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EDITORIAL

Patent Expiries, Thickets and Evergreening

India has engaged in numerous negotiations for Free Trade Agreements (FTAs), which have led to calls for amendments to the Indian Patents Act of 1970. These amendments aim to eliminate provisions that restrict Evergreening, such as Section 3 (d), as well as others like Pre-Grant Opposition [Section 25(1)]. Recently, the Patent (Amendment) Rules 2024 were introduced, which include certain restrictive measures on Pre-Grant Opposition. The Indian Government, DPIIT, and the Office of the Controller General of Patents deserve commendation for resisting international pressures to allow Evergreening of Patents, patent term extensions, and patent exclusivities. The reasons behind this commendation will now be explored.

A significant number of highly successful molecules are approaching the expiration of their patents in the near future. These molecules, which collectively hold a substantial share of the global market worth billions of dollars, are protected by complex patent thickets. These patent thickets consist of multiple filings, including double patenting and Evergreening patent applications. Despite the expiration or impending expiration of the original parent patent, there are numerous other patents that can be used to initiate infringement actions against generic manufacturers who seek to enter or have already entered the market. In India, there have been numerous instances where the launch of generic versions has resulted in extensive legal disputes, with outcomes that vary between rulings in favor of the generic manufacturers and others confirming infringement and imposing injunctions against them.

A few examples are reproduced below:

Glenmark's attempt to challenge MSD's phosphate derivative patent on Januvia (Sitagliptin) using Sec. 3 (d) grounds was unsuccessful. However, in 2022, after the expiration of this secondary patent, generic Sitagliptins were introduced at a discounted price of approximately 60%. Similarly, generic equivalents of Humira (Adalimumab) were launched in India after the expiration of the parent patent. Recently, several manufacturers challenged BMS's Eliquis (Apixaban), but their attempts were unsuccessful. The patent for Eliquis is expected to expire in 2028. Keytruda (Pembrolizumab), Opdivo (Nivolumab) from BMS, and Trulicity (Dulaglutide) are among the other molecules awaiting generic launches. Following the expiration of the parent patent, generic formulations of Rivaroxaban (Xarelto from J&D) have been introduced in India at prices ranging from 10% to 20% of the Xarelto price.

The provisions integrated into the Patents Act, 1970, after the implementation of TRIPs, have played a crucial role in upholding the equilibrium between inventors and the public in India. The Indian Patent Act, 1970, has effectively safeguarded the interests of both innovators and patient communities. It is imperative for India to preserve these advantageous provisions, which have been recognized as compliant with TRIPs, in order to prioritize the welfare of the nation and its

citizens.

INTERNATIONAL IP DAY LECTURE-26.04.2024 at ICAR- CIFE

Dr. Gopakumar G Nair, Founder of GNANLex Associates LLP, was honored to receive an invitation from ICAR - Central Institute of Fisheries Education to deliver a special educational presentation on World Intellectual Property Day. The event which was scheduled on April 26th, 2024, aimed to raise awareness about the importance of Intellectual Property in driving innovation and creativity, particularly in the context of Sustainable Development Goals (SDGs).



During his lecture, Dr. Nair delved into the theme "IP and the SDGs: Building our common future with innovation and creativity", emphasizing the crucial role that Intellectual Property plays in fostering sustainable development and addressing global challenges. Dr. Nair highlighted the significance of protecting intellectual creations and innovations

through patents, trademarks, copyrights, and other forms of IP rights, as a means to incentivize and reward creativity. A few inventions of grass-root innovators patented with Dr. Nair and GNANLex which were successfully commercialized to even becoming global "block-busters" were highlighted in the field of SDGs.



Here are few glimpses from Dr. Nair's presentation:

NEED - BASED INNOVATIONS

"The test of an innovation, after all, lies not in its novelty, its scientific content or its cleverness. It lies in its success in the market place"

- Peter F. Drucker



No Poverty, Zero Hunger & Good Health and Well-Being

Office of the Controller General of Patents, Designs & Trade Marks
Department for Promotion of Industry and Special Trade
Ministry of Commerce & Industry,
Government of India
<http://pindia.nic.in/index.htm>

Application Details	
APPLICATION NUMBER	2012/1832
APPLICATION TYPE	ORDINARY APPLICATION
DATE OF FILING	30/05/2016
APPLICANT NAME	Mycorena LLP
TITLE OF INVENTION	PROCESS FOR IDEAL FLAVOURFUL AND QUALITY CRYSTALLINE SUGAR INTEGRATION IN CONVENTIONAL SUGAR TO ENHANCE PRODUCTION
FIELD OF INVENTION	3072/04/02/02
E-MAIL (As Per Record)	gpatent@mycorena.net
ADDITIONAL EMAIL (As Per Record)	
E-MAIL (UPLOADED ONLINE)	
PRIORITY DATE	
REQUEST FOR EXAMINATION DATE	20/12/2016
PUBLICATION DATE (As Per Record)	06/01/2017

THE JOURNEY

2010

Research Begins

04/2017

Mycorena is Founded

Our technology started with Ramesh Kumar Nair's PhD project. The project led to the customization of the process and further exploration of the concept of creating 'fungal-based protein from low-value resources.'

An idea becomes a living organism. After verifying the market potential of the idea, Mycorena was born. In early 2016, the company started to reach to the market.

Source - <https://mycorena.com/about-us>

17 Goals for Sustainable Development.

- No Poverty
- Zero Hunger
- Good Health and Well-Being
- Quality Education
- Gender Equality
- Clean Water and Sanitation
- Affordable and Clean Energy
- Decent Work and Economic Growth
- Industry, Innovation and Infrastructure
- Reduced Inequality
- Sustainable Cities and Communities
- Responsible Consumption and Production
- Climate Action
- Life Below Water
- Life on Land
- Peace, Justice and Strong Institutions
- Partnerships for Goals



Office of the Controller General of Patents, Designs & Trade Marks
 Department for Promotion of Industry and Internal Trade
 Ministry of Commerce & Industry,
 Government of India



Application Details	
APPLICATION NUMBER	201621018552
APPLICATION TYPE	ORDINARY APPLICATION
DATE OF FILING	30/05/2016
APPLICANT NAME	Mycorena AB
TITLE OF INVENTION	PROCESS FOR EDIBLE FILAMENTOUS FUNGAL CULTIVATION AND ITS INTEGRATION IN CONVENTIONAL SUGAR TO ETHANOL PRODUCTION
FIELD OF INVENTION	BIOTECHNOLOGY
E-MAIL (As Per Record)	gopana@gnaipr.net
ADDITIONAL-EMAIL (As Per Record)	
E-MAIL (UPDATED Online)	
PRIORITY DATE	
REQUEST FOR EXAMINATION DATE	29/12/2016
PUBLICATION DATE (U/S 11A)	06/01/2017



MESSAGE FROM THE FOUNDER

"Finding next-generation food ingredients that are healthy, climate-friendly, and resource-efficient is necessary to achieve lasting positive change in our food system. Our vision is to build Mycorena into a global leader at the forefront of this change."
 -Ran Naik
 Founder & CEO of Mycorena



Source - <https://mycorena.com/about-us>



Promyc®

Vegan mycoprotein ingredient used as a substitute or addition to other protein sources



Mycolein™

Fungi-stabilised fat ingredient used to enhance products with flavour and juiciness

Source - <https://mycorena.com/products>

