported to have been filed and granted in different International patent offices by mis-appropriating the Indian Traditional Medicine Knowledge on Indian Plants from the codified texts.

(c) Since it may not be practical to fight all the wrong patents granted by International Patent Offices as it may involve exorbitant cost and may take a long period of time with no certainty that the granted wrong patent will be revoked, the Government of India has created a data-base on Traditional Knowledge Digital Library (TKDL) for defensive protection of the bad patents granted at International Patent offices. TKDL has been created for Ayurveda, Unani and Siddha System of medicines in patent application format in five International languages which are English, French, German, Spanish and Japanese. So far, the data-base has been created for over 1,25,000 traditional drug formulations for providing access to international patent offices for purpose of search and examination, and will prevent the grant of wrong patents.