

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

UNSTARRED QUESTION NO:164

ANSWERED ON:27.02.2007

PATENT ISSUE

Adhalrao Patil Shri Shivaji;Adsul Shri Anandrao Vithoba;Rawale Shri Mohan;Verma Shri Ravi Prakash

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

- (a) whether the Government has received the report from the Mashelkar Committee on Patent issue;
- (b) if so, the details of the main recommendations thereof;
- (c) whether the domestic industry particularly pharmaceutical industry has requested the Government to ignore the Mashelkar Committee recommendations;
- (d) if so, the details thereof; and
- (e) the reaction of the Union Government thereto?

Answer

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI ASHWANI KUMAR)

(a) & (b): Government has received a report from the Technical Expert Group on Patent Law Issues set up by the Government of India under the Chairmanship of Dr. R.A. Mashelkar on 29.12.2006. The main recommendations of the Group are as under:

(i) "It would not be TRIPS (Agreement on Trade Related Aspects of Intellectual Property Rights) compliant to limit granting of patents for pharmaceutical substance to New Chemical Entities only. However, every effort must be made to provide drugs at affordable prices to the people of India. Further, every effort should be made to prevent the grant of frivolous patents and 'ever-greening'. Detailed guidelines should be formulated and rigorously used by the Indian Patent Office for examining the patent applications in the pharmaceutical sector so that the remotest possibility of granting frivolous patents is eliminated."

(ii) "Excluding micro-organisms per se from patent protection would be violative of TRIPS Agreement."

The Chairman of the Group, however, has requested the Government by a letter dated the 19th February, 2007 to allow it to "withdraw" the Report.

(c) to (e): The Indian Pharmaceutical Alliance has represented to the Government to reject the Report and ignore the recommendations of the Technical Expert Group. The Government has, however, not yet decided on accepting or rejecting the recommendations of the Expert Group.