

Intellectual Property advocacy in the fields of:

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

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## *Editorial..*

After her recovery from being Covid +ve, Dr Kiran Mazumdar-Shaw, CMD & Founder of Biocon Limited described her experience in detail including the line of treatment received by her as well as the recovery process, in her blog (<https://kiranshaw.blog/2020/09/01/winning-over-covid-19-my-personal-experience/>). Dr Kiran Mazumdar-Shaw had notably included Chyavanprash in her line of treatment alongwith Favipiravir, Azithromycin, Paracetamol and HCQ, daily dose of Vitamin C, Vitamin D, Zinc, Baby Aspirin. Several other dignitaries and doctors have also outlined their Covid recovery experience.



While the treatment options after having become Covid+ve include allopathic drugs such as Paracetamol, Azithromycin, HCQ (Hydroxychloroquine), and even advanced repurposed drugs such as Remdesivir, Favipiravir, Tocilizumab etc, the prophylactic defensive approach has often relied upon herbal spices and natural home remedies and holistic options. Immunity boosters such as processed medicines like Chyavanprash, natural products such as honey, liquorice, ginger, garlic have gained acceptance in communities. China has, reportedly, successfully defended the community spread by relying upon traditional Chinese medicines such as Artemisia, Star Anise, Liquorice and many more. Importance of a Holistic approach of defence through Immunity boosting Ayurvedic and natural remedies against the viral or even bacterial onslaught has never before been the subject of discussion and debate. However, there appears to be strong resistance to such holistic defensive approach from the fraternity of modern medicine.

A line of defence through daily practice of yoga, pranayama, breathing and walking exercises, coupled with immunity boosting food, spices, mineral and herbal supplements have proven to be effective in keeping the SARS-CoV-2, at bay. However, a Holistic line of treatment has often been confused with Alternative and Complementary Medicine. It is essential for the medical fraternity to distinguish between Holistic line of approach from Complementary medicine and/or alternative medicine approach.

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During the early onslaught of the COVID-19 pandemic, Kerala was one of the first Indian States to set-up State Ayurveda Covid-19 Response Cell (SACRC) for the effective implementation of the ayurvedic strategies for the prevention, mitigation and rehabilitation of COVID-19 with the motto “*karuthalode keralam karuthekan ayurvedam*” (“*Ayurveda can protect Kerala*”). Under the aegis of SACRC, Ayur Raksha Clinics were opened in Government, NHM Ayurveda dispensaries and hospitals to administer Ayurveda medicines.

Currently, the Indian Ministry of Ayush is compiling easy-to-adopt Ayush based immunity building measures/solutions in the prevention and treatment of COVID-19. The last date to contribute to this forum is 14<sup>th</sup> November, 2020 (<https://www.mygov.in/group-issue/use-ayush-based-solutions-strengthening-immunity/>). Further, on the occasion of celebrating the POSHAN Abhiyan, in collaboration with the Ministry of Women and Child Development, MyGov has invited citizens to share good nutrition practices and contribute towards a healthier India. The last date to contribute to this forum is 30<sup>th</sup> September, 2020 (<https://www.mygov.in/group-issue/poshanmaah2020-good-nutrition-practices/>)

## My Experience

*I took a break in 2019 for 2 to 3 weeks for an in house stay- in Panchakarma treatment at Amba Ayurveda Hospital in Changanassery, Kerala. Amba Ayurveda Vaidyasala was started about 75+years back. The third generation of Ayurvedic daughters are now being supported by a young fourth generation couple, both post graduates in Ayurveda. The hospital is well furnished and equipped including with well trained staff. Suit rooms, double rooms and single rooms, all well furnished with AC, TV and health food canteen make the stay pleasant and comfortable. The treatment did wonders for me, which prompted me to use the recent lockdown times to repeat the experience. Health rejuvenation is highly recommended in these trying times. Dr Sasi Nair, Dr Gopi Krishna and Dr. Parvati Krishna make an excellent team to CONSULT, guide and provide personalized service.*

**- Dr. Gopakumar G. Nair**

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**amba ayurveda hospital**  
Vaidya Kalanidhi P.R Bhaskaran Nair Memorial

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## The Geographical Indications of

### Goods (Registration and Protection) (Amendment) Rules, 2020

Central Government of India has made rules further to amend Geographical Indications of Goods (Registration and Protection) Rules, 2002, namely Rule 56 relating to application for registration of Authorised User on Form GI-3A. Renewal of an authorised user under Rule 60 is on Form GI-3B

Source: [http://www.ipindia.nic.in/writereaddata/Portal/IPORule/1\\_27\\_1\\_gi-rules.pdf](http://www.ipindia.nic.in/writereaddata/Portal/IPORule/1_27_1_gi-rules.pdf).

## The Remdesivir Patent Isn't State Property

Nearly three dozen US attorneys general are attempting a legal act of theft. The attorneys general effectively assert that remdesivir belongs to the government because taxpayers helped fund its development. They allege that Gilead can't make enough of the drug to meet America's needs. And they claim that its price, about \$3,100 for a five-day course, is too high.

To ensure that federally funded patent-holders licensed their intellectual property to "responsible" private firms, Bayh-Dole gave the government the right to "march in" and allow competitors to use a patented design, under two conditions. Licensees that failed to commercialize the inventions within a reasonable time could see those patents revoked. The government could also appropriate a patent to address "health or safety needs not reasonably satisfied" by the patent holder or licensee.

There have been six cases in which activists petitioned the government to employ march-in rights in hopes of reducing drug prices. All six have failed.

Source: <https://www.wsj.com/articles/the-remdesivir-patent-isnt-state-property-11599000916>

## Inexpensive steroids reduce deaths of hospitalized Covid-19 patients, WHO analysis confirms

Use of inexpensive, readily available steroid drugs to treat people hospitalized with Covid-19 reduced the risk of death by one-third, according to an analysis encompassing seven different clinical trials conducted by the World Health Organization and published Wednesday in the Journal of the American Medical Association.

The positive steroid findings — the result of a pooled look at data known as a meta-analysis — confirm a similar survival benefit reported in June from a single, large study. Corticosteroids are the first, and so far only, therapy shown to improve the odds of survival for critically ill patients with Covid-19.

Source: <https://www.statnews.com/2020/09/02/covid19-steroids-reduce-deaths-of-hospitalized-patients-who-analysis-confirms/>

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## US Department Of Defense Is Investigating Moderna's Patents For Allegedly Failing To Disclose Federal Support

The US Defense Advanced Research Projects Agency (DARPA) is investigating Moderna, a company developing COVID-19 vaccine candidate, for allegedly failing to disclose federal funding on its US patent applications. The comment was made in response to a letter and 25-page report from pharma watchdog Knowledge Ecology International urging the federal government to investigate the company for allegedly failing to disclose federal funding from US DARPA, a branch of the Department of Defense, in patent applications for investigational vaccines and treatments built on its messenger RNA platform.

Source: <https://healthpolicy-watch.news/usagency-investigating-moderna-for-allegedly/>

## China: The Latest Draft Of Amended Patent Law – What's New?

The Thirteenth National People's Congress has released its second draft amendments to the Patent Law (the latest Draft) for comment on July 3, 2020, which is open for public comments until August 16, 2020. The latest draft includes many important issues that have long been debated, such as Patent Linkage and a Supplemental Protection Period.

### The special exception of "no loss of novelty" (Article 24)

The latest draft added a special exception to "no loss of novelty". Namely, if a patent is first disclosed for public interest when a national emergency or an extraordinary situation occurs, the patented invention does not lose its novelty during the six months prior to the filing date. This new exception is likely to be issued under the impact of Coronavirus Outbreak regarding drug disclosure.

Source: <http://www.mondaq.com/china/patent/981664/the-latest-draft-of-amended-patent-law-what39s-new>

## US Patent Office Sued For Requiring Human Inventor on Patent Applications

On August 6, 2020, Stephen Thaler sued the United States Patent and Trademark Office (USPTO) in the United States District Court for the Eastern District of Virginia, case number 1:20-cv-00903 for requiring him to name a natural person as the inventor on two patent applications which he filed relating to a light beacon and a beverage container. Thaler's applications (serial numbers 16/524,350 and 16/524,532, both filed on July 29, 2019) named his computer, which he calls DABUS, as the sole inventor.

Source: <https://www.lexology.com/library/detail.aspx?g=f435c2c2-a839-489f-812e-7d2b347a293b>

## GII 2020: COVID-19 Pandemic's Expected Impact on Global Innovation; Annual Ranking Topped by Switzerland, Sweden, U.S., U.K. and Netherlands

India becomes the third most innovative lower middle-income economy in the world, thanks to newly available indicators and improvements in various areas of the GII. It ranks in the top 15 in indicators such as ICT services exports, government online services, graduates in science and engineering, and R&D-intensive global companies. Thanks to universities such as the Indian Institute of Technology in Bombay and Delhi and the Indian Institute of Science in Bengaluru, and its top scientific publications, India is the lower middle-income economy with the highest innovation quality.

Source: [https://www.wipo.int/pressroom/en/articles/2020/article\\_0017.html](https://www.wipo.int/pressroom/en/articles/2020/article_0017.html)