

**GOVERNMENT OF INDIA
MINISTRY OF COMMERCE & INDUSTRY
DEPARTMENT OF INDUSTRIAL POLICY & PROMOTION**

LOK SABHA

**UNSTARRED QUESTION NO. 2704.
TO BE ANSWERED ON MONDAY, THE 12TH MARCH, 2018.**

SECONDARY PATENT APPLICATIONS

2704. SHRI M. CHANDRAKASI:

Will the Minister of **COMMERCE AND INDUSTRY** be pleased to state:

वाणिज्य एवं उद्योग मंत्री

- (a) the average time taken for processing and disposal of the patent applications in India;
- (b) the number of secondary patent applications filed during each of the last three years;
- (c) whether many Institutions file applications for secondary patents through proxies with intent to extend patent legacy, if so, the details thereof along with the safeguards available against such evasive loopholes; and
- (d) the details of the number of secondary patents approved by the Controller General of Patents, Design and Trade Marks in India during the last two years particularly for drug formulations?

ANSWER

वाणिज्य एवं उद्योग मंत्रालय में राज्यमंत्री (श्री सी.आर. चौधरी)

**THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE & INDUSTRY
(SHRI C.R. CHAUDHARY)**

- (a):** Patents Applications are processed as per the provisions of the Patents Act, 1970 (as amended) and the Rules thereof. The pendency of patent applications is measured in term of pending requests for examination. The average time for examination of a patent application after filing of request for examination is currently around 3 to 5 years. The disposal of patent applications follows a chronological queuing system at various stages. This is a quasi-judicial process in which any person can file an opposition against the application. Therefore, no definite time line can be identified by which the said applications will be disposed off.
- (b) to (d):** Not applicable, since there is no concept of secondary patent applications under the Patents Act 1970 (as amended).
