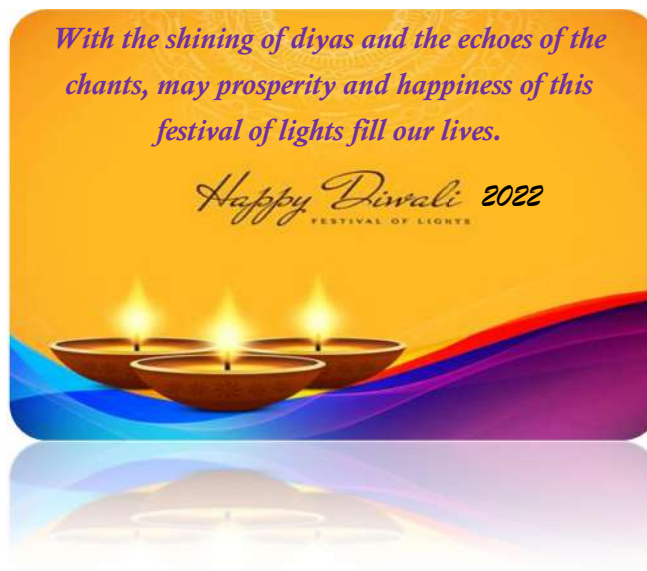


Intellectual Property advocacy in the fields of:

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

OCT 2022

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Editorial

The advent of the festival of lights and the New Year has brought in great news and it is a matter of pride that for the first time India has ascended to the 40th rank in Global Innovation Index Ranking 2022 by WIPO. India ranks first under ‘innovation economies by region (Central and Southern Asia)’ and ‘innovation economies by income group (Lower middle-income)’. The report goes on to state that India continues to change the innovation landscape by leading the world in the ICT services exports indicator (1st) and holds top rankings in other indicators, including Venture capital recipients’ value (6th), Finance for startups and scaleups (8th), Graduates in science and engineering (11th), Labor productivity growth (12th) and Domestic industry diversification (14th)¹.

We hope this New Year leads to a positive change in the Patent and IP Ecosystem.

An initiative was undertaken by the IDMA (Indian Drug Manufacturers' Association) headed by Dr. Gopakumar G. Nair, Chairman, IPR Committee at the First Meeting of IPR Committee Members (Virtual / Zoom) on Thursday, 29th September 2022 to discuss and review various IP relates issues.

¹<https://www.wipo.int/edocs/pubdocs/en/wipo-pub-2000-2022-section3-en-gii-2022-results-global-innovation-index-2022-15th-edition.pdf>

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During the meeting, 'Report EAC-PM/WP/1/2022 by the Economic Advisory Council to the PM'², 'Report No 161 Review of the Intellectual Property Rights Regime in India Presented to the Rajya Sabha'³, Current Status of Patent Applications, oppositions and hearings (including delays and disputes) in Patent Office, Latest Developments in Patent Litigations, the 'The Biological Diversity (Amendment) Bill, 2021' Pending in the Parliament⁴ including the 'Report of the Joint Committee On The Biological Diversity (Amendment) Bill, 2021 Presented to Lok Sabha'⁵ were discussed and explained. Current trend of aggrieved parties approaching CCI (Competition commission of India) for relief against unreasonable abuse of dominant position was highlighted with specific reference to the case of Ferric Carboxymaltose by Dr. Gopakumar G. Nair.

Several suggestions were made by the participants, which represented Indian Pharmaceutical Manufacturers,

- That there should not be any time-limit for filing a pre-grant opposition under Section 25(1),
- Promulgate Intellectual Property Rights Division Rules and create Intellectual Property Division in line with the Delhi High Court, in other High Courts at the earliest.
- Outsource administrative work and increase man-power in the Patent Office.

Clarion call for IP proficient professionals to become active IP Policy planning, development and management was also made on the occasion by Dr. Gopakumar G. Nair.

²https://eacpm.gov.in/wp-content/uploads/2022/08/Why-India-needs-to-urgently-invest-in-its-IPR-ecosystem-16th-Aug-2022_Final.pdf

³https://rajyasabha.nic.in/rsnew/Committee_site/Committee_File/ReportFile/13/141/161_2021_7_15.pdf

⁴[https://prsindia.org/files/bills_acts/bills_parliament/2021/Biological%20Diversity%20\(Amendment\)%20Bill,%202021.pdf](https://prsindia.org/files/bills_acts/bills_parliament/2021/Biological%20Diversity%20(Amendment)%20Bill,%202021.pdf)

⁵[http://164.100.47.193/lssccommittee/joint%20committee%20on%20the%20Biological%20Diversity%20\(Amendment\)%20Bill,%202021/17_Joint_Committee_on_the_Biological_Diversity_\(Amendment\)_Bill_2021_1.pdf](http://164.100.47.193/lssccommittee/joint%20committee%20on%20the%20Biological%20Diversity%20(Amendment)%20Bill,%202021/17_Joint_Committee_on_the_Biological_Diversity_(Amendment)_Bill_2021_1.pdf)

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India breaks into Top 40 on Global Innovation Index

India, for the first time, made it to the top 40 countries at the Global Innovation Index (GII), led by improvement in information and communication technologies (ICT) services exports, venture capital recipients' value, and finance for startups.

India's six-notch jump to the 40th spot in the 132-nation GII in 2022 from 46th rank in 2021 made it to the top most innovative lower middle-income economy in the world, overtaking Vietnam, the World Intellectual Property Organization (WIPO) said on Thursday.

Source: <https://economictimes.indiatimes.com/news/economy/indicators/india-breaks-into-top-40-innovative-nations-ranking/articleshow/94540108.cms>

'New data protection bill likely to be tabled in winter session'

The government told the Supreme Court on Thursday that the new data protection Bill would be introduced in Parliament soon. It indicated that the Bill may be tabled in the next (Winter) session. The case is being heard by a five-judge Constitution Bench headed by Justice KM Joseph.

The Personal Data Protection Bill, 2019 was withdrawn on August 3 after a Joint Committee of Parliament sought 81 changes and 12 "major recommendations" to it.

The Bill, which was approved by the Union Cabinet in December 2019, proposes restrictions on the use of personal information of people without their explicit consent. The items covered by the draft Bill included consent, personal data, exemptions that can be granted, storage restrictions for personal data and individual rights.

Source: <https://economictimes.indiatimes.com/news/india/new-data-protection-bill-likely-to-be-tabled-in-winter-session/articleshow/94542554.cms>

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Merck defends blockbuster Januvia franchise from patent challenge

The latest verdict – in a federal appeals court – has upheld the validity of a key patent on Sitagliptin, the active ingredient in Januvia, as well as metformin combinations Janumet and Janumet XR.

The US patent (No. 7,326,708) was challenged by Mylan Pharma, now Viatris, before the US Patent and Trademark Office (USPTO), which ruled in Merck's favour last year. Viatris appealed that decision to the Court of Appeals for the Federal Circuit, which has now upheld the earlier decision.

Source: <https://pharmaphorum.com/news/merck-defends-blockbuster-januvia-franchise-from-patent-challenge/>

Tata vs Hakunamatata:

Delhi High Court allows appeal by conglomerate against cryptocurrency

The Delhi High Court allowed an appeal by Tata Sons Private Limited against a UK- and US-based business found to be selling and exchanging cryptocurrency by the name of 'TATA' coin, granting an ad-interim injunction against the respondents from using its registered trademark 'TATA' for business purposes.

But with respect to the domain name, <http://www.hakunamatata.finance>, the court held that it did not have a prima facie ground to agree with the appellant that it infringes its 'TATA' trademark. The court observed that Hakunamatata is a generic word and the word 'TATA' is fully coalesced in it; it did not cause any deception or confusion; and there was only partial phonetic overlap with the word 'TATA' in Hakunamatata.

Source: <https://indianexpress.com/article/cities/delhi/tata-hakunamatata-high-court-appeal-conglomerate-cryptocurrency-8160636/>