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To stop patent fights, India gives US, UK access to database

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Thursday, April 29, 2010 2:41

Having burnt its fingers on long and expensive litigations to prevent foreign companies from patenting neem and turmeric, the Indian government has developed a unique process to save its AYUSH (ayurveda, yoga, unani, siddha and homeopathy) knowledge.

The health ministry has formally given US Patent & Trademark Office (USPTO) and UK Trademark & Patent Office (UKPTO) access to its Traditional Knowledge Digital Library (TKDL) to cross-check whether it already exists with India whenever any patent is filed.

This means that whenever a patent is filed in these offices, a quick look at the Indian digital library would inform patent offices whether India already possesses this knowledge or not.

Ministry officials said the TKDL Access Agreement has in-built safeguards to protect India's interest against any possible misuse. Under the pact, the patent examiners at International Patent Offices (IPO) can utilise the TKDL for patent search and examination purposes only and cannot reveal the content to third party unless it is necessary for citation purposes.

The ministry claims that through TKDL India is now capable of protecting about two lakh medical formulations similar to those of neem and turmeric.

There were similar moves to seek patent on yoga as well. On an average, it takes five to seven years for opposing a granted patent at international level with the litigation costs coming to Rs1-3 crore. Last year a similar TKDL Access Agreement was signed with the European Patent Office, making TKDL database available to their patent examiners.

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