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**NEWSLETTER SEPTEMBER 2015** 

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### 1. Lee Pharma seeks hearing on nod for diabetes drug

SAXAGLIPTIN
COMPULSORY LICENSE
— LEE PHARMA SEEKS
HEARING

MUMBAI: Hyderabad-based Lee Pharma will seek a "hearing" from the Patent Controller to put forth its case for the compulsory licence to manufacture saxagliptin, a diabetes drug. This follows the notice issued by the Mumbai Patent Office on August 12 saying that its application does not make a "prima facie" case for grant of a compulsory licence. The domestic company had on June 29 filed an application under Section 84 of the Patent's Act, 1970, with the Patent Office to manufacture saxagliptin, patented and marketed in the country, by MNC Astra Zeneca. In accordance with the Rule 97(1) of the Patent Rules, 2003, if the company wishes to present it case, it can file for a hearing with the Patent Office, the notice, a copy of which is available with the TOI, said. Read more

### 2. UK Courts rules that it's illegal to rip, copy, or backup your music

IT'S ILLEGAL TO
RIP, COPY OR BACKUP
YOUR MUSIC

Say you bought a CD and you wanted to create a digital version for home use, so you rip the CD and store it on an MP3 player. You then copy the ripped music into your external hard drive to backup in case something goes wrong. This sounds like something a lot of us are doing or have done in the past.

However if you are living in the UK and you are doing that, you are essentially committing a crime. According to a new ruling in the UK, it has been made illegal for anyone to rip a CD onto their computer. In a statement the UK Intellectual Property Office made to TorrentFreak, "It is now unlawful to make private copies of copyright works you own, without permission from the copyright holder – this includes format shifting from one medium to another." Read more

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#### 3. Patents must be market driven, says ISRO scientist Y S Rajan

**PATENTS MUST BE MARKET DRIVEN**  Distinguished ISRO scientist Y S Rajan said here today that there is a need to keep market demand in mind while developing new products and technologies, instead of filing patents purely for the sake of it. He said that most patents filed in India are never converted into marketable products due to lack of research about market demand.

"Very less patents are filed in Indian Patent Offices as compared to even small nations like South Korea. Besides, majority of patents are filed by outsiders. It is also seen that very few of these patents end up as marketable products," said Rajan, who was here to take part in the Global Green Energy Conclave.

He said that patents should not be based on research papers, which has now become a common practice. Read more

### 4. Foreign firms crowd out domestic Cos in patent applications

72 PER CENT PATENTS IN INDIA ARE FILED BY **FOREIGN FIRMS** 

Of the over 43,000-odd patent applications filed annually in the country, just 28 per cent are filed by Indians while the rest — an overwhelming 72 per cent — are filed by foreign entities, according to a state-wise analysis of the patent applications by the industry ministry. Even more disconcerting is the fact that just 3 per cent of the patents granted are actually commercialised. The foreign entities include companies registered abroad, universities, institutions and individuals while Indian entities include companies domestically registered, research institutes, universities and individuals.

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### 5. Indian medicine, at 1/100th cost, saves Aussie's life

AT **1/100th**OF THE AUSSIE MEDCINE

Less than four months ago, Greg Jeffery was on the verge of getting liver cirrhosis. The 61-year-old Australian, suffering from hepatitis C, desperately needed a drug called Sivoldi to reverse the life-threatening condition.

The problem was, each Sivoldi pill cost over 1,000 Australian dollars and the total treatment regime of 84 tablets would have set him back by around 100,000 dollars. Jeffery, a historian and author, didn't have that kind of money. Desperate to source the drug at a cheaper rate, he landed in Chennai three months ago. There, he not only got the drug but bought it for less than one-tenth the price in Australia.

"The same treatment with the same drug in India is \$900," Jeffery told Australian TV channel, ABC. Read more

# 6. India Inc yet to catch up with Madrid Protocol for registering its trademark internationally

ONLY 200

APPLICATIONS ARE

FILED BY INDIA UNDER

MADRID PROTOCOL

India obtained accession and joined the Madrid system in July 2013. Based on data recently extracted from the website of the World Intellectual Property Organisation (WIPO), only 200 odd Indian companies have sought trademark registration under the Protocol (160 odd companies have active registration). This figure is in stark contrast to the 13,666 international applications received by India under the Protocol from overseas companies or multi-national companies (MNCs) who want to have India as one of the 'designation' countries for their trademark protection. Applications under the Protocol are administered by WIPO and trademark offices of the respective countries. Read more

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### 7. Bt cotton: Govt admits Monsanto never had patent in India

HUGE ROYALTIES
ON BT SEEDS
EVEN
WITHOUT A PATENT

Nagpur: Thirteen years after US multinational Monsanto launched Bt cotton seeds in the country, the government has woken up to the fact that the first version of the genetically modified crop was not patented in India. Monsanto ended up earning huge royalties on the Bt seeds even without a patent, changing the economics of cotton farming in India.

In 2002, Monsanto came up with the Bollgard version of the seeds, which have an inherent resistance against bollworm, a common pest for cotton crop. The Mon-531 or cry1Ac gene, which was used in the seed, was not patented by Monsanto in India. In 2006, Monsanto launched the Bollgard II variety, which has a Patent. Read more

# 8. Singapore begins operations as ASEAN's first international Patent search, examination authority

SINGAPORE - ASEAN'S FIRST INTERNATIONAL PATENT SEARCH AND EXAMINATION AUTHORITY SINGAPORE: Local and global businesses and inventors will from Tuesday (Sep 1) be able to fast track their applications for patent protection in multiple markets via Singapore. This comes as the Republic kicks off operations as ASEAN's first International Patent Search and Examination Authority under the Patent Cooperation Treaty (PCT).

In a press release on Monday, the Intellectual Property Office of Singapore (IPOS) said that Singapore is the fifth in Asia - after China, India, Japan and Korea - to join a group of 19 IP offices worldwide that have been appointed as International Authorities for the PCT. Read more

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### 9. Wyeth gets favorable order on a patent for antibiotic Tigecycline

WYETH

Vs

NATCO AND LUPIN

Wyeth, part of global pharma major Pfizer now, has received a favourable order for a patent application on its Tigecycline Composition, an antibiotic drug, against pre-grant opposition from Natco Pharma and Lupin Ltd. Wyeth sells tigecycline drug as Tygacil, which is used to treat drug-resistant bacteria. It has been shown to work where other antibiotics have failed, claims the company.

The company claimed that the composition for which the patent was applied has improved stability in both solid and solution states, and is thus different compared to other formulations, which have to be used immediately since they have lower stability. The application was filed on August 27, 2007 and was published in December 28, 2007. Read more