

Intellectual Property advocacy in the fields of:

- IP Infrastructure
- IP Valuation
- M & A
- IP Policy
- Technology Transfer
- Innovation Research
- Patent Law
- Licensing
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- Copyright
- Collaborations
- Balance for Rights & Obligations

**For Private Circulation Only**

## **COVID-19 – ‘We Shall Overcome’**

India and the Nations around the globe, have been reeling under the cruel impact of the COVID-19, a global gift (natural or man-made is still being disputed) from our next door neighbour, China and more specifically, WUHAN. While there is no dispute that it will take many more months for us and most Nations to come out of the firm grip of COVID-19, everyone including IMF, WHO, UN and other global bodies and financial institutions unanimously agree that it will take much longer for the world to come out of the unprecedented economic disruption and consequent financial depression for all including the G-20 Nations and especially for the developing and least developed Nations.

INDIA under the dynamic leadership of our PM Shri Narendra Modi has taken timely stringent measures to face the challenge caused by this global pandemic. Needless to say that, in spite of all challenges, India has done exceedingly well in containing the spread, morbidity and mortality, so far.

On our part, we through our partner GNANLex Associates LLP, have contributed our bit through our mentor, Dr. Gopakumar G. Nair, who has been inducted as a member of the PM's Task Force with focus on Repurposing of Drugs for COVID-19 (“TFORD-COVID-19”) instituted under the Chairmanship of Dr. Vijayaraghavan, Principal Scientific Adviser to Hon'ble PM and of which the Convenor is Dr. V. Premnath, Head, NCL Innovations at CSIR-NCL and Director, Venture Center, Pune.

We actively participated in the proceedings and made available the Patent Landscape of all molecules suggested and chosen for Repurposing of drugs for the treatment of COVID-19 infection. Our Report has been submitted to the Government (<https://twitter.com/PremnathV6/status/125437672556935168>).

It is heartening to note that many initiatives and countermeasures have been initiated from India to care, cure and for prophylaxis. The Serum Institute in Pune has collaborated with Oxford University, UK for the VACCINE trials which are successfully progressing at amazing speed, so much so, that commercial vaccine may be made available worldwide by September 2020. Similarly, Zydus Cadila as well as Bharat Biotech (CoroFlu nasal vaccine) are also in pursuit of Vaccines against the COVID-19 Virus. CSIR is collaborating with CADILA Pharmaceuticals to repurpose SEPSIVAC a 50-yr-old bacteria drug, the anti-leprosy vaccine against the Corona virus. NIH in USA is also pursuing jointly with Moderna for a Vaccine development for which the human clinical trials are in progress. Israel, Australia and many other countries are also in the race for the Vaccine. As far as India is concerned, we are proud that we have faced the COVID-19 challenge squarely head on. We have also made use of this crisis, to revisit India's slogan of the seventies and eighties (1970/1980) for SELF RELIANCE. Indian API (Bulk Drug), formulation, Biotech and Vaccine industry has, after long wait and wailing, started receiving unstinted co-operation, attention and commitments from all sections departments, Ministries and the PMO themselves.

The current COVID CRISIS has taught us many lessons. We learned a lot about work, finance, family and above all life-related both physical and philosophical as well as psychological lessons from this uninvited and unwarranted visitor-pest from our neighbouring country. This airborne unprecedented, most unexpected VIRAL onslaught has been the deadliest of all. We had viral threats and attacks online in the past, but this VIRAL ATTACK will be remembered for a long time to come, including by our future generations and the World community at large. We stand together in Solidarity in this hour of crisis. We will jointly rise to the occasion and WE WILL OVERCOME and WIN this WAR on COVID-19 and all storms and wars to come.

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### **Hon'ble President of India gave assent for promulgation of Epidemic Diseases (Amend) Ordinance, 2020 To protect healthcare service personnel and property including their living/working premises against violence during epidemics**

Source: <https://www.sconline.com/blog/post/2020/04/23/president-gives-assent-for-promulgation-of-epidemic-diseases-amendment-ordinance-2020-to-protect-healthcare-service-personnel-and-property-including-their-living-working-premises-against-violence/>

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### **WIPO Launches New Search Facility to Support COVID-19 Innovation Efforts**

WIPO has launched a new search functionality, PATENTSCOPE, to facilitate the location and retrieval of information contained in published patent documents that may be useful for innovators developing new technologies to fight the COVID-19 pandemic.

Source: [https://www.wipo.int/pressroom/en/articles/2020/article\\_0008.html](https://www.wipo.int/pressroom/en/articles/2020/article_0008.html)

### **EPO**

All time limits expiring on or after 15 March 2020 are further extended until 4 May 2020. As regards time limits expiring before 15 March 2020, the EPO has facilitated the use of legal remedies for users located in areas directly affected by disruptions due to the COVID-19 outbreak. The extensions and remedies apply to parties and representatives in proceedings under the EPC and the PCT. The following notice provides all relevant information, replaces the previous Notice dated 15 March 2020 ([OJ EPO 2020, A29](#))

Source: <https://www.epo.org/news-issues/covid-19.html>

### **USPTO**

#### **USPTO announces extension of certain patent and trademark-related timing deadlines under the Coronavirus Aid, Relief, and Economic Security Act**

The United States Patent and Trademark Office (USPTO) today announced extensions to the time allowed to file certain patent and trademark-related documents and to pay certain required fees. These actions are an exercise of temporary authority provided to the USPTO by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) signed by President Trump on March 27

Source: <https://www.uspto.gov/about-us/news-updates/uspto-announces-extension-certain-patent-and-trademark-related-timing>

### **Indian Patent Office**

Office Order In accordance with MHA Order No 40-3-2020/DM-I(A) dated 15/04/2020, all officers of the rank Deputy Controller and above in the Patent Office, New Delhi are required to attend office on all working days with immediate effect.

Source: <http://www.ipindia.nic.in/newsdetail.htm?679>

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### **Open letter from Carlos Correa, Executive Director of the South Centre, to WHO, WIPO & WTO**

Mr. Correa has appealed to make use of Article 73(b) of the TRIPS Agreement to suspend the enforcement of any intellectual property right (including patents, designs and trade secrets) that may pose an obstacle to the procurement or local manufacturing of the products and devices necessary to protect their populations. Article 73(b) empowers member countries to take “any action which it considers necessary for the protection of its essential security interests”.

Source: <https://www.southcentre.int/covid-19-open-letter/>

### **USA’s Draft “Facilitating Innovation to Fight Coronavirus Act”**

Bill to provide certain limitations on liability for actions taken by health care providers to combat COVID-19. The Bill has two substantive sections, each effective for the duration of the national pandemic emergency declaration. The first (section 2) provides broad immunity from liability lawsuits for unapproved use of a medical device, practicing medicine outside one’s specialty or coming off the sidelines from retirement, 0061nd testing or treating a COVID-19 patient outside a conventional clinical setting. **The second (section 3) pairs suspension of certain medical products’ patent rights during the coronavirus emergency period with 10-year patent term extension.**

Source: <https://www.ipwatchdog.com/2020/04/08/facilitating-innovation-to-fight-coronavirus-act-legislation-mixed-bag/id=120483/>

### **Germany’s “Epidemic Protection Act”**

The Act which amends the German Act on the Prevention and Control of Infectious Diseases in Humans came into force on 27<sup>th</sup> March, 2020. The purpose of the amendment is “to ensure a supply of products in the event of a crisis”.

Source: <https://www.twobirds.com/en/news/articles/2020/germany/covid-19-new-german-legislation-to-fight-pandemic-may-affect-granted-patents>

### **Kentucky Governor Requests 3M Release N95 Patent**

3M holds 441 patents in the US that mention ‘N95’ or ‘respirator,’ according to a list from James Love, director of Knowledge Ecology International, a patent watchdog group. The newest respirator-related patent granted to 3M was approved on 7 April 2020.

Source: <https://www.healthpolicy-watch.org/the-netherlands-joins-covid-19-ip-pool-initiative-kentucky-governor-requests-3m-release-n95-patent/>

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## Indian Jugaad against COVID-19



E-Rickshaw Driver's Social Distancing Innovation. To maintain social distancing between his passengers, an e-rickshaw driver, divided the vehicle into compartments.



Source: [https://www.carandbike.com/news/e-rickshaw-drivers-indian-jugaad-for-preventing-covid-19-spread-gets-attention-of-anand-mahindra-2218593?utm\\_medium=RSS](https://www.carandbike.com/news/e-rickshaw-drivers-indian-jugaad-for-preventing-covid-19-spread-gets-attention-of-anand-mahindra-2218593?utm_medium=RSS)



Pankaj Gupta's 'Jugaad' to allow one ventilator to be used for two to four patients.

Source: <https://www.moneycontrol.com/news/business/coronavirus-pandemic-indian-collaborators-employ-jugaad-to-beat-ventilator-shortage-5090451.html>



Cashier in a Bank of Baroda branch 'Jugaad' to 'disinfect' notes by steam ironing on both sides.

Source: <https://www.news18.com/news/buzz/ironing-away-the-coronavirus-this-banker-has-found-a-desi-jugaad-to-clean-the-cheques-2567803.html>



Van turned into mobile sample collection Booth.

Source: <https://www.livehindustan.com/jharkhand/story-jugaad-technology-supports-to-protect-against-coronavirus-lockdown-know-how-to-treatment-covid-19-people-jharkhand-ranchi-3140110.html>



Paddle Water Tap for Hands-free washing

Source: <https://twitter.com/yogimanish>