



ANTHONY DE SA
Joint Secretary

Tel. . (91) 11 2301-1714
(91) 11 2301-5223
Fax : (91) 11 2301-3656

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भारत सरकार
वाणिज्य एवं उद्योग मंत्रालय
(औद्योगिक नीति और संवर्धन विभाग)
उद्योग भवन, नई दिल्ली-110 011
GOVERNMENT OF INDIA
MINISTRY OF COMMERCE & INDUSTRY
(DEPARTMENT OF INDUSTRIAL POLICY & PROMOTION)
UDYOG BHAWAN, NEW DELHI-110 011

D.O. No. 12/14/2004-PP&C

December 15, 2004

Dear Sir,

Kindly find enclosed a copy of letter dated December 09, 2004 from Indian Pharmaceutical Alliance on the amendment to the Patents Act, 1970, given to Commerce & Industry Minister. Since you have been quoted, Minister desires that your comments be obtained.

You may recall our meeting on the subject. We would also like your views on the implications of some of the suggestions on the R&D and innovation potential of our country particularly from the CSIR perspective.

I shall, therefore, be grateful if your comments on the issues raised therein are provided to this Department at the earliest.

with regards,

Yours sincerely,

Anthony de Sa

(Anthony de Sa)

Dr. R.A. Mashelkar
Secretary
Department of Scientific & Industrial Research
Rafi Marg,
New Delhi.

Encl: As above.

Issued
16/12/04

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र. अ. माशेलकर, एफ.आर.एस.
महानिदेशक, वै.औ.अ.प.,
एवं सचिव, भारत सरकार
वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग

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R.A. Mashelkar, F.R.S.
Director General, CSIR
& Secretary, Government of India
Department of Scientific & Industrial Research

वैज्ञानिक तथा औद्योगिक अनुसंधान परिषद्
अनुसंधान भवन, 2, रफी मार्ग, नई दिल्ली-110 001
COUNCIL OF SCIENTIFIC & INDUSTRIAL RESEARCH
Anusandhan Bhawan, 2, Rafi Marg, New Delhi-110001

D.O. No. DG/PS[252]/2004-1766
December 23, 2004
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Dear Shri De Sa,

Thank you for your D.O. letter No. 12/14/2004-PP&C dated December 15, 2004.
My comments on this are as follows:-

1. In terms of patentability, para 17(i) should be read fully and not partially and selectively. Thus, the recommendation is that "Product patent should be granted in India for New Chemical Entity, including new chemical molecules and new chemical formulations only." What has been highlighted selectively is "Product patent should be granted in India for New Chemical Entity".

2. As regards the patent life, the following was the recommendation:

"It is recommended that the Patent law should not provide any features that are not available in TRIPS for providing extension of patent life beyond 20 years from the date of filling of the patent application."

This is self-explanatory. I do believe that the current patent amendment bill is in line with this recommendation.

With warm regards,

Yours sincerely,

[R A Mashelkar]

Shri Anthony De Sa,
Joint Secretary,
Ministry of Commerce & Industry,
(Department of Industrial Policy & Promotion),
Udyog Bhawan, New Delhi-110011
Fax # 2301 3656

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Secretary
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see at date stage.

29/12/04
JS (A&S)

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28/10

Telephone : Office : 23710472, 23717053; Fax : (91-11) 23710618; Residence 24618851, 24649359
E-mail : dgcsir@csir.res.in, dg@csir.res.in



सचिव (पी.सी.सी. सं.)
Secretary (IPP)
डायरी सं. 6-CIM
Dy No
दिनांक 5-1-2005
Date.....