



- ⇒ Anything seriously harmful to public order, morality, humans, animals, plants or environment.
E.g. Stone-pelting machine (पत्थरबाजी करने की मशीन का पेटेंट नहीं मिल सकता)
- ⇒ Atomic energy related inventions.
- ⇒ Mere discovery of a scientific principle or the formulation of an abstract theory or discovery of any living thing or non-living substance occurring in nature;
- ⇒ Plants-seeds varieties, biological process to create them; (Ref Pil#4A Pepsi-Potato)
- ⇒ animals breeding; Medical treatment of humans and animals
- ⇒ Mere discovery of a new form of a known substance which does not efficiency.
- ⇒ Mere re-arrangement or duplication of known devices.
- ⇒ Mere aggregation of properties of the components e.g. lemon + sugar + water = juice
- ⇒ Traditional knowledge. E.g. Ayurvedic information.
- ⇒ Mathematical formula, business method, method of playing game e.g. Dhoni's helicopter shot.
- ⇒ computer program, presentation of information
- ⇒ Integrated circuit (Its IPR can be registered separately under Semiconductor Integrated Circuits Layout-Design Act)
- ⇒ literary, dramatic, musical or artistic work; cinema-TV shows. (साहित्य नाट्य संगीत कला)

MCQ. Find correct statement(s): (Prelims-2019)

1. According to Indian Patents Act, a biological process to create a seed can be patented in India.
2. In India, there is no Intellectual Property Appellate Board.
3. Plant Varieties are not eligible to be patented in India.

Answer Codes: (a) 1 and 3 only (b) 2 and 3 only (c) 3 only (d) 1, 2, and 3

42.3 IPR → PATENTS → COMPULSORY LICENSING (अनिवार्य लाइसेंसिंग)



Figure 1: महंगी दवाइयों से कोई बचा सकता है क्या

- ⇒ If public interest is involved → Government can use, manufacture, import or sell a patented invention without the patent-owner's consent. Permitted under WTO's TRIPS agreement.
- ⇒ 2012: Shortage of an anticancer drug Nexavar in Indian market. Bayer Pharma (Germany) held patent & production rights & sold of ₹ 2.50 lakhs per 120 tablets.
- ⇒ So, Indian Govt used Indian Patent Act to 'Compulsory License' to an Indian company NATCO to produce this drug, sell it at ₹ 8880 per 120 tablets & pay 6% royalty to Bayer.
- ⇒ US & EU are apprehensive of Indian Govt issuing CL, because their MNCs will suffer, if such low prices and royalty % are forced. (भारत सरकार के इन कदमों से गोरे देश चिंतित)
- ⇒ 2020: newspaper columns on how CL can help making Corona drugs cheap. थोड़ा-पढ़ो-आगे-बढ़ो