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Herbs Related Patents

Bael, Bilva

(Aegle marmelos)

Aegle marmelos is moderate sized, slender, aromatic tree, 6 to 7.5 meter height and 90-120 cm in girth, growing wild throughout the deciduous forests of India. It is known as bael and bel in Hindi, Assamese, Bengali and Marwari, bili in Gujarati, koovalam and vilvam in Malayalam, belo in Oriya, bilva and sriphal in Sanskrit, bilva and vilvam in Tamil, bilavamu and maredu in Telugu and bel in Urdu.

The unripe or half ripe fruit is regarded as astringent, digestive and stomachic. The fruit is used in chronic diarrhoea and dysentry, and said to act as a tonic for heart and brain. Clinical trials of unripe fruits showed anti-viral activity against Ranikhet disease virus, hypoglycaemic activity and significant results against intestinal parasites. The pulp, diluted with water and added with requisite amount of sugar and tamarind, forms a delicious cooling drink. Besides the fruits, the root, bark, leaf and seed of bael are valued in the indigenous system of medicine. The root as well as bark are used in the form of a decoction as a remedy in melancholia, intermittent fevers and palpitation of the heart. Fresh leaves are used in West Bengal as a remedy for dropsy, and beriberi associated with weakness of heart. Poultice made of the leaves are used for ophthalmia and ulcers. (Source: Wealth of India and Compendium of Indian Medicinal Plants, Vol 1-5).

Despite the plant having widely used in India for medicinal purposes as well as for making cooling drink, not many patents exist related to bel. Few patents which exist, relate to herbal catalytic compositions using bel for pollution control and energy saving of fuel used for automobile, and antidiabetic compositions.

There are 4 US patents granted in this area. One application has also been accepted in India. There are 2 applications pending in EPO, 2 in China and 2 in Japan. Similarly there are atleast 6 applications pending with the Indian Patent Office. There is one company Gem Energy Industry Limited based in Chennai which appears to be the main player in filing and obtaining Aegle marmoles related patents. Following table gives the titles of the patents.

Title	Applicant	Status
Fuel energy saving and pollution control device	Gem Energy Industry Ltd.	Application pending in India
Herbal catalytic composition and device for the same for use in electric arc furnace	Gem Energy Industry Ltd.	Application pending in India
Herbal catalytic composition and device for the same for use in electric arc furnace	Gem Energy Industry Ltd.	Application pending in India
Herbal catalytic composition and device for the same for use in steel and petrochemical industry	Gem Energy Industry Ltd.	Application pending in India
Herbal catalytic composition and device for the same for use in boiler and furnaces	Gem Energy Industry Ltd.	Application pending in India
Herbal catalytic composition and device for the same for use in automobiles	Gem Energy Industry Ltd.	Application pending in India
Fuel energy saving and pollution control device	Gem Energy Industry Ltd.	Granted by USPTO
Herbal catalytic composition and device for the same for use in automobiles	Gem Energy Industry Ltd.	Granted by USPTO

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Herbs Related Patents

Herbal catalytic composition and device for the same for use in automobiles	Gem Energy Industry Ltd.	Granted by USPTO
Method and composition for treatment of diabetes	Kripal S. Dhaliwal	Granted by USPTO
Herbal catalytic composition and device for enhancing combustion in automobiles	Gem Energy Industry Ltd.	Application pending at EPO
Herbal catalytic composition and device for enhancing combustion	Gem Energy Industry Ltd.	Application pending at EPO
Herbal catalyst containing device for fuel energy saving and pollution control in automobiles/car	Gem Energy Industry Ltd.	Application pending in China
Herbal catalytic composition and device to be used for fuel energy saving and pollution control	Gem Energy Industry Ltd.	Application pending in China
Catalyst composition incorporating herb, its production and device for pollution control and device for pollution control and energy conservation of fuel used for automobile	Gem Energy Industry Ltd.	Application pending in Japan
Herbs-included catalyst composition, its preparation and energy conservation of fuel and pollution prevention device	Gem Energy Industry Ltd.	Application pending in Japan

In the US patent 6,129,897 a catalytic composition having 35-45 of weight % of Aegle marmelos and 55-65 weight % of Ocimum basilicum has been claimed. This composition is used for saving fuel and controlling pollution in automobiles. US patent 6,012,417 talks about herbal catalytic composition having 50-65% by weight of Aegle marmelos and 45-50% by weight of Ocimum basilicum. This is used as fuel saving and pollution controlling. Patent No. 5,886,029, teaches us the use of Aegle marmelos in preparing a formulation for an antidiabetic composition along with other herbs. All patents pending at EPO, Japanese Patent Office and Chinese Patent Office relate to catalytic composition for fuel saving and pollution controlling.

First of all it must be realised that there is no patent claiming Aegle marmelos per se. Secondly, it is a matter of great satisfaction that Indian inventors, not working in publicly funded companies/laboratories are inventing around herbs known in India. It is quite obvious that Gem Energy Industry Ltd. would be looking for an exclusive position for products derived from Aegle marmelos. There are many herbs known in India which have not been explored for new and refined uses. Does it not open up new R&D patential and subsequent commercial opportunities derived from Indian herbs?

PFC on the move...

During the months of March and April five patent awareness workshops were organised. The first one was held at Y. S. Parmar University of Horticulture and Forestry, Nauni, Solan, Himachal Pradesh on March 5, 2001, the second at University of

(Workshop held at Allahabad)

Allahabad, Allahabad, UP on March 20, 2001, the third at IIT Delhi, in association with the Foundation for Innovation & Technology Transfer (FITT) on March 23. The fourth workshop was held at Bombay College of Pharmacy, Mumbai on March 24 and the last one was held at IIT Kharagpur, Kharagpur, West Bengal, on April 10, 2001 jointly with the West

(Workshop held at IIT, Delhi)

Bengal Council for Science & Technology, Kolkata. These workshops had a participation of more than 500 scientists and technologists.

Is Repairing a Patented Product an Infringement?

We had given a case law in the November 1999 (Vol 5, No 11) issue of the IPR bulletin citing a decision of the Court of Appeal in UK in *United Wire Ltd vs Screen Repair Services Ltd and others.* The defendant had removed the damaged wire meshes from a patented drilling oil recycling screen and replaced them by new meshes not procured from the plaintiff. This act of the defendant was considered an infringement of the patented product as it was equivalent to 'making' an invention. The matter was referred to the House of Lords which upheld the decision of the Court of Appeal that a patentee when marketing a patented product does not grant an implied license to repair it. The House of Lords made a very fine distinction between repair and making. If the patented product has at any point ceased to exist before the acts are done and if as a result of those acts the patented product has been made/ come into existence then the acts will be treated as acts of making and the patent would then be considered infringed.

In the present case the damaged meshes were removed from a patented product. As a result the product ceased to exist. Let us understand what the patented product was. The product consisted of a frame/ support member to which two meshes of different mesh sizes were bonded at the periphery so as to be at different tensions. When two new differentially tensioned meshes were affixed to reconditioned frames new products had been made *which fell with in the claims of the said patent.*

The concept of exhaustion of rights did not apply as now one is considering a patented product, which ceased to exist on removal of the meshes. In fact the argument of the courts has been that a new product was created by repair which infringed the patented product.

It is difficult to predict if the Indian courts will follow the same argument in a similar situation. If it happens, then one cannot rule out the possibility of embarrassing situations emerging especially if one keeps trade sanctions in mind. However, there is a need to learn some lessons from the above decisions, for strengthening our preparedness. Firstly, do not take it for granted that repairs are without the dangers of patent infringements. Secondly, study carefully if the product, which is being repaired, is patented or not. Thirdly, obtain a copy of the patent document and study the claims to find out a repair strategy, which would avoid infringement of the claims. During the acquisition of new technology/ product, the issue of repair may be addressed in the license agreement. There are no readymade answers to such situations, one has to learn these nuances quickly to avoid serious mistakes.

Patenting in Paper- Indian Scenario

A study of the patent applications accepted by the Patent Office and notified for opposition in the area of paper from 1995 to 2000 has been carried out. The data for the study has been taken from Ekaswa-B database prepared by PFC. A total of 47 patent applications were accepted during the period. These applications broadly relate to processing of paper pulp, machinery used in paper manufacture, treatment of waste released from paper industries, preparation of synthetic paper, heat-treated paper, paper for currency notes and others. The yearwise breakup of the accepted patents during the six year period follows below in Table I.

Table I

Year	No. of Accepted Patent Applications
1995	8
1996	8
1997	6
1998	6
1999	4
2000	15

Other highlights of the study on paper for the six year period in a crisp form are given in Table II :

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Patenting in Paper ...

Table II

Total No. of accepted applications	47
No. of accepted applications filed by Indian companies/individuals	22
No. of accepted applications filed by Indian companies	20
No. of accepted applications filed by foreigners	25
Companies/individuals having 2 or more than 2 accepted applications	8
Indian companies/individuals having 2 or more than 2 accepted applications	3
Foreign companies/individuals having 2 or more than 2 accepted applications	5

Of the total accepted patent applications, about 47% belong to Indians and Indian companies. 2 accepted patent applications are for Indian individuals and 20 are from research institutes and industry. A list of the companies/ individuals, both Indian and foreign, who have two or more than two accepted patent applications to their credit is given in Table III.

Table III

Company	No. of Accepted Patent Applications
Beloit Corp, USA	6
Cosmo Films Ltd, India	6
Council of Scientific & Industrial Research (CSIR), India	6
De La Rue Giori S.A., Switzerland	2
Procter & Gamble, USA	2
Punya Brata Choudhuri, Sweden	2
Scapa Group PLC, UK	2
Wires & Fabrics (SA) Ltd, India	2

Beloit Corporation has its patent applications accepted for cellulose pulp preparation, apparatus for monitoring paper roll density, improvements in paper machine stock screens and others. Cosmo Films Ltd has all the six accepted applications related to process for preparation of synthetic paper. CSIR has to its credit heat and ultraviolet light sensitive paper, preparation of fuel briquettes from waste paper pulp and preparation of heat sensitive recording paper.

Major Areas

Patent applications have been accepted for a variety of areas related to paper technology. The thrust areas along with the number of patent applications accepted in that area can be viewed in Table below:

Thrust Area	No. of Accepted Patent Applications
Paper making machinery	14
Paper processing	11
Waste management	8
Synthetic paper	6
Security/Currency/Filter paper	5
Thermally sensitive paper	4

It may be recalled that PFC has been publishing the list of accepted applications in the IPR Bulletin. Interested readers may refer to the earlier issues. On a specific request PFC will send a list of these 47 accepted applications.

Patent Litigation Watch

• Razor, USA has a patent on the rear tender for scooters which acts as a branch when stepped on. Razor sued 15 companies for infringing its patent. The court issued a restraining order against 12 companies infringing the patent.

• L'Oreal, USA has agreed to license the technology of some antiageing products to Tristrata Technology Inc (TTI). These products of L'Oreal are based on a patent related to alpha hydroxy acid, obtained by TTI. The infringement suit filed by TTI was to come up for trial. But before it could happen, the two companies managed to settle the matter out of court.

• Nashua Corporation had to pay £105 million to Ricoh Corporation for infringing former's patent related to toner cartridges.

• Portola Packaging Inc has settled an infringement suit filed by International Plastics and Equipment Corporation (IPEC). Portola granted IPEC a license to use its patent. The terms of license are not known.

• Critikon, a known manufacturer of catheters of different kinds, sued Becton Dickinson & Company for infringing its patents for a safety catheter. The suit was filed in December 2000. Apparently, there is some settlement between the two companies. Becton Dickinson

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Patent Litigation ...

will pay an amount of $ 3 million initially to Critikon, the total liability of Becton is expected to be around $8 million.

• The Zi Corporation has won its patent infringement suit against Tegic Communications. The decision has been given by the US Court of Appeals for the Federal Circuit. The Zi Corporation had claimed that Tegic had infringed its patent while using the technology for the input of Chinese characters into mobile phones.

• Nichia Chemicals Industries, Japan has filed an infringement suit against Toyoda Gosei Company for infringing its patent on blue light emitting diode technology. Nichia is seeking a damage of 10.5 billion yen.

• Wi-Lan Inc has a Canadian patent (Pat. No. 2064975) which would be infringed if anyone produces/ makes IEEE 802.11 devices. IEEE 802.11 is a semiconductor chip used in wireless data communications. Wi-Lan has filed an infringement suit against an unidentified company that claims to produce IEEE 802.11 devices.

• Kimberly-Clark Worldwide Inc. has a patent for Huggies diapers which use barrier flaps to reduce side leakage. Kimberly-Clark Philippines Inc (KCPI), to whom this patent has been licensed, has sued the Taiwanese diaper manufacturer Everbeauty Houseware Company Ltd (EHCL) and its Philippines distributors for infringing the patent on Huggies diapers. It is reported that KCPI has claimed that it has lost £8.5 million in opportunity losses, lost production dates and lost profits. EHCL is likely to be sued for £110 million for actual damages, £20,000 in litigation cost and £130,000 in exemplary damages.

• Amagen, a well known biotechnology firm, was fighting a patent litigation case against TKT and Aventis in the US District Court of Massachusetts claiming that the latter two companies infringed 5 US patents of Amagen, viz. 5,621,080, 5,756,349, 5,955,422, 5,547,933 and 5,618,698 related to erythropoietin. The court ruled that the last two patents were not infringed but the others were infringed by TKT and Aventis. Thus, the case was decided in favour of Amagen.

• Mentor Graphics Corporation and Quickturn Design System Inc reached a $3 million out of court settlement in the patent infringement damages trial being heard in the Federal Court in Portland. Earlier, Quickturn had claimed a damage of $225 million from Mentor for infringing its patent.

New Patent Legislation for Andean Community

According to the latest decision of the Commission of the Andean Community (ANCOM), discoveries, scientific theories and mathematical methods, the whole or part of living beings as already exist in nature, natural biological processes, the biological material existing in nature or which can be isolated, including genome or germ plasm for any living being, literary and artistic work or any other protected by copyright; plans, rules and methods for practicing intellectual activities, games or economic commercial activities; computer programmes or logical support (software) and ways of presenting information are note patentable subject matters.

No patents will be granted for an invention whose commercial exploitation is likely to affect the public order or morality in a negative way. Similarly, inventions whose exploitation comes in way of protecting life or health or human beings or animals or plant life and environment will not be granted patents. Essentially biological processes for production of plants or animals are also not patentable. The exclusion also affects therapeutic or surgical methods applied to human beings or animals.

Case Study On Amla Related Patent

A patent entitled "Natural antioxidant compositions, method for obtaining same and cosmetic, pharmaceutical and nutritional formulations thereof" has been granted by the USPTO to one Shri Shibnath Ghosal, a resident of Varanasi. The antioxidant blends have been derived from the Amla (Emblica officinallis) fruits. This was granted on September 26, 2000. The patent stands assigned to Natreon Inc based in New Jersey. It has also been found out that a PCT application has also been filed designating as many as 78 countries. Applications have also been filed in EPO, OAPI and ARIPO and for Eurasian patent as well. These applications have been filed by Natreon Inc. Incidentally, this company is very active in obtaining herb related patents like patents related to Ashwagandha.

Prior Art

L-ascorbic acid (vitamin C) is a naturally-occurring compound found in many fruits and vegetables. L-ascorbic acid functions in many biological processes such as collagen synthesis, anti-oxidation, intestinal absorption of iron and metabolism of some amino acids. While ascorbic acid possesses many indispensable biological properties, it has several disadvantages. For example, it is susceptible to air oxidation and sensitive to heat, and is unstable in aqueous solution, even under neutral pH and at room temperature. The art has stabilized ascorbic acid by complexation with cyclodextrin, zeolites or liposomes. Another approach consists of stabilizing ascorbic acid by derivatization of its ene-diol function at the 2-position, for example, as L-ascorbic acid 2-phosphate or L-ascorbic acid 2-sulfate. The ascorbic acid 2-phosphate derivative does show some biological activity, however, ascorbic acid 2-sulfate is no longer an effective biological agent.

The provision of a stable ester at the 2-position of ascorbic acid also has been proposed. Monoalkyl esters having 1 to 18 carbon atoms, fluoroalkyl esters having 2 to 7 carbons and from 4 to 15 atoms of fluorine, and substituted benzoyl or cinnamate esters have been prepared for this purpose.

Present Invention

The present invention relates to a process for producing an antioxidant blend from Emblica officinalis (amla) fruit which is effective for protection of the skin against the sun and can be used for other cosmetic, pharmaceutical and nutritional applications. It has now been found, surprisingly, that the anti-oxidative fraction of Emblica officinalis, a member of small genus of Emblica trees, which are native to India, Sri Lanka, Malaysia and China, is much more stable under self-oxidation than L-ascorbic acid itself and some of its derivatives described in the literature. Moreover, it has been found, unexpectedly, that the compounds according to this invention have much better anti-oxidative properties against reactive oxygen species and can stabilize and prolong the anti-oxidative properties of ascorbic acid. The major advantage of the anti-oxidative product of this invention is its enhanced stability in an aqueous environment when compared with ascorbic acid or even magnesium ascorbyl phosphate. The product of this invention also contains low to medium molecular weight tannoids which augments its resultant anti-oxidant properties.

In addition to its anti-oxidative activity, the product herein can be formulated to provide significant protection against UV-induced erythema, particularly, by at least 50% when compared with a placebo formulation.

The anti-oxidant product of the invention (referred to hereinafter as "CAPROS") is isolated in stable form from the fruit of Emblica officinalis plant using a very dilute aqueous or alcoholic water salt solution, e.g. a 0.1 to 5% (w/w), preferably 1 to 2%, of a sodium chloride, potassium chloride, calcium chloride or magnesium chloride solution, which prevents degradation of the anti-oxidant compounds therein by enzymes present in the fruits of the Emblica officinalis plant. Alternately, the antioxidant product is isolated using buffer solution, e.g. 0.1 to 5% (w/w), preferably 1 to

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Case Study On ...

2%, of sodium citrate/citric acid, sodium acetate/acetic acid, sodium phosphate/ phosphoric acid, instead of aqueous or alcoholic water salt solution.

Detailed description of the invention

A simple and efficient method of extracting, concentrating and preserving CAPROS, present in the fresh fruits of Emblica officinalis (Hindi, Amla), is described hereinafter.

This CAPROS extraction, concentration and preservation process results in the destruction of the native hydrolytic enzymes, e.g. glycosidases, present in the fresh fruits of Amla. The destruction of the glycosidic enzymes is achieved herein by heating the fresh fruit pulp in water, containing, for example, 1% NaCl (w/w), for 1 hour on a steam bath at 70°C (+/-5°C). The mixture is then filtered, refrigerated for 3 days, and spray-dried or, alternatively, vacuum dried. The presence of NaCl in the extraction medium prevent hyrolysis by the glycosidic enzymes in the plant, and, also, to protect the product from microbial infestation.

Several varieties of Amla, collected from certain regions in India, and at a predetermined time of harvesting, contain a relative abundance of Emblicanin-A and B, and their equivalents, and these compounds are isolated during the process of the invention. The CAPROS product obtained thereby can be used directly as a potent antioxidative and free radical captodative agent, or enriched further by subsequent chromatography.

The increased concentration of these agents in the composition of the invention is a result of the defined extraction process which prevents degradation of the small gallo-ellagi tannoids, coupled with the reductones, by native enzymes present in the plant. The present process enables isolation and enrichment of these bioactive compounds, viz. Emblicanin-A and Emblicanin-B, and two medium molecular weight gallo-ellagi tannins, from the fresh pericarp of Emblica officinalis Linn (Euphorbiaceae). The enriched Emblicanin-A and -B fractions in association with the minor congener compounds, —Punigluconin and Pedunculagin (both medium M.sub.w gallo-ellagi tannins), and Rutin (a flavonol glycoside), present in the berries, constitute a well-defined composite antioxidative mixture having oxygen radical captodative properties which are at least 3 times higher than Vitamin C.

The chemical compounds present in a representative sampling of the product of the invention comprise: (1) Emblicanin-A (27%); (2) Emblicanin-B (23%); (2) Punigluconin (8%); (4) Pedunculagin (14%); (5) Rutin (10%); and (6) gallo-ellagitannoids (10-30%).

Examples

1. Fresh Emblica officinalis fruit (5 kg) was finely pulped and mixed with water (2-1), containing sodium chloride (1% w/w). The mixture was left standing at room temperature for about 12 hours. Then the mixture was stored in the cold (10°C.) for 3 days. Thereafter it was filtered through a thin cloth and the filtrate was spray-dried. The antioxidant fraction in the spray-dried blend was about 0.1 g/100 g of pulp as determined by high pressure thin layer chromatography (HPTLC). Some free gallic acid (1.8 g/100 g of pulp), and monosaccharides and starches (glucose, rhamnose, galactose, etc.) (12 g/100 g of pulp) also was present in the blend.

2. Moisturizing lotion composition

Ingredients	% (W/W)
Part A	
Stearic Acid XXX	10.0
Methyl Salicylate USP	0.5
Camphor USP	0.5
PPG-5 Ceteth-10 Phosphate	2.0
Propyl Paraben	0.1
Part B	
Triethanolamine	2.0
PPG-12 PEG-50 Lanolin	2.0
CAPROS	0.5
Deionized Water	82.3
Methyl Paraben	0.1
	100.00

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Case Study On ...

Procedure

Combine ingredients of Part A with mixing and heat to 80-85°C. Combine ingredients of Part B with mixing and heat to 80-85°C. Add Part B to Part A with mixing and cool to desired fill temperature.

Claims

The patent has 13 claims in all. The major claims are given below:

1. A process for producing an antioxidant blend from Emblica officinalis fruit comprising extracting the finely pulped fruit with a dilute aqueous or alcoholic-water salt solution at a temperature of about 70°C (+/- 5°C) to form an extract containing solution, filtering, and drying to provide the desired antioxidant blend as a powder.

2. A process according to claim 1 wherein the antioxidant blend consists essentially of, by weight, (1) and (2) about 35-55% of the gallic/ellagic acid derivatives of 2-keto-glucono-.delta.-lactone; (3) about 4-15% of 2,3-di-O-galloyl-4,6-(S)-hexahydroxydiphenoylgluconic acid; (4) about 10-20% of 2,3,4,6-bis-(S)-hexahydroxydiphenoyl-D-glucose; (5) about 5-15% of 3',4',5,7-tetrahydroxyflavone-3-O-rhamnoglucoside; and (6) about 10-30% of tannoids of gallic/ ellagic acid.

3. An antioxidant blend obtained by the process of claim 1.

4. An antioxidant blend consisting essentially of, by weight, (1) and (2) about 35-55% of the gallic/ellagic acid derivatives of 2-keto-glucono-.delta.-lactone; (3) about 4-15% of 2,3-di-O-galloyl-4,6-(S)-hexahydroxydiphenoyl-gluconic acid; (4) about 10-20% of 2,3,4,6-bis-(S)-hexahydroxydiphenoyl-D-glucose; (5) about 5-15% of 3',4',5,7-tetrahydroxyflavone-3-O-rhamnoglucoside; and (6) about 10-30% of tannoids of gallic/ ellagic acid.

5. A personal care, pharmaceutical or nutritional composition containing about 0.05 to about 10% by wt. of said blend, skin care composition in the form of a lotion, cream or gel, pharmaceutical composition in the form of a tablet, syrup, elixir or capsule and nutritional composition containing about 0.05 to 5% of said blend.

It may be noted that claims relate to processes and products. Likely uses have also been claimed. The products are in the forms of blends and chemical compositions. This would imply that a decision to sell or market Amla products in USA would have to be based on a critical analysis to establish that the products or the processes used for making the products do not infringe the claims of this patent. *Natreon Inc. has started the marketing of CAPROS atleast in USA, therefore it will be extra vigilant in locating infringement.*

Frequently Asked Questions

Can a published or disclosed invention be patented?

Publication or disclosure of the invention anywhere by the inventor before filing of a patent application would disqualify the invention to be patentable. Hence, inventors should not disclose their inventions before filing of patent applications.

What is considered as the date of patent?

The date of patent is the date of filing the complete specification. This is an important date because it is from this date that the legal protection of an invention covered in the patent takes effect. The term of the patent is counted from this date.

How does one keep a patent in force for the full patent term?

A patent has to be renewed from time to time by paying the prescribed renewal fees. If the patent is not renewed, it will cease to remain in force and the invention becomes open to public.

What is expected from a patentee?

A patentee must disclose the invention in a patent document for anyone to practise it after the expiry of the patent.

What is the nature of information needed while consulting a patent attorney?

An explanation of the history of the invention, where you got the idea from, how you developed it, any early failures

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Frequently Asked ...

and possible prototypes, with all your laboratory note books, etc., if possible. This will heop the patent agent to explain the inventive step which is necessary to establish to obtain the patent, and it also increases his or her understanding of the invention so as to maximize the skill with which he or she can draft claims and specifications for it.

What you think is the central part of if, the most inventive element or most useful aspect, together with what other similar prior inventions you know of or have developed the idea from or improved upon. If you have developed an improved version of your competitor's products, admit it; be totally honest. It is vital to be such so that the patent agent can define your invention properly in making the application and avoid excessive claims which might be stuck down.

A detailed description of the best way of putting the invention into practical use, results of your tests and trials, etc. including all the failures and defects should be conveyed to the patent agent.

Alternative ways of using the invention, and the substitutes for parts of it - i.e,. will one chemical compound do as well as any other in the process, is there an optimum size, etc. It may be worth drafting the patent widely enough to cover less satisfactory alternatives if this is possible - to prevent rivals from marketing a less satisfactory competing product which because of its defects might bring the whole genre of product into disrepute.

Both after an initial search and during the course of the patent application it is important to respond quickly and accurately to queries which the patent agent may have, to help the patent application on the way and to save you money. Thus the client should in particular keep the patent agent informed of any new developments or improvements or other changes made in the invention and any rivals which appear etc.

What is an opposition under the Indian Patent Act 1970?

After the patent office has examined an application and found it in order for grant of a patent, it publishes the title of the invention, claims, names of the inventors(s) and the applicant(s) in the Gazette of India Part III Section 2 for interested parties to oppose the grant of the patent. An application for opposition may be filed at the concerned patent office branch within four months of the date of the issue of the concerned gazette. An extension of one month is possible; a request for extension has to be made within the first four months. Typed or photocopies of the specification together with photocopies of the drawings, if any, can be obtained from the Patent Office, Calcutta or the concerned branch office on payment of the prescribed fees. One would like to oppose if the coverage of the proposed patent is very wide which may be detrimental to ones research, if the idea is not novel and so on.

What is the cost of filing a patent application in India?

The Government fee for filing a patent application (Complete/ Provisional) in India is Rs. 1,500/- for individuals and Rs. 5,000/- for legal entities. A sealing fee of Rs. 1,500/- for individuals and Rs. 5,000/- for legal entities, has to be paid at the time of grant (sealing) of patent.

What is the distinction between a patented invention and know-how?

The law does not require that the information disclosed in the patent specification be sufficient for commercial exploitation of the invention. Thus, a patent usually will not disclose sufficient information for commercialisation.

Know -how on the other hand, covers all information necessary to commercialize the invention e.g. setting up a production plant. Such information would include for example, details of the production methods, the design drawings etc. It is this know-how which is traded while transferring technology. A know - how developed around an existing patent and commercialized subsequently will be an infringement of the patent unless the patentee had agreed to commercialisation on mutually agreed terms.

Patent Filing in Austria through PCT

The general requirements for entry in to national phase of Austrian Patent Office for a PCT application in which Austria is the designated or the elected office are presented. The PCT application translated into German must reach the Austrian Patent Office within 20 months from the priority date if the applicant has decided to enter into the national phase after the search report or within 30 months from the priority date if the applicant has decided to enter into the national phase after the examination report. The patent application covering the description, claims, any text matter of drawings, abstract and amendments if any must be translated into German. Two copies of the translation need to be furnished.

A copy of the international application is required only if the applicant has not received Form PCT/IB/308 and the Austrian Patent Office has not received a copy of the international application from the International Bureau. No filing fee is required to be paid if the international application was filed with the Austrian Patent Office as receiving office. The competent receiving office for nationals and residents of Austria is the Austrian Patent Office, European Patent Office or the International Bureau of WIPO depending upon the choice of the applicant.

Going through the PCT route of protection in Austria, two types of protection are available, viz. National protection and European protection. For National protection, the designated office if Austria is designated is the Austrian Patent Office. National protection is available for patents, patents of addition and utility models. A utility model may be sought instead of a patent or in addition to a national patent. The term of a utility model is 10 years. Under the European protection, European Patent Office acts as the designated office in case Austria is designated in the International application. Here, protection is provided only for patents and not utility models or patents of addition.

Austrian Patent Office accepts international applications with requests in PCT-EASY format and also by facsimile machine. Original document requirement is not mandatory but only required when asked for. Three copies of the international application are required. European Patent Office acts as both Competent International Searching Authority and the Competent International Preliminary Examining Authority. Patent agent is required only if the applicant is a non-resident of Austria. Any patent attorney, attorney at law or notary, entitled to professional representation in Austria can act as an agent.

In case of loss or delay, the Austrian Patent Office would not accept evidence of mailing a document where a service other than the postal authorities is used.

The fee structure in schilling required to be paid after the application enters the national phase in Austria is given below:

FEES

(in Schilling)

Filing Fee.....700

Publication fee (only for utility models)..... .1,000

Supplement for accelerated publication and registration.....700

Annual Fee:

	National Patent	European patent	Utility model
-for the first year	900	-	-
-for the 2nd year	900	-	600
-for the 3rd year	1,000	1,000	900
-for the 4th year	1,300	1,300	1,200
-for the 5th year	1,400	1,400	1,500
-for the 6th year	1,900	1,900	1,800
-for the 7th year	2,400	2,400	2,100
-for the 8th year	3,400	3,400	2,400
-for the 9th year	4,200	4,200	2,700
-for the 10th year	5,100	5,100	3,000
-for the 11th year	6,400	6,400	-
-for the 12th year	7,200	7,200	-
-for the 13th year	8,000	8,000	-
-for the 14th year	11,700	11,700	-
-for the 15th year	14,700	14,700	-
-for the 16th year	16,000	16,000	-
-for the 17th year	20,000	20,000	-
-for the 18th year	24,000	24,000	-
-for the 19th year	24,000	24,000	-
-for the 20th year	24,000	24,000	-

Supplement for late payment of the annual fee.....20% of the applicable annual fee

Patents for Opposition

The following patent applications have been accepted by the Patent Office and published in the Gazette of India. These can now be opposed by filing opposition applications within a period of four months from the dates given. Six digit numbers allotted after acceptance by the Patent Office are given before the applicant names and patent application numbers given in brackets. Names of the branches of the Patent Office are denoted in the application number, e.g. 'Bom' for Bombay branch. An opposition application should be submitted at the appropriate office where the concerned application was originally filed.

PATENT APPLICANTS	INVENTION
A. March 3, 2001	
185561. Standayne Automotive Corp, USA (0586/Del/92)	A fuel injection pump.
185562. Biliton Intellectual Property BV, Netherlands (587/Del/92)	Process for the manufacture of a purified bauxite ore.
185563. David Teng Pong, Portugal (0607/Del/92)	Apparatus for accurately slitting a rod into two equal sections.
185564. CSIR, India (0610/Del/92)	A process for the preparation of crystalline microporous vanadium silicate.
185565. CSIR, India (617/Del/92)	An improved process for preparing hydroxy-alumina.
185566. CSIR, India (0627/Del/92)	A mobile coal slusher.
185567. The University of Sydney, Australia (635/Del/92)	A solar collector element.
185568. Gec Alsthom SA, France (639/Del/92)	An apparatus for a metal clad station.
185569. Central Pulp & Paper Research Institute, Saharanpur (646/Del/92)	A process for the preparation of soda bagasse black liquor.
185570. The Lubrizol Corp, USA (662/Del/92)	Two cycle engine lubricant composition.
185571. Shriram Institute for Industrial Research, India (664/Del/92)	A process for the preparation of tetrabromobisphenol-a.
185572. CSIR, India (697/Del/92)	An improved process for direct electrowinning of metals from sea nodules for the recovery of copper nickel & cobalt.
185573. ICI Canada Inc, Canada (701/Del/92)	An emulsion explosive composition and method for preparing the same.
185574. Ingersoll-Rand Co, USA (702/Del/92)	A friction rock stabilizer.
185575. The Goodyear Tire & Rubber Co, USA (714/Del/92)	A radial pneumatic tire.
185576. The Procter & Gamble Co, USA (720/Del/92)	An artifact for absorbing and retaining aqueous body fluids.
185577. The Procter & Gamble Co, USA (721/Del/92)	An absorbent article.
185578. CSIR, India (727/Del/92)	An improved process for the manuafacture of chalk pencils.
185579. Motorola Inc, USA (731/Del/92)	A transceiver.
185580. Albright & Wilson UK Ltd, UK (746/Del/92)	A concentrated aqueous surfactant composition
185581. Gopi Kishan Kabra, Delhi (766/Del/92)	Valve for use with a cylinder for filling and evacuation of gas.
185582. Asea Brown Boveri AB, Sweden (770/Del/92)	A surge arrester.

International News

• British Telecom (BT) had obtained a patent 4,873,662 related to hyperlink technology. The patent will expire in 2006. BT has now realised that it has a good case of recovering infringement costs from ISPs. BT is planning to take legal action against ISP Prodigy and AOL. This wisdom has dawned on a company like BT very late-better late than never!

• Intel and Broadcom, two major chip manufacturers have completed an out of court settlement for the case filed by Intel against Broadcom charging that Broadcom had infringed Intel's trade secrets. The details of settlement are not known. (This case was reported in the PFC bulletin, Vol 6 No. 7, July 2000).

• Freedom Wireless, a privately held Phoenix, Arizona based wireless technology company was granted a US patent in February 2001 for its method of completing prepaid wireless phone calls. The patent could have implications for other wireless carriers.

• ACTV Inc, a maker of interactive television technology has filed suit against Walt Disney Company alleging that its ABC and ESPN networks used features which infringed ACTV's three patents. These features are being used by ABC in "Who wants to be a millionarie" and ESPN in "Sunday Night Football"

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185583. CSIR, India (775/Del/92)	A process for the preparation of sulfonated nitrocoal acid (snca) useful as a heterogeneous acid catalyst from lignite.
185584. National Research Development Corp, India (792/Del/92)	An apparatus for producing a rope.
185585. CSIR, India (803/Del/92)	An improved a process for the electrolytic preparation of eosin from fluorescein.
185586. Rosink Gmbh+Co Kg, Germany (809/Del/92)	Device for placing a fiber ribbon into a can.
185587. International Business Machines Corp, USA (810/Del/92)	A data processing device.
185588. Best Industries Inc, USA (816/Del/92)	Catheter buttons.
185589. Robvert W. Bradford & Gregory Donald Yent, USA (819/Del/92)	Microscopy device.
185590. Albright & Wilson Ltd, UK (869/Del/92)	A composition for the treatment of raw or precured skins or hides prior to tanning.
B. March 10, 2001	
185591. Krishan Kumar Swami and et al, Faridabad (824/Del/92)	An improved process for the production of linear alkyl benzene.
185592. CSIR, India (832/Del/92)	An improved process for the preparation of chalcogenide semiconductor thin films.
185593. Central Electronics Ltd, Sahibabad (0835/Del/92)	A solar powered battery charger.
185594. Maschinenfabrik Sulzer-Burck-Hardt Ag, Switzerland (839/Del/92)	A piston compressor for the oilfree compression of gases.
185595. Albright & Wilson Ltd, UK (0840/Del/92)	A method of producing improved red phosphorus.
185596. German Borodulin and et al, USA (843/Del/92)	A mechanical urethral expandable bougie.
185597. Motorola Inc, USA (848/Del/92)	An apparatus for reducing data loss during a facsimile transmission in a mobile communication system.
185598. CSIR, India (851/Del/92)	An improved process for the microbial dewaxing of heavier petroleum fraction (BP35-500°c).
185599. Gopi Kishan Kabra, New Delhi (855/Del/92)	A gas leak detector.
185600. Fredrik Mogensen Ab, Sweden (865/Del/92)	Apparatus for separating particles according to size shape and/or density.
185601. American Home Products Corp, USA (920/Cal/95)	A process for the preparation of medrogestone (6 17a -dimethylpregna-4 6-disne-3 20-dione).
185602. Robert Ellentuch Fischell, USA (1021/Cal/95)	A stent structure for maintaining patency of a vessel of a human body having a multiplicity structures.
185603. Siemens Aktiengesellschaft, Germany (1117/Cal/95)	A data processing system comprising at least one portable data carrier arrangement.
185604. PPG Industries Inc, USA (1421/Cal/95)	An aqueous acidic composition for forming a zinc phosphate coating.
185605. Phillips Petroleum Co, USA (124/Cal/96)	A process for making a small discrete spherical magnesium dihalide /alcohol adduct useful for preparing an olefin polymerization catalyst.
185606. Tajima Tol Corp, Japan (448/Cal/96)	A tape measuring with improved attaching structure.

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International News

• USPTO has issued new patent guidelines for patenting of genes. USPTO allows patenting of genes or their pieces provided utility aspects are clearly established. Mere genetic sequences cannot be patented. For more information readers may go to www.uspto.gov.

• USA and Vietnam signed a trade agreement on July 13, 2000 in which intellectual property rights occupy an important place. It is reported that Vietnam has agreed to fully implement TRIPS in all areas fo IPR in 12 to 30 months time implying that Vietnam will have to bring out large scale changes in its IPR laws and perhaps introduce new laws as well.

• There are many unresolved points in respect of a proposed global treaty for boosting performers' rights in a digital age. EU and US have a rift regarding principles of transferring performers' rights to producers who then export the work to other countries for commercial use. In USA the rights could be transferred by 'entitlement' whereas in EU these are transferred by contractual aggrement. It is expected that matter may come up for discussions at the annual assembly of WIPO to be held in September 2001

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185607. Vertex Pharmaceuticals Inc, USA (2209/Cal/98)	Process for preparation of products of aspartyl protease inhibitors.
185608. American Cyanamid Co, USA (54/Cal/99)	A process for the preparation of a concentrated aqueous synergistic herbicidal composition.
185609. Eli Lilly & Co, USA (62/Cal/99)	Processes and intermediates useful to make antifolates.
185610. Tanabe Seiyaku Co Ltd, Japan (848/Cal/99)	A process for preparing a (2s 3s) isomer of 1, 5- benzothiazepine derivative.
185611. Bhuvan Chand Rathore and et al, India (1048/Del/92)	A stove operable on steam along with kerosene oil.
185612. The Gillette Co, USA (1050/Del/92)	Razor.
185613. Abburi Ramaiah (1051/Del/96)	A process for the preparation of a composition for use for treating vitiligo.
185614. Gec Alsthom, Paris France (1055/Del/92)	A medium tension circuit breaker.
185615. Gec Alsthom, Paris France (1056/Del/92)	A multipole sulfur hexafluoride isolating circuit breaker.
185616. The Procter & Gamble Co, USA (1060/Del/92)	A disposable garment.
185617. Interational Business Machines Corp, USA (1065/Del/92)	Disk apparatus for data storage.
185618. International Business Machines Corp, USA (1066/Del/92)	Personal computer device for receiving & retaining data.
185619. Balcke- Durr Aktiengesellschaft, Germany (1069/Del/92)	Method and apparatus for manufacturing heat exchanger elements and heat exchanger elements produced thereby.
185620. Colgate-Palmolive Co, USA (1074/Del/92)	A closure cap for a container.
C. March 17, 2001	
185621. The Procter & Gamble Co, USA (1087/Del/92)	An individually packaged sanitary napkin.
185622. Bergewrksverband Gmbh, Germany (1098/Del/92)	Method of producing carbon molecular sieves for separation of oxygen and nitrogen.
185623. Westinghouse Air Brake Co, USA (1108/Del/92)	An articulated coupling arrangement for connecting adjacent predetermined ends of a pair of railway cars.
185624. The Procter & Gamble Co, USA (1115/Del/92)	A detergent composition.
185625. Tambrands Inc A Corp, USA (1139/Del/92)	A tampon applicator.
185626. The Procter & Gamble Co, USA (1144/Del/92)	An absorbent article.
185627. CSIR, India (1178/Del/92)	An improved process for the preparation of formaldehyde using improved iron molybdate catalyst.
185628. Tambrands Inc, USA (1182/Del/92)	Tampon applicator.
185629. Denny Bros Printing Ltd, United Kingdom (1226/Del/92)	Tamper evident label device.
185630. CSIR, India (1241/Del/92)	An improved process for the preparation of 2-alkoxyphenols.
185631. Hindustan Lever Ltd, Mumbai (75/Bom/94)	A method for preparing immobilized binding protein or a functional part thereof.
185632. Indian Oil Corp Ltd, Mumbai (201/Bom/95)	A high performance crankcase oil composition for medium speed diesel engines.

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International News

• Revenue generated by patent licencing in China in the year 2000 has doubled the revenue generated in the previous year. Roughly £ 700 million revenue was generated in 2000 as per the Beijing Intellectual Property Right Protection Bureau tatistics. This revenue was generated by a total of 326 registered patents.

• A new law on the protection of Import and Export of Intellectual Property has come into force in Lithuania with effect from March 1, 2001. The Customs Law provides for procedures for Owners of Intellectual Property, Customs and Courts to stop the export, import and transit of goods that infringe owners' IP rights in Lithuania.

• According to the Patent Ordinance, 2000 Pakistan has complied with TRIPS requirements. The product patents now include any substance, article, apparatus, machine or a clinical product. The term of the patent has been extended to 20 years. Under the new law, the patents are not granted for animals or plants other than microorganisms and essentially biological processes for the production of animals or plants.

185633. Hindustan Lever Ltd, Mumbai (304/Bom/95)	Detergent composition.
185634. Indian Petrochemicals Corp Ltd, Vadodara (437/Bom/95)	A process for the manufacture of a molecular sieve adsorbent.
185635. Hindustan Lever Ltd, Mumbai (441/Bom/95)	A pressure plate with corresponding cone for use with twin worm extruder/plodder.
185636. Japan Clinic Co Ltd, Japan (445/Bom/95)	A process of preparing microbicidal synergetic composition of low level toxicity containing a novel quaternary ammonium salt.
185637. Hindustan Lever Ltd, Mumbai (460/Bom/95)	A process for producing a fat blend usable in margarine and w/o spreads.
185638. Hemant Gopal Lodhi, Nagpur (489/Bom/95)	A relay system for auto start /stop of an engine generator set when power supply fails/restores.
185639. Dr. Sarita Shripad Zarapkar & Dr Satish Shridhar Kolte, Mumbai (03/Mum/2000)	A method and apparatus for the extraction of oil having antiseptic and larvicidal properties from coconut shells.
185640. Glenmark Pharmaceuticals Ltd, Mumbai (93/Mum/2000)	A method for the preparation of twin action antipityrosporal shampoo.
D. March 24, 2001	
185641. Arunkumar Ramakrishnannair, Delhi (870/Del/92)	An improved optical video cassette recorder device.
185642. General Electric Co, USA (872/Del/92)	A process of welding a rotatable machine component to form a steam turbine rotor.
185643. Retrax Inc, USA (0877/Del/92)	Retractable syringes.
185644. CSIR, India (879/Del/92)	A process for the preparation of corrosion and oxidation resistant low-alloy-steel.
185645. CSIR, India (880/Del/92)	A process for the production of ceramic oxide coated panels having improved corrosion resistance properties.
185646. CSIR, India (883/Del/92)	A process for electrochemical bleaching of pulps.
185647. Rhone-Poulenc Chimie, France (889/Del/92)	Process for the preparation of hydrogenated nitro derivatives.
185648. Ciba Specialty Chemicals Holding Inc, Switzerland (894/Del/92)	Process for the preparation of hydroxyphenyl carboxylates.
185649. CSIR, India (895/Del/92)	An improved device for the continuous production of direct reduced iron rod or slab and and improved process therefor using the said device.
185650. CSIR, India (922/Del/92)	A process for the manufacture of cement from redmud.
185651. Ramesh Chandra Varma, Panchkula (1248/Del/92)	An apparatus for carrying out the exercise in antigravity posture.
185652. Ramesh Chandra Varma, Panchkula (1253/Del/92)	Table for reading from below during physical exercise in antigravity posture.
185653. Whirlpool Corp, USA (1268/Del/92)	An improved process for treating the fabrics to remove extraneous material.
185654. CSIR, India (124/Del/93)	An improved process for the preparation of 2-picoline selectively.
185655. National Research Development Corp, India (175/Del/93)	A rope machine.
185656. National Research Development Corp, India (176/Del/93)	A rope machine.

Domestic News

• Cadila Pharmaceuticals has sued Cipla Ltd and Cadila Healthcare for infringement of its Indian patent (Patent No. 183097) to manufacture amoxycillin formulation. Cadila has put two products in the market manufactured by the patented process. Cadila Healthcare and Instacare Lab have also put two products in the market in fringing the process patent of Cadila Pharma. The matter is now pending in the Vadodara district court. Cipla has also infringed the process patent on the same lines as Cadila Healthcare.

(The Financial Express, April 4, 2001)

• Dey's Medical, Life Pharmaceuticals and Herbochem Private Ltd have joined hands with Indian Institute of Chemical Biology (IICB) to fortify the strengths of Ayurvedic medicine and also patent herbal medicines. The project will involve a project cost of Rs. 1.27 crore. Research would be for development of drugs in areas like opthalmology, diabetes, ulcers, thyroid and on improving immunity. Government of India will fund nearly 70% of this project.

(Economic Times, April 21, 2001)

• Union Revenue Secretary, Dr. S. Narayan while speaking at an IPR Symposium said that domestic pharma companies can adopt different methodologies like an R&D fund or insurance against risk to cushion the risk element involved in research & development. He further said that domestic pharma companies were shying away from investing in R&D not due to lack of funds or tax benefits, but because of the

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185657. CSIR, India (372/Del/93)	A process for the production of chemical manganese dioxide having a potassium content below 0.1% and activated manganese dioxide as a by product from naturally occurring manganese ores.
185658. CSIR, India (0990/Del/93)	A process for the preparation of modified pentasil zeolite catalyst useful for the preparation of 2-picoline from acetone selectively.
185659. Institut Armand-Frappier & Punjab Agro Industries Corp Ltd, Chandigarh (1563/Del/94)	Process for the production of cellulose silica lignin and hemicelluloses from rice straw.
185660. CSIR, India (1615/Del/94)	A process for the preparation of 2-(2-dialkyl) or heterocyclic amine methyl prop-2-ene-1one)-10-(2- substituted acetyl) phenothiazines.

E. March 31, 2001

185661. Godrej & Boyce Mfg Co Ltd, Mumbai (267/Bom/96)	A single extension drawer slide for a drawer type furniture nut such as filing cabinet or table.
185662. Indian Petrochemicals Corp Ltd, Vadodara (378/Bom/96)	A process for the recovery & purification of rhenium from a spent refractory oxide supported catalyst.
185663. Isover Saint-Gobain, France (447/Bom/96)	Method and apparatus for producing mineral wool.
185664. Jaiprakash Anant Sathe, Pune (488/Mum/96)	An improved roof-top catwalk.
185665. Pai Lung Europe Koch & Co Gmbh, Germany (579/Mum/96)	Patterned float planted fabrics and methods for manufacturing the same.
185666. Sulphur Mills Ltd, Mumbai (643/Bom/99)	Process of manufacturing fungicidal composition.
185667. Mir Dragan Deljain Konrad, Germany (116/Bom/97)	An improved pocket microscope.
185668. Ayurvidyavardhini, Dept of Pharmacology, Mumbai (400/Bom/98)	A process for making self administrable retentive enema (basti).
185669. Hindustan Lever Ltd, Mumbai (596/Bom/98)	A process for the manufacture of a synergistic antibacterial cleaning composition.
185670. Wockhardt Research Centre, Aurangabad (604/Bom/98)	A process for the production of beta lactam compounds.
185671. Prashant Chopde, Pune (490/Bom/95)	A vessel for containing a substance.
185672. Mr. Prashant Chopde, Pune (497/Bom/95)	A device for monitoring a voluntary bodily function.
185673. Chandradatt Bholanath Navalkar, Mumbai (512/Bom/95)	Safe over taking device for road vehicles.
185674. Miss Mandira Bose & Dilipsingh S. Rajfbhosale, Pune (516/Bom/95)	An improved stereotaxis apparatus.
185675. Godrej Agrovet Ltd, Surat (537/Bom/95)	A controlled release urea fertiliser and method of making the same.
185676. Bajaj Auto Ltd, Pune (03/Bom/96)	Alternator mounted on crank shaft of a spark ignition engine.
185677. Hindustan Organic Chemicals Ltd, Maharastra (157/Bom/96)	A process for the treatment of spent noble metal catalyst for reuse.
185678. Sudarshan Chemical Industries Ltd, Pune (337/Bom/96)	An improved method for imparting blue colour to the detergents.
185679. Indian Petrochemicals Corp Ltd, Vadodara (1967/Bom/96)	A process for the preparation of low molecular weight alpha olefins.
185680. Bhabha Atomic Research Centre, Trombay (220/Bom/96)	A method of making a highly cross-linked silicone membrane for liquid support.

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Domestic News

volumes of research required and the possible risk involved.

(Express Business Avenue, April 4, 2001)

• The World Intellectual Property Organisation (WIPO) has recently approved the concept and approach for the tabulation of traditional knowledge. Such information will have to be put on the internet in patent compatible format which would be common for all countries which are members of WIPO. This would bring traditional knowledge at par with intellectual property systems. It shall now be mandatory for patent offices around the world to check databases on traditional knowledge before granting patents.

(Business Standard, April 10, 2001)

• A US patent has been bagged jointly by Tata Steel and BetzDearborn for blast furnace performance enhancer (BFPE). The patent is titled, "Method of adding coal combustion enhancer to blast furnace". The BFPE facilitates use of cheaper coal in the blast furnace along with coke, which is much costlier. Thus, there is a saving on account of less use of coke.

(The Financial Express, April 7, 2001)

• NASSCOM has won the largest ever settlement for copyright violation in India with NextLinx India Pvt Ltd which is a Bangalore based subsidiary of NextLinx Corp of US. NextLinx Corp shall pay damages of $30,000 to NASSCOM for using illegal software. Besides damages, the settlement also includes complete legalisation of

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Patent Search Facilities by PFC

PFC has a mechanism for providing patent searches. The patent search involves three steps. On receiving a brief write up on the invention (which would be kept confidential) along with possible keywords from a client, a bibliographic report on patents granted/ published in USPTO, EPO, PCT and India are provided to the client. The second level involves providing the abstracts of the relevant patents as requested by the client and the third level relates to providing full text documents of patents identified by the client. The patent search services can be availed of free of cost by universities, academic institutions, and Govt. departments. Nominal fees, as given below, is charged to individuals and industry.

Bibliographic search report	:	Rs. 3000/- per country per subject
Abstracts of European, PCT and US patents	:	Rs. 55/- per abstract
Full text of European, PCT and US patents	:	Rs. 322/- per patent
Full text of Indian patents and all other patents	:	Actual expenses incurred+ 15% service charges

Coverage:

Indian patents (Bibliographic)	1974 onwards
US Patents	
Bibliographic (without abstract)	1975 onwards
Bibliographic with abstract	1977 onwards
European Patents	
Bibliographic and abstract (published)	1978 onwards
PCT applications	
Bibliographic and abstract (published)	1978 onwards

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Domestic News

software used by NextLinx, removal of all unlicensed/pirated software and submission to an unannounced audit of computer systems during the next 12 months.

(Business Line, April 27, 2001)

• Federation of Indian Chambers of Commerce and Industry (FICCI) has suggested tax exemption under Income Tax Act for sale or use outside India, of any scientific invention, patent or process. The Chamber has also called for putting in place, a mechanism for the Rs. 150 crore R&D fund set up last year for pharmaceutical industry.

(The Financial Express, April 13, 2001)

• Dr. Reddys Laboratories has won a law suit against a US pharma-giant, Merck & Co. in Russia. The legal battle that started in 1997 came to an end when an arbitration court concluded that Dr. Reddy's Laboratories make 'enalapril maleate' for its registered drug 'enam' by an original process different fron one protected by Merck. Merck has also been ordered by court to reimburse the expenditures inccured on litigi-tation to Dr. Reddy's Laboratries.

Please send us questions and topics you would like to see in the coming issues

NEXT ISSUE

- **Herbs Related Patents: Amla**
- **Case Law**
- **Patents for Opposition**

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