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## **Indian systems of medicine: decline in patent claims reported**

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NEW DELHI: A sharp decline in the filing of patent applications concerning the Indian systems of medicine, in particular on the generic group of medicinal plants, has been reported at the European Patent Office (EPO).

A recent study by the Traditional Knowledge Digital Library (TKDL) expert team revealed a decline of up to 44 per cent in patent applications.

On average, 80 applications are filed every year. About 25 get filed during October-December and 15-40 patents get granted yearly during this period.

However, during October-December 2009, only 14 applications were filed and no patent was granted, according to the study.

A significant impact has already been realised at the EPO during the last one year. Beginning July 2009, the TKDL team identified 36 applications relating to the Indian systems of medicine and third party TKDL evidences.

In two cases, the EPO already set aside its earlier intention to grant patents after it received the TKDL evidences.

In 11 other cases, the applicants themselves decided to withdraw their four-to-five-year-old applications on being confronted with the TKDL evidences.

Wrong claims

An official spokesperson said that the remaining 23 cases were expected to be rejected by the EPO or applicants themselves would withdraw their wrong claims/patent applications.

In February 2009, a TKDL Access Agreement was signed by India with the EPO, making the TKDL database available to their Patent Examiners (EPO having 34 member-states) for establishing 'prior art' (previous patents, body of knowledge or related usage) in case of applications based on Indian systems of medicine.

India had joined hands with the United States and the United Kingdom to help prevent misappropriation of its traditional knowledge at the United States Patent and Trademark Office (USPTO) and United Kingdom Trademark and Patent Office (UKPTO) by signing the TKDL Access Agreement with the USPTO in November 2009 and with UKPTO in January 2010.