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India foils China's pudina piracy bid

Kounteya Sinha | TNN

New Delhi: India has thwarted a major Chinese biopiracy bid to patent the use of medicinal plants 'pudina' (mint) and 'kalamegha' (andrographis) for the treatment of H5N1 avian influenza, or bird flu.

The **Council of Scientific and Industrial Research (CSIR)**, with help from the **Traditional Knowledge Digital Library (TKDL)**, dug out formulations from ancient Ayurveda and Unani texts like 'Cakra-dattah', 'Bhaisajya Ratnavali', 'Kitaab-al-Haawi-fil-Tibb' and 'Qaraabaadeen Azam wa Akmal'. The writings date back to the ninth century and show both 'pudina' and 'kalamegha'

were widely used in India over the ages for treating influenza and epidemic fevers.

After receiving exhaustive evidence from the **CSIR** that confirmed India's stand, the European Patent Office (EPO) on June 10 cancelled a decision to

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grant patent to Livzon, a Chinese pharma major. On January 19, 2007 Livzon filed a patent application, claiming a novel usefulness of 'pudina' and 'kalamegha' for the treatment of bird flu. The EPO decided to grant patent to Livzon on February 25, 2010.

► **How the bid was foiled, P 8**

Pudina: How India called China's bluff

New Delhi: The Traditional Knowledge Digital Library (TKDL), which helped build the case against a Chinese pharmaceutical major's attempt to patent the medicinal properties of 'pudina' and 'kalamegha', wrote to the European Patent Office (EPO) on April 27, informing its examiners the plants' abilities to cure diseases have been long known in the Indian systems of traditional medicine.

The letter by TKDL director Dr V K Gupta said: "The patent application number EP1849473, titled Chinese traditional medicine composition for treatment of avian influenza, method for preparation, and application thereof, may kindly be referred to wherein the usefulness of andrographis (kalamegha) and mint (pudina) for treatment of fever, detoxification and for the treatment of avian influenza, has been claimed to be novel." It added: "In the TKDL, there are several references where andrographis and mint are used for the treatment of influenza and epidemic fever. Hence, there does not seem to be any novelty or inventive step involved in the claims made in the above referred patent application."

Following the letter, the EPO set up a three-member panel to study the evidences.

On June 10, the panel decided to cancel the Chinese patent claim.

TKDL is a collaborative project between CSIR and the Union health ministry's department of Ayush. In 2000, a TKDL expert group estimated about 2,000 wrong patents concerning Indian systems of medicine were being granted every year at the international level, mainly due to the fact that India's traditional medicine knowledge existed in languages such as Sanskrit, Hindi, Arabic, Urdu, Tamil etc. These were neither accessible nor understood by the patent examiners at the international patent offices.

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