

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

**LOK SABHA
UNSTARRED QUESTION NO. 513
TO BE ANSWERED ON 20TH JULY, 2018**

PATENTING INDIAN MEDICINES

513. SHRI B.V. NAIK:

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

- (a) the number of medicines made of herbs/plants as per the traditional knowledge books of India along with the number of medicines which have been patented;
- (b) whether it is a fact that some countries are patenting the Indian medicines and if so, the number of such incidents that have come to light and the action being taken by the Government;
- (c) whether the Government proposes to amend the Drugs and Cosmetics Act, 1940 and Rules, 1945 with a view to registering all Ayurvedic medicines; and
- (d) if so, the details thereof?

ANSWER

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

(a) & (b): Medicines made of herbs/plants as per the traditional knowledge books of India are not patentable in view of the provisions of Section 3(p) of the Patents Act, 1970. This section provides that an invention which, in effect, is based on traditional knowledge or which is an aggregation or duplication of known properties of traditionally known component or components is not an invention within the meaning of the Act. However, patents can be granted to formulations based on products related to Ayurvedic/Herbal- based inventions, or processes related thereto, which fulfill the criteria of patentability as per the Act. As per information received from the Department of Industrial Policy & Promotion (IPR-patent section) under Ministry of Commerce and Industry, 194 patents have been granted to Indian entities for the inventions based on traditional medicines/herbal related products and 28 patents to various in various foreign entities for formulations/processes based on herbal/plant products.

Contd.....

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.

(c) & (d): As of now, amendment of Drugs & Cosmetics Act, 1940 and rules thereunder for registration of Ayurvedic medicines is not envisaged.