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RAJYA SABHA
NOTICE OF AMENDMENTS
THE PATENTS (AMENDMENT) BILL, 2005
(AS PASSED BY THE LOK SABHA)
[To be moved at a sitting of the Rajya Sabha]

CLAUSE - 2

BY SHRI YASHWANT SINHA:

1. That at page 2, line 28, for the words "having economic significance or" the words "having economic significance and" be substituted.
2. That at page 2, line 31, for the words "means any invention" the words "means any basic invention" be substituted.
3. That at page 2, line 40, for the words "new entity" the words "new chemical entity or medical entity or drug molecule" be substituted.

CLAUSE - 3

BY SHRI YASHWANT SINHA:

4. That at page 2, lines 51-52, for the words "of known substance shall be considered to be the same substance, unless they differ significantly in properties with regard to efficacy" the words "shall not be patentable" be substituted.
5. That at page 2, after line 52, the following be inserted, namely:-
"(da) formulation is any form meant for use as medicine or drug for internal or external use other than such formulations which involve innovative technologies shall be covered by process patents."

NEW CLAUSE - 3A

BY SHRI YASHWANT SINHA:

6. That at page 2, after line 52, following clause be inserted, namely: -
"3A. In section 3 of the principal act after clause (j), the following new clause shall be inserted, namely: -

'(ja) inventions which do not strictly meet the criteria of industrial applications e.g. onco mouse, stem cell, partial gene fragments, research tools, PCR techniques, machine based embedded bioinformatics software, genomic information and data base will not be patentable.' "

CLAUSE - 10

BY SHRI YASHWANT SINHA:

7. That at page 5, lines 12-13, for the words "reasonable royalty" the words "royalty not exceeding 5%" be substituted.

CLAUSE - 52

BY SHRI YASHWANT SINHA:

8. That at page, 14, line 11, for the words "six months" the words "three months" be substituted.

NEW CLAUSE - 52A

BY SHRI YASHWANT SINHA:

9. That at page 14 after line 11, the following new clause be inserted, namely: -
"52A. After section 84 of the principal act, the following section shall be inserted, namely: -
'84A. where the proposed user has made efforts to obtain Grant of
authorization from the patentee to use the patent on reasonable compulsory
commercial terms and conditions and where such efforts have not licenses on
reasonable
been successful in three months the controller shall at any time commercial
terms and
grant compulsory licenses to the applicants on such terms and conditions.
conditions as may be deemed fit.' "

New Delhi;
March 23, 2005.

YOGENDRA NARAIN,
Secretary-General.