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India foils China's bio-piracy bid

Shows Age-Old Use of Pudina, Kalamegha To Stop A Patent On Bird Flu Drug Using Them

Kounteya Sinha | TNN

New Delhi: India has foiled a major Chinese bio-piracy 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 the help of India's Traditional Knowledge Digital Library (TKDL), dug out formulations from ancient Ayurveda and Unani texts, like 'Cakradattah', 'Bhaisajya Ratnavali', 'Kitaab-al-Haawi-fil-Tibb' and 'Qaraabaadeen Azam wa Akmal', dating back to the 9th century, to show that both pudina and kalamegha have been widely used in India since ages for influenza and epidemic fevers. After receiving exhaustive evidence from the CSIR that confirmed India's stand, the European Patent Office (EPO) on



GREEN FIGHT



After receiving exhaustive evidence from the CSIR on the use of pudina and kalamegha in ancient Indian formulations to treat bird flu, the European patent office had on June 10 cancelled the decision to grant patent to Livzon, a China pharmaceutical company, on the medicinal properties of the two plants

June 10 cancelled the decision to grant patent to Livzon, a major Chinese pharmaceutical company, on the medicinal properties of pudina and kalamegha for treating bird flu. It all began when Livzon, on January 19, 2007, filed a patent application at the EPO, claiming the usefulness of pudina and kalamegha for the treatment of bird flu. Impressed with the data, the EPO had on February 25, 2010 de-

cided to grant patent to Livzon. However, on April 27, TKDL director V K Gupta shot off a letter to the EPO informing the examiners that the medicinal properties of pudina and kalamegha have been long known in the Indian systems of traditional medicine. The letter said, "The patent application number EP1849473, titled Chinese traditional medicine composition for the 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 the treatment of fever, detoxification and for the treatment of avian influenza, has been claimed to be novel." The letter 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 evidence. On June 10, the panel decided to cancel the Chinese patent claim. TKDL is a collaborative project between the CSIR and the Union health ministry's department of Ayush.