

# HASAN AND SINGH

*Intellectuals @ Law*

Patents, Trademarks, Designs, Copyright & Protection of Plant Varieties

## Newsletter December 2014

### 1. India Divided on Whether to Break Bristol-Myers Drug Patent.

The Indian government is divided about whether to break a patent on a Bristol-Myers Squibb cancer drug. India's Trade Ministry is opposed to allowing local pharmaceutical companies produce the U.S. company's leukemia drug, Dasatinib, through what is called a compulsory license as it doesn't see an urgent need to break the patent.

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### 2. Indian Mobile Company iVoice Challenges Apple over iPhone Patent.

iVoice, an yet to grow mobile manufacturer company based in Erode, Tamil Nadu, has challenged Apple INC, over its most adored brand iPhone. The iVoice, founded in 2007 had developed a feature rich yet inexpensive mobile phone for the Indian masses and wished to market it under the brand name 'iFon'.

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### 3. Non-Compliance with section 8 as a ground for revocation in India.

The Delhi High Court, Division Bench Judgment: Maj. (Retd.) Sukesh Behl & Another v. Koninklijke Philips Electronics.

According to the Indian High Court, revocation of an Indian patent pursuant to Section 64 due to non-compliance with Section 8 is not automatic.

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### 4. Life-saving drugs to show govt-fixed rates in bold red.

From January 2015, all life-saving drugs will come with a bold red strip on the pack highlighting the price as fixed by the government and specifying if the drug is under price control. The move will enable consumers, who are highly dependent on doctors and chemists, to make an informed choice while purchasing medicines. In case of overcharging, consumers can directly call the National Pharmaceutical Pricing Authority to lodge a complaint.

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### 5. European Patent Office & India sign MoU on bilateral co-operation on patents.

The European Patent Office (EPO) announced on its website that it has entered into a Memorandum of Understanding (MoU) with the Intellectual Property Office of India (IPO India) on co-operation on patents to promote innovation in India and the European Union. The MoU

calls for bilateral co-operation between EPO & IPO and it seeks to establish a framework for structured work relations between both the offices for a minimum of four years.

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### 6. Govt plans to bring all pharma related Depts under one roof.

Government is working on bringing various departments and agencies dealing with the pharma sector under a single authority for better co-ordination and effectiveness.

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### 7. Arjuna Natural Extracts bags turmeric patent from US.

Arjuna Natural Extracts, a leading domestic manufacturer and exporter of botanical extracts, has said it has been granted a US patent related to a turmeric extract used for treatment of Alzheimer's disease.

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### 8. Lubiprostone Patent Row Lands DRL in Court.

Dr Reddy's Laboratories Ltd (DRL) has found itself in patent litigation with three drug companies filing a petition with the District Court of New Jersey on November 12. Sucampo Pharmaceuticals, part of Switzerland-based Sucampo AG,

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Tokyo-headquartered R-Tech Ueno Ltd, Takeda Pharmaceuticals USA and Takeda Pharmaceuticals America, wholly-owned subsidiaries of Japanese drug major Takeda Pharmaceuticals Ltd in their joint civil action suit alleged DRL Inc's — part of DRL — ANDA with the US FDA seeking approval for generic lubiprostone oral capsules 8 mcg and 24 mcg in the US will infringe its patent.

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**9. CGPDTM has announced international applications filed to the Indian Patent Office as Receiving Office under the Patent Cooperation Treaty may be filed electronically using ePCT with effect from 15th November 2014.**

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**10. Patent expiries valued at \$170 bn set Indian pharma to accelerate its complex generic programmes.**

Indian pharmaceutical industry will now be able to make further inroads and garner a fair share of the global market opportunity as drugs valued at \$170 billion are set to come off the patents. The World Generic Medicines Congress Europe 2015 indicates that drugs valued at \$170 billion

in annual sales will lose patents in 2015, leaving concerned companies trying to calculate the imminent damage. Aripiprazole by Otsuka Pharmaceuticals, glatirame by Teva Pharma, albuterol-ipratropium inhalation by Boehringer Ingelheim, imatinib mesylate by Novartis, memantine HCI by Forrest Labs, etc are some of the off-patent drugs. These drugs treat conditions like neuro-psychiatry, Multiple Sclerosis, cancer, Alzheimer's, sleep disorders, COPD, anti viral and HIV.

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**11. DoT drops licensing agreement clause.**

The Department of Telecom has dropped a controversial clause in the proposed intellectual rights policy that would have made it mandatory for companies such as Micromax and Karbonn to ink a royalty payment agreement with owners of essential patents, within a fixed time frame. The proposed policy, in its initial draft, had stated that companies seeking patents would have to negotiate an agreement with innovator companies within 6-12 months, and if the discussions failed, the patent owner could take legal

action.

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**12. Apple vs. Samsung: Patent war reaches key appeals court.**

A federal appeals court in Washington, D.C., will hear arguments in Samsung's bid to unravel a losing jury verdict and nearly \$1 billion in damages for violating Apple's patents -- possibly defining new legal boundaries for powerful tech companies increasingly reliant on the courts to settle feuds over the rights to new innovations.

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**13. FDA Again Delays Decision On Copaxone Patent.**

Teva Pharmaceutical Industries Ltd. has filed a petition at the US Food and Drug Administration (FDA) seven times, asking the FDA not to approve a generic version of Copaxone, Teva's flagship product for treatment of multiple sclerosis. Its petition has been turned down seven times.

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