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1. Patents (Amendment) Rules, 2016 - Key changes

Patenting system in India, though in full compliance with the international standards under TRIPS agreement, has continuously been under tremendous pressure to amend its Patent laws. The issues like long delays in the registration process and weak enforcement have been the target of criticism. The main reason for delays, though, is presumed to be the lack of manpower, other issues like poor infrastructure and lack of advanced technology have also been major causes.

*In order to overcome the delays in the registration process and to further encourage innovating and patenting, the Indian Patent Office has recently amended the Patent Rules which came into effect from May 16, 2016. These rules are called **Patents (Amendment) Rules, 2016**. Some of the key changes are listed below:*

- 1. Timeline reduced for putting the application in the order of grant:** *Time for putting the application in the order of grant has been reduced to 6 months from 12 months. Therefore, now the applicant has only 6 months to respond to First Examination Report (FER).*
- 2. Deleting of Claims of a PCT national phase application:** *The applicant may delete a claim during national phase entry.*
- 3. Deadline for filing Power of Attorney:** *Authorization of agent or power of attorney has to be filed within 3 months.*
- 4. Refund of fees:** *In case of withdrawal of applications, for which the request for examination has been filed and the first statement of objection has not been issued then upon filing a request in Form 29, 90% of the fee, incurred for request for examination or request for expedite examination, shall be refunded. Also, if any excess fee is paid during application process then such fees shall be refunded if the Controller is satisfied.*
- 5. Sequence Listing:** *The official fee for sequence listing has been now been capped.*
- 6. Expedited examination:** *Expedited examination option is introduced for applicants who have chosen India as ISA or elected as an IPEA in the corresponding international application or if the applicant is a Startup.*

2. New intellectual property rights policy a mix baggage for Indian pharma

**A MAJOR ISSUE OF
CONCERN IS IP
ENFORCEMENT AND
LINKING IP WITH
INNOVATION**

New Delhi: Any discussion on intellectual property (IP) in India has implications on its health sector due to numerous legal and regulatory battles between the Indian generic industry and branded drugs produced by multinational companies (MNCs).

Developed countries, especially the US, have been pushing for a tighter patents regime in India in favour of their own MNCs. This context has determined the way the National Intellectual Property Rights Policy, approved by the cabinet last Thursday, has been framed. Experts believe that the policy shows that the government has not succumbed to demands from the US, but that it should have made the policy more radical to protect India's generic industry. [Read more](#)

3. Govt to fast-track patent proposals, opens Tatkal window

**IPR POLICY TO
INCENTIVISE
ENTREPRENEURSHIP,
CREATIVITY AND
INNOVATION**

In order to streamline the patent regime, the government has modified rules by offering an option of 'Tatkal' for expeditious clearance of applications by start-ups or those entities that opt for India as a place for first filing of patent. The government also plans to significantly cut down the time period for grant of patents to two and a half years immediately and one and a half years by March 2018, from the existing 5-7 years. As per the modified patent rules, entities can choose the fast clearance route for obtaining patent by paying additional fees if they select India as International Search Authority or International Preliminary Examining Authorities and file their applications in India first. [Read more](#)

4. USPTO issues subject matter eligibility update with examples for life sciences

**MUCH-NEEDED
GUIDANCE FOR
EXAMINERS AND
APPLICANTS**

Following the recent Supreme Court decisions in Alice Corp., Myriad, and Mayo which invalidated an array of claims under 35 U.S.C. § 101, patent subject matter eligibility has become a closely watched and debated issue. In its most recent attempt to decipher these decisions and apply them in patent examination, on May 4, 2016, the U.S. Patent and Trademark Office ("USPTO") issued a Subject Matter Eligibility Update ("May 2016 Update") May 4, 2016. The May 2016 Update provides a memorandum to the Patent Examining Corps on best practices in formulating a subject matter eligibility rejection and evaluating the applicant's response, along with additional subject matter eligibility examples in the life sciences area. [Read more](#)

5. Allowing mortgage of Patents, TMs will help MSMEs raise funds: IPR experts

**TODAY
INTELLECTUAL
PROPERTY RIGHTS
OFTEN HOLD HUGE
FINANCIAL POTENTIAL**

New Delhi, May 17 (KNN) To allow mortgage of Patents and Trademarks would help the MSME particularly the start-ups who have nothing in the name of physical assets but the IPRs which holds huge financial potential, said an expert. IPR policy will not only incentivise entrepreneurship and innovation in the country, but will aid in the conversion of copyrights and patents for commercial use, Commerce Minister Nirmala Sitharaman has said. Reacting to this, PD Kaushik an IPR expert said, "MSMEs have made a stock exchange for them for the exact evaluation. These all were considered as intangible assets so that they won't be transferred when any unit of MSME is sold which transferred it as goodwill." [Read more](#)

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6. Protecting trademarks can transform MSMEs into MNCs

**MSMEs
MUST TAKE
ADVANTAGE
OF
THE MADRID PROTOCOL**

"Maharashtra is the leading industrial state in the country and the MSMEs in the state are highly innovative and enterprising. The MSMEs must take advantage of the Madrid Protocol and protect trademarks of their products and services in 97 member countries by filing a single application in the Indian patent office. Protecting the trademark is a way of growing one's business and it is the pathway for MSMEs to become multinational companies. Creating and protecting the brands of Indian companies is a pre-requisite for the success of Make in India programme," said Shri O.P. Gupta, IAS, Controller General of Patents, Designs & Trade Marks & Registrar of Geographical Indications while delivering keynote address at the event on 'First in Series of 'Make in India' on Protecting Brands: Worldwide with the Madrid System' at the World Trade Centre Complex, Mumbai on May 4, 2016. [Read more](#)

7. NASA launches searchable database of Patents for public use

**THE
NEW DATABASE,
KNOWN AS
THE NASA PATENT
PORTFOLIO**

If you're interested in checking out technologies developed by NASA over the years, you can now access thousands of expired patents using the space agency's new searchable database. According to Daniel Lockney, program executive of NASA's Technology Transfer project, making their technologies accessible in the public domain could help inspire people to start a new age of entrepreneurship, which would hopefully place the United States back in the lead in terms of economic competitiveness and manufacturing highly advanced technologies. Aside from launching the new patent database, NASA added 56 carefully selected patents to those already included in the public domain to make them available for commercial use without any restrictions. [Read more](#)

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8. Number of patents by biotech dept drops by over fifty percent: government

**PATENT FILING
IS ONE OF
THE MAJOR INDICATORS
OF THE SCIENTIFIC
ACHIEVEMENTS**

NEW DELHI: The number of patents filed by the Department of Biotechnology dropped by more than 50 per cent in the last three years, a Parliamentary panel today said.

"The Committee observes that the number of patents (national) filed dropped from 70 in 2013-14 to 33 in 2015-16. Similarly, the number of patents filed (foreign) dipped from 18 in 2013-14 to 10 in 2015-16.

"The performance of the department has gone down considerably in the last three years both in terms of patents filed and granted," the Parliamentary Standing Committee on Science and Technology said in a report tabled in Rajya Sabha. [Read more](#)

9. DoP asks NPPA to examine review applications filed by various pharma cos against NPPA's price fixation government

**DoP DIRECTS NPPA
TO EXAMINE REVIEW
PETITIONS FILED
BY VARIOUS PHARMA
COMPANIES**

The Department of Pharmaceuticals (DoP) has directed the national drug price regulator National Pharmaceutical Pricing Authority (NPPA) to examine the review applications filed by various pharma companies against the ceiling prices fixed by the NPPA vide their notifications S.O. No. 2863 (E) dated 20.09.2013, S.O. No. 3127 (E) dated 10.12.2014 and S.O. No.3131(E) dated 10th December, 2014.

The affected drugs included the scheduled medicines Glucose (Dextrose) injection (5%w/v), Glucose (Dextrose) (5% w/v) + Normal Saline (Sodium Chloride) (0.9% w/v) Injection and Normal Saline (Sodium Chloride) injection (0.9%). [Read more](#)

10. IMS Health to conduct study on India joining global pharma

**47 COUNTRIES
HAVE
ALREADY
JOINED
PIC/S SCHEME**

NEW DELHI: Government has asked IMS Health to conduct a study to explore whether India should become a member of global forum where certain standards for drugs and pharmaceuticals have been adopted, Parliament was informed today. It has also been asked to assess the likely impact on India's drug exports. The international forum -- Pharmaceuticals Inspection Convention/ Pharmaceuticals Inspection Cooperation Scheme jointly referred to as PIC/S is an instruments between countries and pharmaceutical inspection authorities to promote GMP (good manufacturing practices)." [Read more](#)

11. Govt plans strict enforcement of copyright law to tackle piracy

**TELANGANA
HAS SET UP
AN INTELLECTUAL
PROPERTY CRIME UNIT**

New Delhi: Makers of pirated products in India face the prospects of a crackdown, with the government planning strict enforcement of the copyright law under its new intellectual property right (IPR) policy.

"We have to stop this. It tarnishes the image of the country," commerce minister Nirmala Sitharaman said on Monday.

The minister said though law enforcement is a state matter, the Centre can help stop piracy at the point products are replicated. "There is complete absence of enforcement of copyright at present though there is a law. Many music producers and artistes are unable to protect their content. Now we want to give them better protection of their IPR," Sitharaman said. [Read more](#)

12. Who gains from the intellectual property rights policy?

The National Intellectual Property Rights policy was approved by the cabinet on May 12, 2016 and released to the press a day later by Finance Minister Arun Jaitley.

It is a "first of its kind" policy for India, covering all forms of intellectual property together in a single framework. The policy follows a completely new set of principles that are tilted in favour of intellectual property (IP) owners in every possible way. The principles laid down in the policy incentivise IP owners by granting them monopoly rights. The policy rewards big capital without paying attention to the balance to be established vis-à-vis public interest and development. Since the government presents itself as pursuing development, it is ironic that its new policy gives very little importance to either public interest or the developmental challenges that India faces. [Read more](#)

**THE POLICY OF THE
MODI GOVERNMENT IS
CLEARLY INFORMED BY
CONSERVATIVE PRO-IP
IDEOLOGY**

13. INTA 2016: JPO reveals non-traditional trademarks boom

The Japan Patent Office (JPO) has seen an influx of non-traditional trademarks being filed at the office, the International Trademark Association (INTA) has heard.

Speaking during an open session today, May 22, at this year's annual meeting in Orlando, representatives from the JPO revealed some of the figures for filings of non-traditional marks at the office since it enabled different types of marks to be registered. As of April 1, 2015, JPO applicants have been able to register non-traditional marks including sounds, colours and holograms. On April 30, 2016, 1,291 non-traditional marks had been registered, including 491 sounds and 477 colours. [Read more](#)

**1,291 NON-
TRADITIONAL MARKS
HAD BEEN REGISTERED,
INCLUDING 491 SOUNDS
AND 477 COLOURS**

14. Govt to amend Rule 97 of D&C Rules to introduce symbol NRx labeling for narcotic & Schedule H1 drugs

**NRx
LABELING
FOR NARCOTIC &
SCHEDULE H1 DRUGS**

In order to eradicate the abuse of narcotic drugs in the country, government is planning to amend Rule 97 of the Drugs and Cosmetics Rules, 1945 to introduce a provision of labeling with symbol NRx for drugs falling under the purview of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act), 1985 and covered under Schedule H1. The proposal on the same was deliberated at the recent Drug Technical Advisory Board (DTAB) meeting.

Drugs and Cosmetics Rules, 1945 were amended vide Gazette notification dated 30 August, 2013 for introduction of new Schedule H1 containing certain antibiotics, anti-TB drugs and habit forming drugs in pursuance of the recommendations of the Task Force on antimicrobial resistance. [Read more](#)