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1. India at WTO: Takes strong stand to save generic drugs industry, calls for transparent health assessment

**THE ISSUANCE OF
COMPULSORY
LICENSING "MUST BE
LEFT TO THE
DISCRETION OF
GOVERNMENTS", INDIA**

Governments engaged in bilateral and regional trade investments should ensure that these agreements do not include provisions that impinge on the right to health, and as a first step should undertake public health assessments "that are transparent and made publicly available", India said in a strong statement delivered at the WTO highlighting a longstanding fight by India to sustain its generic drugs industry.

"These impact assessments should verify that the increased trade and economic benefits are not endangering or impeding the human rights and public health obligations of a nation and its people before entering into commitments," India said on 9 November at a discussion on the report of the UN Secretary-General's (SG) High-Level Panel on access to medicines at the WTO's Agreement on Trade-related Aspects of Intellectual Property Rights (TRIPS) Council. [Read more](#)

2. The crisis in software Patents

**LARGE, MEDIUM, AND
SMALL ENTERPRISES,
START-UPS AND IPOs,
ARE SPURRED BY
SOFTWARE INVENTIONS**

There is an international crisis in software patents. The critical, unanswered question is this: When are software inventions eligible for patent? Billions in corporate assets are at stake. Business is threatened when rules of law and intellectual property are in doubt. Patent offices and courts around the world are paralyzed with backlogs of pending, rejected, challenged, and appealed software patents and applications. Microsoft, IBM and SAP each make tens of billions in revenues from software. Each has thousands of patents and applications. [Read more](#)

3. The USPTO's latest Memo on subject matter eligibility provides hope for modern innovators

**BOTH
THE COURTS AND THE
USPTO HAVE SHOWN
UNDERSTANDING THAT
INNOVATION CAN BE
FOUND IN SOFTWARE**

On November 2, 2016 the United States Patent and Trademark Office (USPTO) issued a memo to Examiners on its stance on subject matter eligibility in response to the McRO and BASCOM Federal Circuit decisions, previously discussed at Global IP Matters here and here. The USPTO will be updating its subject matter eligibility guidance in view of these decisions and also the Amdocs decision, which issued the day before the USPTO published its memo and thus is not addressed therein. In McRO, the Federal Circuit held claims patent eligible based on the incorporation of particular claimed rules in computer animation that "improved [the] existing technological process" by allowing the computer to do something it could not previously do. In light of McRO, the USPTO instructed Examiners to not overgeneralize the claim or simplify it into its "gist" or core principles, when identifying a concept as a judicial exception. [Read more](#)

4. Sun Pharma gets favourable review from DoP on ceiling price of "Imatinib mesylate 100 mg tablet"

**FIXATION OF CEILING
PRICE OF IMATINIB
MESYLATE 100 MG
TABLET**

The Indian pharmaceutical major Sun Pharma Laboratories Ltd has received favourable review order from the Department of Pharmaceuticals (DoP) on fixation of ceiling price of "Imatinib mesylate 100 mg tablet" as the DoP has directed the national drug price regulator NPPA to examine all the relevant documents/information furnished by the petitioner company again and to re-fix the ceiling of imatinib mesylate 100 mg tablet, on merit". [Read more](#)

5. Bombay and Uttarakhand High Courts clarify points on benefit sharing under the Biological Diversity Act

**IMPLEMENTATION OF
THE BENEFIT SHARING
MECHANISM HAS
BEEN SEEN TO
BE PROBLEMATIC
IN THE PAST**

Two recent orders from the High Courts of Bombay and Uttarakhand raise jurisdictional and substantive points relating to the benefit sharing mechanism provided for under the Biological Diversity Act, 2002 ('BDA') along with the Biodiversity Rules, 2004. Both cases discuss the alternative of taking the cases at hand to the National Green Tribunal ('NGT') instead, and examine its jurisdictional powers. Regular readers of the blog will recall our [previous posts](#) on the topic, but read [here](#) and [here](#) for some background on the Act and the benefit sharing mechanism. [Read more](#)

6. Japan first in the world to create new patent classification for IoT-based technology

**THIS EFFORT IS EXPECTED
TO CONTRIBUTE TO FURTHER
ADVANCING EFFICIENT
RESEARCH AND DEVELOPMENT
IN THE FIELD OF IoT-BASED
TECHNOLOGIES**

The JPO has been assigning patent classification symbols to filed patent applications in order to categorize these applications by technology under the patent classification system. The patent classification system is a very important tool for IP users not only for the efficient search for related prior art documents but also for the ascertaining of current trends in technology development. Based on this recognition, the JPO has been streamlining the system on a continuous basis in line with technological progress. Meanwhile, with the dramatic development of IoT-based technologies in recent years, there are growing public needs for more patent information to ascertain the trends in applications filed for these technologies and the types of patents to be granted in the field. However, there has been no such patent classification that IP users are able to comprehensively use to collect patent information on these technologies. [Read more](#)

7. Landmark celebration of the Indian pharma industry as the 10th edition of CPhI & P-MEC India gets underway

**FOCUSING ON THE
PILLARS OF BUSINESS,
KNOWLEDGE, LEADER-
SHIP, INNOVATION, REC-
OGNITION AND NET-
WORKING IN THE
PHARMA DOMAIN**

The Indian pharmaceutical industry saw the launch of the grand 10th anniversary edition of UBM India's signature event, CPhI & P-MEC India 2016, one of the world's leading pharma networking expos. To celebrate the landmark, this year's edition of CPhI & P-MEC expo is being held between November 21 and 23 in Mumbai - for the first time, at two concurrent venues - The Bombay Exhibition Centre (BEC) while it also made its debut at the MMRDA Grounds, Bandra Kurla Complex (BKC). This year's marquee event saw more than 1,300 exhibitors, a 100 plus countries' participation and above 40,000 attendees. While BEC had traditional participants for CPhI & P-MEC; the concurrent venue at MMRDA Grounds, BKC also included participants for ICSE & BioPh. [Read more](#)

8. Patent backlogs cost the world millions, IP experts warn

**ESTIMATES
PUT A
\$10BN PRICE TAG
ON EVERY YEAR
OF DELAYS**

Getting a patent can take more than ten years in some countries, which is hampering development and costing the global economy dearly in lost innovation and jobs. Research from the Center for the Protection of Intellectual Property (CPIP) shows that the problem is not confined to developing nations, but that queues are lengthening in Europe too.

Looking at an eight-year period from 2008 to 2016, the CPIP found the average time from application to grant was over ten years in Brazil, and 5.5 years in Europe. Waits can be longer: in Thailand in 2015, granted pharmaceutical patents had on average been waiting for 16 years. Delays are as lengthy for life sciences as for mobile technologies. [Read more](#)

9. 'CRI guidelines may impact the innovation ecosystem'

EVEN INDIAN COMPANIES, INCLUDING SEVERAL MAJOR IT SERVICE PROVIDERS, ARE NOT HAPPY WITH CRI GUIDELINES

The "CRI Guidelines" for examination of computer-related inventions (CRI), published by the Indian Patent Office (IPO) on February 19 are currently under review. While some have supported it, there has been criticism from various stakeholders. The guidelines make it necessary that a novel hardware be defined in conjunction with a computer program if the claims relate to a computer program. The terms "novel hardware" mentioned in the guidelines refer to a hardware having constructional novelty such as novel circuitry, novel elements and novel structure. Thus, while the statute bars patentability of computer program per se, the guidelines go beyond this and bar any computer program that is not per se a program/algorithm and mandate novel hardware to be a part of the inventive technical feature. [Read more](#)

10. IPR-based start ups: How Maharashtra, Telangana, Karnataka, others are making themselves attractive

SOME STATES HAVE STARTED FOCUSING ON IPR AND INNOVATION POLICIES AS A CENTRAL THEME

The Indian Intellectual Property Rights (IPR) policy, announced in May 2016, was a landmark declaration by the Department of Industrial Policy & Promotion. It set in motion a domino that would define the future of innovation and India's IPR readiness in handling technology and IPR transfers, IPR valuation, IP education, and IPR safety (policing, protection and enforcement). Subsequent policies on start-ups, innovation, FDI and yet-to-be-announced state competitiveness framework in attracting large high-tech industries through FDI provide a continual improvement framework amongst Indian states for setting up a gold standard state IPR policy. [Read more](#)