

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

STARRED QUESTION NO:164

ANSWERED ON:15.03.2005

PATENTING OF PLANTS

Rijju Shri Kiren;Tripathi Shri Chandramani

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

- (a) the names of foodgrains and medicinal plants which the Government has got patented alongwith the details thereof;
- (b) whether the Government propose to get Basmati rice, Dehraduni Basmati rice and turmeric patented;
- (c) if so, the details thereof;
- (d) whether foreigners have got certain Indian products patented; and
- (e) if so, the details thereof?

**Answer**

THE MINISTER OF COMMERCE AND INDUSTRY (SHRI KAMAL NATH)

(a) to (e): A statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO LOK SABHA STARRED QUESTION NO.164 FOR ANSWER ON 15.3.2005 REGARDING PATENTING OF PLANTS

(a) to (e): Patents are sought and obtained by applicants and inventors, both Indian and foreign, in different countries to safeguard and promote their commercial and other interests. Such patents are granted 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. In order to qualify for grant of patent, an invention whether product or process, has to meet the universally accepted criteria of patentability, namely, novelty, inventiveness and industrial applicability. Foodgrains and medicinal plants, existing in nature, would not meet the criteria of patentability. These are also not patentable under the Indian Patents Act, 1970. However, patents have reportedly been sought by both foreigners and Indians on preparations and compositions based on properties of certain plants. Data on such patents granted worldwide is not maintained.