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**NEWSLETTER OCTOBER 2016** 

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### 1. Government to communicate with design applicants via email

COMMERCE AND
INDUSTRY MINISTRY IS
TAKING SEVERAL STEPS
TO REDUCE THE
PENDENCY OF
APPLICATIONS

New Delhi: The Indian Patent Office has decided that all official communications for registration of designs will be communicated through email or the applicant's digital address.

The move is aimed at facilitating faster processing of applications for registration of designs.

"...First examination reports and subsequent office communications shall be communicated in the e-mail or digital address of the applicant/agent as mentioned in the address of service for respective design applications wherever available," the Controller General of Patents, Designs and Trademarks said in a public notice.

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### 2. Design Patents: The under utilized and overlooked Patent

DESIGN PATENTS CAN
ALSO BE AN EXTREMELY
USEFUL TOOL IN YOUR
INTELLECTUAL
PROPERTY ARSENAL

Once upon a time one of the ways you could spot the scams from the legitimate operators in the patent industry was to look at who was directing clients to get design patents. Design patents have always been easy to obtain, indeed far easier to obtain than a utility patent. Of course, as with many things in life and with virtually everything in the realm of intellectual property law, the easier something is to obtain the less rights that are conveyed. You can obtain a copyright for about \$30 if you prepare and file the application yourself, and you get tremendously long protection in terms of the number of years – generations really – but the rights a copyright provides are exceptionally weak. Read more

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#### 3. 95 percent of WHO's essential medicines are off-Patent

PHARMACEUTICAL
EXPENDITURES MAKE UP
ONE-FIFTH OF PUBLIC
AND PRIVATE HEALTH
SPENDING IN
DEVELOPED COUNTRIES

Every few years since 1977, the World Health Organization (WHO) issues a newly revised list of what the international agency considers to be essential medicines. Essential medicines, as defined by WHO, are those medical treatments that "satisfy the priority health care needs of a population." The most recent model list of essential medicines (MLEM), published by WHO last April, includes 410 essential medicines. These include anaesthetics, antiallergics, antibacterials, disinfectants, hormones, mental health treatments and vaccines. Ideally, essential medicines are available within functioning health systems at all times in adequate amounts, in appropriate forms of dosage, at affordable prices and with assured quality. Read More

### 4. Reduced fees for international type searches

THERE MAY BE AN
INCREASE IN DEMAND
FOR INTERNATIONAL
TYPE SEARCHES
FOLLOWING THE FEE
CHANGE

We recently announced that the fee for an international type search under the Patent Cooperation Treaty (PCT) will be reduced from \$2200 to \$950 from Monday 10 October 2016. This is a significant fee reduction which will benefit inventors and businesses who are looking to progress their innovations.

We aim to complete international type searches within six weeks and recommend that search requests are made no later than 10 months after a provisional patent application is filed. This allows applicants to consider the results of the international type search prior to the expiration of 12 months from filing of the provisional application. Read more

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### 5. Govt seeks views on pricing patented drugs

PRICE REGULATIONS ON
PATENTED DRUGS
COULD SIMULTANEOUSLY DILUTE THE PROVISION THAT SEEKS TO
AWARD COMPULSORY
LICENSING

Upbraided by the parliamentary standing Committee for its "gross negligence and lackadaisical attitude", the department of pharmaceuticals has set about seeking suggestions from different ministries on price regulation of patented drugs.

Under India's patent law, compulsory licensing by the government for patents awarded to drugs can be done only under certain cases of public health emergencies. The department of industrial policies and promotion (DIPP), under whose aegis the law falls, may explore whether there can be changes made to the law. Compulsory licensing allows the government, through third parties, to produce and market a patented product or process without the consent of the patent owner. The caveat in the patent law exists in order to check monopolistic practices in public health. Read more

# 6. South Africa's outdated patent laws are standing in the way of affordable, lifesaving drugs

The drug used to treat hepatitis B costs more than 10 times as much in South Africa as it does in India.

"WHILE WE WON THE FIGHT FOR FIRST LINE HIV MEDICINES, WE LOST THE BATTLE FOR ALMOST ALL OTHER MEDICINES"

Protests in Pretoria on Sept. 27 sought to highlight the exorbitant prices of many lifesaving drugs in the country. They lay the blame on medical patent laws that allow drug companies to charge full price for medication that can be purchased for much less in other parts of the world. The hepatitis B treatment, for instance, costs about \$400 in South Africa, compared to just \$35 in India.

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### 7. Government plans to create Patent sharing regime

"WHAT IS IMPORTANT IS
TO ENCOURAGE INNOVATION IN INDIA AND INNOVATIVE
INDIA IS A BIG COMPONENT OF NARENDRA
MODI'S GOVERNMENT"

The central government plans to create a policy framework to enable patent sharing between companies and academia in order promote innovation happening at education and research institutes, while creating a market opportunity for them, said Ravi Shankar Prasad, Minister of Communication and Information Technology on Thursday.

"It is an idea which I have floated today. We have got outstanding teachers and researchers, and we have got companies. There is a need for innovation, so the companies and academia must partner and whatever new products come, it will have a patent. And the fruits of the patent be shared between the both," said Prasad on the sidelines of 1st edition of Medical Electronics Innovation Summit, organized by Ministry of Electronics & Information Technology, at IIT Bombay. Read more

#### 8. Indonesia: Enactment of the new Patent law

The Indonesian Parliament finally passed the draft new Patent Law on July 28 2016. This new Patent Law has recently been introduced as Law Number 13 of 2016, and is to replace Law Number 14 of 2001 on Patents.

THE NEW PATENT LAW
PROVIDES MORE CLARITY ON THE RULING OF
COMPULSORY LICENCES

The new Patent Law will provide patent holders with some solutions to the shortcomings of the current Patent framework and registration procedures. In addition to some improvements to the current law, the new Patent Law will also introduce several new provisions to protect local genetic resources and traditional knowledge, and to reward inventors for any invention produced in official service with government agencies. Read more

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### 9. Reuters top 100: The world's most innovative universities - 2016

ALL THE COMPANIES
FORMED BY STANFORD
ENTREPRENEURS GENERATE \$2.7 TRILLION IN
ANNUAL REVENUE

In the fast-changing world of science and technology, if you're not innovating, you're falling behind.

That's one of the key findings of The Reuters 100: The World's Most Innovative Universities. Now in its second year, the list ranks the educational institutions doing the most to advance science, invent new technologies and help drive the global economy. Unlike other rankings that often rely entirely or in part on subjective surveys, Reuters relies exclusively on empirical data such as patent filings and research paper citations. Our 2016 results show that big breakthroughs - even just one highly influential paper or patent - can drive a university way up the list, but when that discovery fades into the past, so does its ranking. According to our findings, consistency is key, with truly innovative institutions putting out groundbreaking work year after year. Read more