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Newsletter April 2015

1. Boehringer Ingelheim's patent revoked after Cipla opposition

India has revoked a patent on German pharmaceutical company Boehringer Ingelheim's lung drug Spiriva and ruled in favour of domestic drugmaker Cipla Ltd. Cipla has been marketing the generic version of Tiotropium Bromide Monohydrate under the brand name 'Tiova' since 2003. The product is available in inhalers and rotocaps. Although Tiotropium Bromide Monohydrate is a molecule which was patented prior to January 1995, BI filed for a patent for the crystalline salt of Tiotropium Bromide Monohydrate on the grounds that it is more stable.

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2. Patent office refuses patent for tosylate salt form of Bayer's sorafenib.

The Indian Patent Office has refused patent application of German drug major Bayer Healthcare AG for a form of tosylate salt of its anticancer drug Sorafenib, known under the brand Nexavar, on the grounds of lack of inventive step and Section 3(d) among others. Hyderabad-based Natco

Pharma Ltd and Gurgaon-based Fresenius Kabi Oncology Ltd had filed pre-grant opposition against the application.

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3. Apple did not infringe wireless patents.

A federal jury in Texas on March 16 said Apple Inc did not infringe five wireless technology patents owned by Canadian patent licensing firm Conversant Intellectual Property Management Inc. Core Wireless Licensing Sarl, a subsidiary of Ottawa-based Conversant, sued Apple in 2012 in a federal court in Tyler, Texas, alleging the iPhone maker used its patents on wireless data transmission in its iPhones and iPads without permission.

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4. Indian Patent Office refuses Wockhardt's application related to osteoarthritis drug.

The Patent Office has refused to proceed with the patent application of Wockhardt for an oral salt form of Diacerein, used to treat osteoarthritis, stating that the application lacks inventive step.

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5. Certain provisions in Trademarks Act unconstitutional: Madras High Court.

Madras High Court on 12th March declared as unconstitutional a sub-section of Trade Marks Act, 1999 which qualifies a member of Indian Legal Service to the post of vice chairman of Intellectual Property Appellate Tribunal (IPAB). The bench also made it clear that recommendation of Chief Justice of India to the post of IPAB Chairman be given due consideration by the Appointment Committee of the Cabinet.

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6. Facebook denied patent for crawler in India.

In a setback to Facebook, the Indian Patent Office has refused a patent to the social networking site's 'invention' on method and apparatus for a crawler application in the country. The ruling said the crawler was not patentable under various sections of the Patent Act as it lacked an inventive step. A crawler is a programme that searches the internet for video and media

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files, multimedia streaming services and other information to create entries for a search engine index.

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7. ONGC Gets US Patent on Hydrogen Generation Process.

State-owned Oil and Natural Gas Corp (ONGC) has received US patent on a hydrogen generation process, opening up new vista for generating the clean energy source from water on commercial scale."United States Patent and Trademark Office has issued a Patent to ONGC Energy Centre (OEC) Trust and Institute of Chemical Technology (ICT), Mumbai for the innovative research work on 'Hydrogen Production Method by Multi-step Copper-Chlorine Thermochemical Cycle'.

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8. The Government of India Adopts Open Source Software.

The Government of India has adopted a policy of utilising, where available, Open Source Software ("OSS") to fulfil its software requirements in Central Government organisations for e-Governance applications systems and while replacing existing software applications.

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9. CGPDTM Launches New Patent Search Facility with Full-Text Search Capability.

The CGPDTM has announced the introduction of a new search tool named INPASS. The INPASS allows full-text search to be conducted for patents as well as patent applications, allowing for search using wild-cards, truncation and Boolean operators.

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10. Delhi high court directs Intex to pay royalties to Ericsson.

The Delhi high court on 13th March directed Delhi-based consumer electronics vendor Intex Technologies (India) Ltd to pay royalties to Swedish telecommunications company Telefonaktiebolaget LM Ericsson for alleged infringement of eight patents relating to 2G, 3G and Edge technologies used in mobile phones and tablets.

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11. Supreme Court strikes down Section 66A of IT Act which allowed arrests for objectionable content online.

The Supreme Court of India on 24th March declared Section 66A of Information Technology Act as unconstitutional and struck it down. The court said such a law hit at the root of liberty and freedom of expression, the two cardinal pillars of democracy. The court said the section has to be erased from the law books as it has gone much beyond the reasonable restrictions put by the Constitution on freedom of speech

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12. Service tax hiked to 14% from 12.36%.

The Central government increased the service tax to 14 per cent from the current 12.36 percent. Finance minister Arun Jaitley said that to facilitate a smooth transition to levy of tax on services by both the centre and the states. The service tax rate is being increased from 12 per cent plus education cesses to 14 per cent. The education cess and secondary and higher education cess shall be subsumed in the new service tax rate. The revised rate shall come into effect from a date to be notified.

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