

Intellectual Property advocacy in the fields of:

- IP Infrastructure
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SEPTEMBER 2026

## EDITORIAL

### IP INDIA AND CGPDTM

The IP India is shining globally with its constantly upgrading and modernizing systems and performance. Recently, the IPO (CGPDTM) has published revised Draft Manuals of the Patent Office as well as the Trade Marks Office (Practice and Procedures). The IP community will hopefully respond in full strength to the invitation from the CGPDTM for comments and suggestions. Recently, the CGPDTM had announced introducing the “IP Sarathi”, AI-powered Assistant through the IP Care Centre. Additionally, all IP Practitioners have been appealed to update the eKYC data which is extremely welcome feature. Many malpractices by unscrupulous IP practitioners such as unethical canvassing and scavenging of clients by open appeals and soliciting has been curtailed by the CGPDTM, even though such practices are still ongoing.

Let us hope and pray that the initiatives of the CGPDTM and the IP India will lead the Indian IPO to the forefront of the global IP ecosystem in coming years.

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## INDIA'S PATENT PRACTICE GETS A NEW REFERENCE

### POINT: DRAFT PATENT MANUAL VERSION 4.0

#### RELEASED

The Office of the Controller General of Patents, Designs and Trade Marks (CGPDTM) has released the Draft Manual of Patent Office Practice & Procedure, Version 4.0 on 19 August 2026, inviting comments and suggestions from stakeholders within 30 days.

The Draft Manual is intended to consolidate and provide guidance on various aspects of patent practice before the Indian Patent Office, covering matters relating to filing and prosecution, examination and grant, pre- and post-grant opposition, patent agents, appeals and other procedural requirements.

#### **Why Does It Matter?**

The Manual is particularly relevant because patent practice involves more than simply interpreting the Patents Act and Rules. The manner in which applications are examined, objections are raised, hearings are conducted and procedural requirements are handled

forms an important part of day-to-day practice before the Patent Office.

The Draft Version 4.0 therefore provides practitioners and applicants with an important reference for understanding the procedural and practical functioning of the Indian Patent Office.

For registered patent agents and patent practitioners, the Draft Manual may serve as a useful reference while handling prosecution and related proceedings. It is also particularly relevant for candidates preparing for the Patent Agent Examination 2027, as familiarity with Patent Office procedures is an important aspect of practical patent practice.

#### **Stakeholder Consultation**

The CGPDTM has invited stakeholders to submit their comments and suggestions to the designated official within 30 days from publication of the Draft Manual. The consultation provides practitioners, patent agents, applicants and other stakeholders an opportunity to contribute to the development

of the final Manual.

The Draft Manual should therefore be viewed not merely as study material, but as an important document in the ongoing effort to bring greater clarity, consistency and transparency to patent practice in India. For patent professionals and PAE 2027 aspirants, Version 4.0 is certainly one document worth keeping on the desk.

[View the CGPDTM Public Notice / Draft Manual update](#)

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## REVISED DRAFT MANUAL OF THE TRADE MARKS OFFICE

### RELEASED FOR STAKEHOLDER CONSULTATION

The Office of the Controller General of Patents, Designs and Trade Marks (CGPDTM) issued a **Public Notice on 21 August 2026** inviting stakeholder comments on the **Revised Draft Manual of the Trade Marks Office (Practice & Procedure)**. The Draft Manual seeks to consolidate the procedures and practices followed by the Trade Marks Registry in the examination, prosecution and administration of trademark matters.

Stakeholders have been invited to submit their **comments and suggestions within 15 days from the date of publication of the Public Notice.**

The Draft Manual covers several important areas of trademark practice, including **filing of applications, examination and office objections, opposition and rectification proceedings, pre-registration amendments, registration and post-registration changes, renewal, assignment and transmission, registered users and related proceedings.**

### Why Does It Matter?

Trademark practice involves more than understanding the provisions of the Trade Marks Act and the Rules. The manner in which applications are examined, objections are addressed, hearings are conducted and proceedings are handled before the Registry is an equally important part of day-to-day practice.

The **Revised Draft Manual** therefore provides practitioners and applicants with a consolidated reference for understanding the

procedural and practical functioning of the Trade Marks Registry.

For trademark practitioners and professionals, the Draft Manual may serve as a useful reference while handling prosecution and related proceedings. It is also relevant for candidates preparing for the Trade Marks Agent Examination (TAE) 2027, particularly for developing familiarity with Registry practice and procedure.

### Stakeholder Consultation

The Public Notice dated 21 August 2026 provides an opportunity for trademark agents, practitioners, applicants and other stakeholders to submit their observations and suggestions on the Revised Draft Manual before its finalisation.

As a **draft**, the Manual is significant not only as a practical reference but also as a consultation document through which stakeholders can contribute to the development of a more **consistent, transparent and accessible framework for trademark practice in India.**

For trademark professionals and TAE 2027

aspirants, the Revised Draft Manual is certainly one document worth adding to the reading list and keeping close at hand.

Official Source: [IP India - Trade Marks Manuals](#)

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### DELHI HIGH COURT CLARIFIES THE SCOPE OF SECTION 3(M) OF THE PATENTS ACT

*T-Mobile International AG & Co. KG v. Controller General of Patents, Designs and Trademarks & Anr.*

The Delhi High Court, in *T-Mobile International AG & Co. KG v. Controller General of Patents, Designs and Trademarks & Anr.*, C.A.(COMM.IPD-PAT) 149/2022, delivered on 4 August 2026, has provided important guidance on the interpretation of **Section 3(m) of the Patents Act, 1970**, which excludes from patentability a “mere scheme or rule or method of performing mental act or method of playing game.”

The matter arose from the refusal of Indian Patent Application No. 468/DELNP/2008, titled “*Method and Arrangement for optimising the*

## *Operational Times and Cell Change Performance of Mobile Terminals.”*

During the proceedings, the Court noted the absence of clear and comprehensive guidelines for assessing objections under Section 3(m). Recognising the broader implications of this issue, the Court sought assistance from Amicus Curiae and considered proposed guidelines for the Patent Office.

### **Key Clarification by the Court**

The Court observed that Section 3(m) contains **four distinct exclusions**: a mere scheme of performing a mental act, a mere rule of performing a mental act, a mere method of performing a mental act, and a method of playing a game.

Importantly, the Court emphasised the significance of the word “**mere.**” A claim should not be rejected merely because it contains an element involving reasoning, calculation, evaluation or decision-making. The claim must instead be examined **as a whole** to determine what it actually seeks to monopolise.

The Court formulated a **seven-step framework** for examining whether a claim constitutes a mere mental act. Among other considerations, the examiner must determine whether the claimed monopoly can be performed solely through human thought, or whether the claim requires physical or technical means that are integral to carrying out the method.

The Court also cautioned that simply adding a nominal physical step, such as displaying or printing an output, would not necessarily take an otherwise mental process outside Section 3(m). Conversely, where physical components or technical means are integral to performing the claimed method and contribute to a tangible or practical result, the exclusion may not apply.

### **Distinction from Section 3(k)**

The judgment also highlights the need to distinguish **Section 3(m)** from **Section 3(k)**, which concerns computer-related inventions. A computer-implemented method should not automatically be characterised as a mental act merely because it involves calculations or decision-making. Where appropriate, the claim

must be independently examined under Section 3(k).

### Significance for Patent Practice

The decision provides a structured approach for both patent examiners and applicants dealing with Section 3(m) objections. For applicants, it reinforces the importance of drafting claims that clearly identify the technical features and their functional relationship, where such features form an integral part of the invention.

For the Patent Office, the framework may promote greater consistency and transparency in examining claims involving analytical, computational and decision-making processes.

The Court directed that the proposed guidelines be placed before the **Controller General of Patents, Designs and Trade Marks** for appropriate action. The decision therefore represents a significant step towards bringing greater clarity and predictability to the application of Section 3(m), particularly as patent claims increasingly intersect with

software, telecommunications and other technology-driven fields.

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### RIBOCICLIB AND ACCESS TO LIFE-SAVING MEDICINES:

#### THE COMPULSORY LICENSING DEBATE IN INDIA

The ongoing litigation concerning **Ribociclib (Kisqali)**, a patented breast cancer medicine manufactured by Novartis, has brought the intersection of **patent rights, public health and access to medicines** into renewed focus.

The matter originated in 2022 when a breast cancer patient approached the Kerala High Court seeking intervention to make Ribociclib available at an affordable price. Among the reliefs sought was the use of the Government's powers under **Section 100 of the Patents Act, 1970**, which permits government use of a patented invention for governmental purposes. Reliance was also placed on **Section 92**, which provides for compulsory licensing in specified circumstances, including national emergency, extreme urgency and public non-commercial use.

The petitioner subsequently passed away while the proceedings were pending. The Kerala High Court continued the matter **suo motu**, treating the issue as one concerning the broader public interest in access to life-saving patented medicines. The proceedings have since involved submissions from the Union Government, pharmaceutical companies and medical experts.

### A New Dimension to the Dispute

In July 2026, the Kerala High Court sought expert opinions on whether **Palbociclib**, a less expensive and locally manufactured drug that is no longer under patent protection, could serve as an alternative to Ribociclib and other patented CDK4/6 inhibitors in appropriate cases. The Court also sought inputs from specialised cancer institutions and the Drug Controller General of India.

This raises an important question: **does the availability of a therapeutic alternative affect the justification for government intervention in respect of a patented medicine?** The answer may depend upon

factors such as therapeutic equivalence, clinical suitability, availability, affordability and the needs of individual patients.

### Supreme Court Intervention

The matter gained further constitutional significance when the **Supreme Court, in July 2026, took suo motu cognisance of the broader issue of access to life-saving medicines and judicial delay in cases implicating Article 21.** The Supreme Court directed the Kerala High Court to consider its pending proceedings expeditiously, while retaining the larger constitutional questions concerning access to essential medicines for its consideration.

The proceedings before the Kerala High Court had reportedly been listed numerous times without reaching a final determination, highlighting the particular urgency of cases involving medicines required for serious and potentially life-threatening conditions.

### Why the Case Matters

The Ribociclib proceedings illustrate the difficult balance between **patent exclusivity**

**and public-health considerations.** Patent law seeks to incentivise pharmaceutical innovation, while the statutory framework also recognises circumstances in which public interest may justify intervention.

The case may ultimately provide useful guidance on how considerations such as **affordability, availability of therapeutic alternatives, public health and government-use powers** should interact with pharmaceutical patent rights.

For now, **no compulsory or government-use licence has been granted for Ribociclib.** The matter remains under consideration before the Kerala High Court, while the Supreme Court's intervention has elevated the broader question of access to life-saving medicines into a matter of national constitutional significance.

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### **INDIA APPROVES ITS FIRST DENGUE VACCINE: A MAJOR PUBLIC HEALTH MILESTONE**

India has taken a significant step towards strengthening dengue prevention with the approval of **QDENGAR (TAK-003)**, a live-attenuated tetravalent dengue vaccine

developed by Takeda. The Central Drugs Standard Control Organisation (CDSCO) granted marketing authorisation in **July 2026**, making QDENGAR the first dengue vaccine approved in India.

The vaccine has been approved for individuals aged **4 to 60 years** and is designed to provide protection against all four dengue virus serotypes—DENV-1, DENV-2, DENV-3 and DENV-4. Importantly, the Indian approval permits vaccination without requiring pre-vaccination screening for previous dengue infection.

### **Clinical Evidence**

The approval follows evaluation of quality, safety and efficacy by the Indian regulatory authorities, including data from Takeda's clinical development programme. The programme involved **19 Phase I, II and III trials with more than 28,000 participants.** The pivotal Phase III TIDES trial included more than 20,000 participants across eight countries.

In the TIDES study, QDENGAR demonstrated an overall efficacy of **80.2% against virologically confirmed dengue** at 12 months following the

second dose, while efficacy against dengue-related hospitalisation was reported at **90.4% at 18 months**.

The vaccine is administered as a **two-dose regimen, with the doses given three months apart**.

### Why the Approval Matters

Dengue continues to represent a major public-health challenge in India, with the country accounting for a substantial proportion of the global dengue burden. Until this approval, India did not have a dengue vaccine authorised for routine use.

The introduction of QDENGGA therefore adds a new preventive tool alongside existing measures such as mosquito-control programmes, surveillance, early diagnosis and community awareness. However, vaccination will remain one component of a broader dengue-control strategy.

From a regulatory perspective, the approval also demonstrates the increasing importance of robust clinical evidence and regulatory evaluation in bringing innovative vaccines to

the Indian market.

With QDENGGA already approved in numerous countries and having received **WHO prequalification**, its Indian approval represents an important development not only for dengue prevention but also for India's expanding vaccine and public-health landscape.

**Key takeaway:** The approval of QDENGGA marks a significant milestone for dengue prevention in India, potentially expanding the country's public-health response from predominantly vector control and disease management towards greater emphasis on prevention through vaccination.

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### Delhi High Court On Deuterated Compounds: Section 3(D) And The Genus-Species Debate

The Delhi High Court, in *Intra Cellular Therapies v. Controller of Patents*, recently considered important questions concerning **pharmaceutical patentability, genus-species claims and Section 3(d) of the Patents Act, 1970**.

The case concerned an application for **deuterated chemical compounds** proposed for use in the treatment of conditions including anxiety, psychosis, schizophrenia and sleep disorders. The applicants already held a broader Markush patent covering a genus of compounds, while the present application related to specific deuterated compounds falling within that broader family.

### Genus Disclosure and Novelty

One of the central issues was whether disclosure of a broad genus could anticipate the specific species subsequently claimed. The Court upheld the rejection on the ground of lack of novelty, taking the view that the specific compounds were disclosed within the broader Markush disclosure.

The decision nevertheless raises an important question for pharmaceutical patent practice: **does broad claim coverage necessarily amount to sufficient disclosure of every individual species falling within that genus?** The distinction between what a patent *covers* and what it actually *discloses* remains particularly significant when assessing novelty

of later species claims.

### Section 3(d): Bioavailability ≠ Therapeutic Efficacy

The Court also considered Section 3(d), which prevents patenting of new forms of known substances unless the prescribed requirements are satisfied.

The applicants relied upon *in vivo* data showing improved pharmacokinetic characteristics and increased bioavailability of the deuterated compounds. However, the Court held that **increased bioavailability, by itself, does not establish enhanced therapeutic efficacy**. The evidence needed to demonstrate that the new form actually provides a better therapeutic effect in treating the relevant disease.

This reinforces the relatively high evidentiary threshold under Section 3(d), particularly for pharmaceutical inventions where improved pharmacokinetic properties are relied upon to establish an advantage over a known substance.

### What Does the Decision Mean?

The judgment highlights the continuing challenge of balancing prevention of evergreening with protection of genuine pharmaceutical innovation. It also demonstrates that evidence of improved properties such as bioavailability may not be sufficient where the statutory test specifically requires enhanced therapeutic efficacy.

At the same time, questions concerning the precise standard for determining whether a species is anticipated by a genus, and the role of inventive step in assessing deuterated compounds, remain areas requiring further judicial clarity.

For patent practitioners, the decision serves as a reminder that pharmaceutical applications involving new forms, derivatives or deuterated variants should be supported by clear disclosure and robust comparative data demonstrating the specific therapeutic advantage relied upon.

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## ASTRAZENECA AND MICRO LABS SETTLE PATENT

### DISPUTE BEFORE DELHI HIGH COURT

The Delhi High Court, in *AstraZeneca AB & Anr. v. Micro Labs Limited*, CS(COMM) 346/2020, disposed of a patent infringement suit following an **amicable settlement between the parties** on 7 August 2026.

The suit was instituted by AstraZeneca seeking a permanent injunction against Micro Labs for alleged infringement of **Indian Patent Nos. 205147 and 235625**. During the pendency of the proceedings, the parties entered into a Settlement Agreement containing confidential terms and agreed to resolve all disputes arising from the suit.

### Key Terms of the Settlement

As recorded by the Court, the parties agreed to discharge each other from all claims, demands, costs, damages and other causes of action relating to the dispute. Importantly, Micro Labs agreed to **withdraw its claim challenging the validity of the patents**, which had been raised in its written statement.

Micro Labs also agreed to **waive the costs of ₹5 lakh** that had previously been imposed on the plaintiffs by an order dated 20 July 2021 in *FAO(OS)(COMM) No. 160/2020*.

The Delhi High Court, presided over by Justice Jyoti Singh, allowed the joint application under **Order XXIII Rule 3 read with Section 151 of the Code of Civil Procedure, 1908**, recorded the settlement and disposed of the suit along with the pending application.

The Court further directed that the parties would remain bound by the terms of their Settlement Agreement and held the plaintiffs entitled to a **refund of the entire court fee** in accordance with the Court Fees Act, 1870.

### Significance

The order is noteworthy as an example of **settlement of pharmaceutical patent litigation without a final adjudication on infringement or validity**. Since the terms of the Settlement Agreement are confidential, the order does not disclose the commercial or substantive conditions underlying the resolution.

The withdrawal of the defendant's invalidity challenge is nevertheless significant from a patent-litigation perspective, as it brings the validity challenge raised in the present proceedings to an end.

The decision also illustrates the Delhi High Court's role in facilitating negotiated resolution of complex commercial and intellectual property disputes, allowing parties to conclude lengthy litigation while preserving the confidentiality of their commercial arrangements.

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### MSU RESEARCHERS SECURE INDIAN PATENT FOR NOVEL BROAD-SPECTRUM ANTI-INFECTIVE COMPOUNDS

Researchers from the **Department of Applied Chemistry, Faculty of Technology and Engineering, Maharaja Sayajirao University of Baroda (MSU)** have secured an Indian patent for a new class of chemical compounds showing potential activity against **malaria as well as bacterial and fungal infections**.

The research, led by **Jaydev Rameshchandra Vaghela and Nidhi Ghanshyam Kahar** under

the guidance of Prof. Pradeep T. Deota, focuses on a hybrid molecular framework combining three structural components **coumarin, sulfonamide and piperazine**. The approach seeks to provide a structurally distinct scaffold from those commonly associated with conventional antimalarial compounds.

According to the reported findings, laboratory evaluation demonstrated activity against *Plasmodium falciparum*, the malaria parasite, as well as bacterial and fungal pathogens including *Pseudomonas aeruginosa*, *Candida albicans* and *Aspergillus niger*. The reported antimalarial activity of the compounds was comparable to that of chloroquine.

The compounds are also proposed to interact with **dihydrofolate reductase (DHFR)**, an enzyme involved in folate metabolism and a recognised target in infectious disease research. Their activity against different classes of pathogens forms the basis for their proposed potential as **broad-spectrum anti-infective agents**.

The patent was reportedly secured within **seven months**, highlighting the successful transition of the research from laboratory development to patent protection.

However, the compounds remain at the **research and development stage**. Further investigations, including detailed assessment of safety and potential side effects, are required before their suitability as therapeutic agents can be established.

The development demonstrates the potential of **novel chemical scaffolds** in addressing **multiple infectious diseases** and highlights the role of academic research in generating patentable pharmaceutical innovations.

### **PATENTLY MISLEADING: HOW SOME PVT UNIVS ARE GAMING RANKINGS**

A recent **Times of India** report raises concerns that the sharp increase in patent filings by Indian universities, particularly private institutions, may be driven more by **ranking incentives** than genuine innovation.

Educational institutions filed **37,681 patent applications in 2024-25**, compared with **7,405 applications in 2020-21**, accounting for **more than one-third of all patent applications filed in India** during the year.

However, a significant number of these applications are subsequently **abandoned, rejected or fail to mature into granted patents**, raising concerns regarding their **quality, patentability and commercial value**. The report also highlights applications relating to unconventional inventions, including a **wearable auto-heating sock, torch-fitted umbrella and digital measurement tape**.

A key concern relates to the manner in which patent filings and publications may contribute to institutional rankings. **Patent lawyer Abhimanyu Singh** has pointed out that the **unusually high rate of patent abandonment among certain universities may be linked to the way the NIRF Intellectual Property Rights (IPR) parameter is structured**. This may create an incentive for institutions to prioritise the **number of patent applications filed and**

**published** rather than their actual quality, patentability, commercial potential or eventual grant.

Importantly, the **publication of a patent application does not establish that an invention is novel, patentable or commercially valuable**, as patent applications are generally published before substantive examination is completed. Therefore, a high number of published applications should not automatically be considered evidence of successful innovation.

The report further highlights the substantial gap between **patent filing and patent grant rates**. Despite the significant increase in applications filed by academic institutions, their **grant rates remain considerably lower than those of corporate applicants**.

It also questions whether the dramatic rise in patent filings is accompanied by a corresponding increase in genuine research and innovation, particularly considering that India spends approximately **0.64% of its GDP on research and development (R&D)**.

Overall, the report calls for greater emphasis on patent quality, grant rates, commercialisation and independent verification, rather than merely counting patent applications. The larger issue is whether the growing number of filings represents genuine technological innovation or an attempt to improve institutional rankings.

*Source: The Times of India, Mumbai Edition, 30 August 2026, "Patently misleading: How some private universities are gaming rankings."*

