

Knowledge library wards off European patents

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An electronic facility that India had set up eight years ago to pre-empt unfair patenting of the country's traditional knowledge on curative potency of various biological resources has come handy. The Traditional Knowledge Digital Library (TKDL) that came up following the turmeric patent case — which saw a US patent based on India's traditional knowledge being successfully challenged by New Delhi, forcing the US patent office to revoke it—has warded off the danger of 13 more such patenting pleas at the European Patent Office since then, official sources told FE. The library has also forced a steep decline in such patenting attempts across the globe.

The digital library is a unique initiative of the government that involved documenting the database of formulations in ayurveda, unani, sidhdha etc. It has identified 36 attempts of patent filings based on India's traditional knowledge at the European Patent Office alone.

In two cases, the EPO has already set aside its earlier intention to grant patents after it received TKDL evidence while in 11 other cases, applicants voluntarily withdrew their four-to-five-year-old applications, said government officials.

In the remaining 23 cases identified, the government now expects either the EPO to reject these applications or the applicants themselves to withdraw their claims unless they are able to establish the novelty of their applications.

Further, a recent study carried out by a TKDL expert team has revealed a 44% decline in filing of patent applications concerning Indian systems of medicine at the EPO.

On an average 80 such patent applications are filed at the EPO annually. Also, such applications peak during October-December in a year when an average of 25 filings are made.

However, during October-December 2009, only 14 applications were filed, indicating a decline. TKDL is a joint effort of the CSIR and the department of AYUSH, first of its kind in the world targeted against grant of unethical patents and bio-piracy. In 2000, a TKDL expert group estimated that about 2,000 wrong patents concerning Indian systems of medicine were being granted every year at the global level, mainly because India's traditional medicine knowledge existed in languages such as Sanskrit, Hindi, Arabic, Urdu, Tamil and was neither accessible nor understood by patent examiners at the international patent offices.

India joined hands with the US and UK to help prevent misappropriation of its traditional knowledge at the United States Patent & Trademark Office (USPTO) and United Kingdom Trademark & Patent Office (UKPTO) with the signing of the TKDL (Traditional Knowledge Digital Library) Access Agreement with USPTO last November. It also has in place a similar agreement with the European Patent Office since February 2009. These agreements made TKDL database available to the patent examiners (EPO has 34 member states) of the EU and the US for establishing prior art in case of patent applications based on Indian system of medicine. On an average, it takes five to seven years to oppose a granted patent at the international level and each such effort costs a few crores for the Indian exchequers irrespective of the outcome.