

**GOVERNMENT OF INDIA
MINISTRY OF AYURVEDA, YOGA & NATUROPATHY,
UNANI, SIDDHA AND HOMOEOPATHY
(AYUSH)**

**LOK SABHA
UNSTARRED QUESTION NO. 4101
TO BE ANSWERED ON 10TH AUGUST, 2018**

PATENT OF AYURVEDA FORMULATION

4101. SHRI K. PARASURAMAN:

Will the Minister of **AYURVEDA, YOGA AND NATUROPATHY, UNANI, SIDDHA AND HOMOEOPATHY (AYUSH)** be pleased to state:

- (a) whether out of about 40000 formulations of Ayurveda, only 200 patents have been issued so far by the Indian patent office;
- (b) if so, the details thereof and the reasons therefor;
- (c) whether the Government has initiated any plan of action for patenting all ayurvedic formulations of the country and protect them; and
- (d) if so, the details thereof and the action taken by the Government in this regard?

**ANSWER
THE MINISTER OF STATE (IC) OF THE MINISTRY OF AYURVEDA,
YOGA & NATUROPATHY, UNANI, SIDDHA AND HOMOEOPATHY
(SHRI SHRIPAD YESSO NAIK)**

(a) & (b): Formulations of Ayurveda and traditional Indian medicines that are part of the traditional knowledge of India cannot be granted patent in view of the provisions of Section 3 (p) of Patents Act, 1970 (as amended). Section 3 (p) states that an invention which, in effect, is traditional knowledge or which is an aggregation or duplication of known properties of traditionally known component or components, is not patentable under the Patents Act. Moreover, formulations of Ayurveda, being traditionally known and well documented in the literature and Traditional Knowledge Digital Library (TKDL), do not meet the criteria of patentability according to section 2(1) (j) of the Patents Act and as such are not patentable. Patents are granted for inventions in all field of technology, including inventions relating to new formulations based on herbal and plant-related products or processes, which fulfill the criteria of patentability viz., novelty, inventive step and industrial applicability, as stipulated in Section 2 (1) (j) of the Patents Act.

Contd.....

(c) & (d): The criteria of patentability i.e. novelty, inventive step and industrial applicability are followed uniformly across all the patent offices in the world. Patents cannot be granted by any country for products/processes, if they are already in public domain and do not fulfill the patentability criteria. All countries have mechanism for challenging any wrongly granted patent and invalidation of the same. Government of India has established a defensive mechanism of Traditional Knowledge Digital Library (TKDL) for preventing grant of patents to inventions based on traditional medicinal knowledge. TKDL is a digital database of traditional formulations & interventions taken from the literature of Ayurveda, Unani, Siddha and Yoga and presented in international patent classification format in five international languages. This database breaks the language and format barriers and makes traditional medicinal knowledge accessible and searchable to patent examiners for establishing prior art. TKDL has been made accessible under non-disclosure agreement to various International Patent Offices across the world for prevention of wrong patenting and revocation of patents based on traditional Indian medicine.

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