

Intellectual Property advocacy in the fields of:

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

[Navigating Indian Courts: IP & Patent Cases in 2024](#)

Recently, there has been a renewed surge in Appeals, Challenges, and Writ Petitions in Indian Courts, with the most prominent among them being the challenges against the rejection of Patent Applications by the Controller. Although the majority of cases pertain to procedural matters, the courts have also addressed substantive issues concerning the submission of new evidence to improve the efficacy of pharmaceutical products even after the conclusion of the hearing.

The Delhi High Court has also ruled on cases that provide clarification on the status or progress of an Examination when a Patent Application is being opposed. The courts have made a distinction between the proceedings that follow the FER and Amendment to the claims, in comparison to the hearing provided to the opponent and the subsequent grant or rejection of amendments.

An extraordinary situation has arisen where two different controllers have issued notices of opposition for the same patent application. Over the past several years, the occurrence of multiple pre-grant oppositions has become increasingly prevalent, particularly in patent applications that involve ever greening. This particular trend has gained significant prominence; particularly due to the extended duration it takes to issue the FER and/or the substantial gap between the issuance of the FER and the Grant of Hearing (even the date of grant following the hearing).

The prolonged prosecution period, which frequently surpasses ten years, has been a key factor in the substantial rise of Pre-grant opposition, commonly referred to as Serial Pre-grant opposition. This particular trend has faced criticism both at a local and international level. Nevertheless, by hiring a significant number of examiners and expanding the team of controllers, the duration of the prosecution process has been significantly reduced, ensuring that patent grants are now promised within a timeframe of 2 to 3 years.

Moreover, the provision of Expedited Examination has gained significant favor among applicants, leading to the granting of patents within a year of filing, and in exceptional circumstances, within a couple of months. This has resulted in a significant reduction in the number of appeals for rejections related to pre-grant oppositions, ultimately narrowing the scope for such cases.

In the recent Ibrutinib secondary patent case, the

Delhi High Court has taken action to prevent multiple pharmaceutical companies from infringing on the patent. However, this ruling has had the unintended consequence of depriving leukaemia patients of the benefits of lower-priced generic medications. It is important to acknowledge and commend Justice Ravindra Bhat's decision to deny an injunction against alleged infringers of the Erlotinib patent, as it indirectly grants a judge-made compulsory license for the sake of public interest and affordable access. The availability of the Erlotinib generics, priced at a mere one-tenth of the original cost, persisted until the resolution of the dispute between the parties, which took place nearly ten years later during the trial, ensuring continued access for the patients.

Before concluding this commentary, it is essential to acknowledge the ongoing dispute between Moti Mahal and Daryaganj regarding the original inventor of Butter Chicken.

Interim Budget (Vote on Accounts) 2024.

- **Key highlights - Budget 2024 (July) will focus on Technology, R&D and Innovation for Industrial and National growth.**
- **Key statements on background and future intentions detailed by Finance Minister Mrs. Nirmala Sitaraman in Interim Budget on 1st February, 2024.**

The Finance Minister, Mrs. Nirmala Sitaraman, emphasizes that the upcoming Budget in 2024 is not an ordinary one, but rather a "Vote on Accounts" due to the impending Lok Sabha general elections. The actual Budget for 2024 will be presented in July 2024, following the conclusion of the elections. Nevertheless, the pronouncements made by the Finance Minister of India on 1st February 2024 were still eagerly anticipated by numerous individuals and organizations, both domestically and internationally. "Interim Budget is for the masses", says the Prime Minister. Let us see if the Interim Budget has the "Modinomics" flavours.

Background on the Budget - 2024

1. The Indian Economy is on the brink of a significant and advantageous transformation.
2. Ambitions, a feeling of dignity, and resolute faith in the forthcoming times.
3. Progress and expansion that guarantees inclusivity for everyone.
4. Comprehensive development, encompassing social justice.
5. India has set its aspirations on attaining the status of a developed nation by 2047.
6. "Saturation approach", secularism in action.
7. Emphasize the significance of four primary social groups - the underprivileged, women, young individuals, and the farmers who provide sustenance.
8. Ensuring the prevention of any form of corruption to eliminate any potential wastage

or misuse.

9. A credit assistance program has been extended to support 78 lakh (7.8 million) street vendors.
10. Special attention is being given to empower individuals with disabilities and transgender individuals.
11. Direct support is being provided to the farmers, who are the backbone of our nation, to ensure their well-being.
12. The education sector has undergone significant reforms, focusing on the Skill India mission and training 1.4 Crore youth. 3,000 new IITs have strengthened education.
13. Our nation has achieved remarkable success in sports, evident from our highest medal tally in the Para Olympic Games.
14. The Narishakti initiative has empowered women with 30 Crore Mudra Yojana Loans, enabling them to pursue entrepreneurial dreams.
15. STEM courses have seen a remarkable increase in women's enrollment, showcasing their growing interest and participation.
16. With the motto of "Citizen First," our government aims to ensure minimal intervention and maximum governance, prioritizing the needs and welfare of our citizens.
17. GST enabled One Nation One Market One Tax concept.
18. Reform, perform and transform.
19. Prepared to aid states in their progress.
20. The Pradhan Mantri Awas Yojana-Urban and the Pradhan Mantri Awas Yojana-Rural or Grameen schemes have successfully constructed 30 million

houses under the PMAY-Rural scheme. An additional 20 million houses will be initiated within the next five years to address the housing needs resulting from the growing number of families.

21. The rooftop solar project aims to provide 300 units of free electricity per month to one crore households.
22. The anticipated advantages include savings from solar energy and the ability to charge electric cars.
23. Plans are underway to establish a medical college.
24. The initiative includes the provision of cervical cancer vaccination.
25. A comprehensive program for maternal and child care is being implemented.
26. Upgradation of Angawadis.
27. The U-WIN platform, which has been newly designed to manage immunization, will be swiftly implemented nationwide.
28. Matsyasampada, also known as "Aqua parks," will create 55 lakh new job opportunities.
29. The Ayushman Bharat scheme will now provide healthcare coverage to all ASHA workers, Anganwadi Workers, and Helpers.
30. The promotion of Public-Private Partnerships is being emphasized.
31. Usage of Nano Diammonium phosphate (DAP) fertilisers on crops will be expanded for all agro-climactic zones.

32. A strategy will be formulated to achieve 'atmanirbharta' for mustard, groundnut, sesame, soybean and sunflower oilseeds
33. The government plans to increase the Lakhpati Didi target from 2 crore to 3 crore.
34. Tech changes - R&D innovation.
35. Jai Jawan, Jai Kisan, Jai Anusandhan.
36. INNOVATION is the Foundation for Development - Govt to establish ₹1 lakh cr corpus for long-term funding of R&D projects including deep defence technology.
37. A new scheme to be launched for strengthening deep-tech technologies for defence purposes and expediting 'atmanirbharta'.
38. Plans are underway to establish Economic Corridors, paving the way for enhanced connectivity and economic growth.
39. We are entering a period of great opportunities for the "Technology savvy youth", where they can thrive and excel.
40. A new program will be launched to promote sustainable practices in bio-manufacturing, showcasing the government's dedication to fostering green growth.
41. The government has unveiled a fund of Rs 1 lakh crore, which will be established through a fifty-year interest-free loan, demonstrating their commitment to support various initiatives.
42. Tax Proposals - No Changes in Direct-Indirect taxes.
43. Tax exemption extended from 31/03/2024 to 31/03/2025.

Special Appreciation for Taxpayers.

Innovation to be spotlight in Budget (July 2024)