

## **NATIONAL KNOWLEDGE COMMISSION CALLS FOR OVERHAUL OF PATENT PROCESSES**

National Knowledge Commission, a high level advisory body to the Prime Minister, charged with transforming India into a knowledge center has advised for a complete overhaul in the IPR systems through efforts in capacity building, with a view to achieving greater innovation.

The report is a manifestation of consultation with various stakeholders who have helped to identify the key areas for reforms. One of the areas stressed upon is the configuration of the mechanism for patent examination and the systematization of a substantive perspective of patent examination in the light of both treaty obligations and national interests.

In the area of configuring a patent examination procedures and practices, the Commission has suggested for creation of a new detailed and clear manual of the examination procedure and practice, accompanied by full text version of all the relevant IP laws. The Commission stressed on the fact that since creation of an adversarial process of patent examination will be crucial in the new Indian patent examination procedures, interested stakeholders particularly including the civil society as the major stakeholder must be involved in its preparation.

The streamlining of patent examination procedures, practices and decisions of IP offices further stipulates, according to the Commission, an urgent need to develop a comprehensive patent database that provides latest information on patents, including patent applications and decisions of patent offices. Currently, as pointed out by critics, Indian Patent Offices do not release enough and timely information about patent applications and this lack of information prevents them from opposing patent applications. The Commission's proposition is that the patent granting procedure must involve adequate web based notification of an application with complete details to give sufficient opportunity for any pre grant objections to be filed.

On the front of systematization of a substantive perspective of patent examination, the Commission recommends constitution of specific empowered committee of experts for each sector of highly technical patents as part of the patent evaluation process, in the patent office, to decide on the suitability of granting a patent in accordance with the provisions of law.

Some of the other recommendations like modernization of IP offices, e-filing of patent and trademark applications, formation of Traditional Knowledge Digital Library (TKDL) for adequate protection of traditional knowledge and designation of Indian Patent Office as ISA & IPEA have been met with while several signify development of human resources, identification of intellectual property issues in emerging fields and

dissemination of awareness & education beyond patent offices among scientist and engineers and establishing an institute for patent policy research.