

Patents Act to be amended to strengthen provisions

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New Delhi: The department for promotion of industry and internal trade (DPIIT) will soon move amendments to the Indian Patents Act to strengthen provisions around disclosures related to use of traditional knowledge and genetic resources, while filing patent applications.

Last week, developing countries, including India, managed to secure a commitment for disclosure of traditional knowledge and genetic resources at the World Intellectual Property Organisation (WIPO), with 15 countries already endorsing the treaty, dubbed as the first to address the issue that has been under discussion since 1999. It has faced resistance from the US and several developed countries, as well as large corporations.

A senior govt official told **TOI** that while the Indian law provides protection and has got several patent offices across the world to tap into the Traditional Knowledge Digital Library (TKDL) to check patents, the move to have a treaty will address the issue more comprehensively as only 35-odd countries have similar provisions.

DPIIT is seeking to move amendments to section 10 of the Indian Patent Act, while seeking cabinet nod for signing the agreement. "Broadly, where a claimed invention in a patent application is based on genetic resources, each contracting party shall require applicants to disclose the country of origin or source of the genetic resources. Where the claimed invention in a patent application is based on traditional knowledge associated with genetic resources, each contracting party shall require applicants to disclose the Indigenous Peoples or local community, as applicable, who provided the traditional knowledge," WIPO said.