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Patenting of pharmaceuticals in India: Overview and case studies

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Patenting of pharmaceuticals in India: Overview and case studies

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Abstract

Intellectual property is an intangible asset. Patent is a powerful asset among other types of intellectual properties. Patent system is called as *quid pro quo* system, wherein the inventor discloses the invention to the public and gets protection for the invention for a limited period of time. Upon completion of patent term, the public can use the invention described in the patent. Over the last two decades, with the help of government support, awareness and the importance of the patent system has been increasing, among individual inventors, academics, small and medium enterprises, corporate and start-up companies. As in the case of tangible asset, the patent also can be assigned, licensed, mortgaged and pledged, thus helping the inventor or assignee of the patent in all possible ways. Filing a patent application to getting the patent granted is an important phase in the patent life cycle. Drafting the patent and prosecuting the patent in order to get it granted requires techno-legal knowledge. In the case of pharmaceuticals, the standard requirement for patenting the invention is comparatively more stringent than other domain. Having a good patent would definitely help to improve country's economic value, investor's wealth and provide more benefit to the public upon expiration of the patent term.

Key words: Indian Patent Act, patent prosecution, pharmaceuticals, Section 3(d) and 3(e)

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