

Patent mailbox opens, Pfizer is top applicant

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US-based Pfizer has emerged as the biggest pharma patent applicant in India as the Kolkata-based Patents Office opened the mailbox of patent pleas for pharma and agrochem inventions for 1995-2005. Mailbox applications are meant to recognise inventions as India switches to a product patent regime.

Johnson & Johnson with 262 submissions emerged as the second largest applicant. Among Indian companies, Dr Reddy's Labs with 205 mailbox submissions has been the most aggressive patent seeker. Rival Ranbaxy Laboratories has been a less aggressive user of the mailbox with just 38 filings.

Of a total of 8,926 patent pleas in the mailbox, a majority of 7,520 belong to foreign entities, while the balance 1,406 are Indian applications. Expectedly, the US which is home to a host of leading pharma MNCs, took a considerable lead over other countries including hosts India which was in the second slot.

While US-based entities

MAILBOX			
Indian cos		Foreign cos	
	No. of mailbox filings		No. of mailbox filings
Dr Reddy's Labs	205	Pfizer	373
Panacea Biotech	75	Johnson & Johnson	262
Dabur India	56	Procter & Gamble	187
Sun Pharma	46	Merck	156
Cipla	45	GSK	115
Ranbaxy	38	El Dupont	95

put 2,324 applications, including 2,096 pharma-related pleas, Indian submissions were 1,406 including 1,300 in pharma sector. Among foreign countries, Germany made 1,238 filings including 1,134 pharma filings to occupy the third slot behind US and India, followed by UK (631/573), Switzerland (596/538), Japan (503/434), Sweden (364/351), France (322/278), Denmark (306/278) and Belgium (177/170).

As for individual organisations, FMCG major Procter & Gamble occupied the third slot after Pfizer, J&J and DRL,

with 187 mailbox submissions, followed by Merck (156), Glaxo-SmithKline (115) and chemicals giant El Dupont (95).

Among domestic firms, Delhi-based company Panacea Biotech put 75 applications, followed by bigger firms like Dabur India (56), Sun Pharma (46), Cipla (45). Evidently, India's second position on the chart does not truly reflect its patenting prowess as opposed to other countries — it is reckoned to be much less in fact.

Proximity might presumably be one reason for the disproportionately high number of Indian pleas. But,

that apart, the country would also lose out heavily on the patent controller's priority scale for examination of the pleas. This is because foreign applicants have used the Patent Cooperation Treaty (PCT) route for patent filings in India than India itself.

That gives them automatic precedence over corresponding Indian filings, if any. Date of PCT filing with the relevant International Bureau is reckoned to be the date of filing in India too, even if the Indian plea was actually made earlier. For example, 1,133 of US' pharma patent filings in India are through the PCT route, while India has just 84 PCT filings. As regards a patent already filed elsewhere outside the PCT network, the rights, if validated, will accrue to the party from date of filing abroad, even if the filing in India was done later.

The moot point is that the seemingly huge number of patent filings is no guarantee for a commensurate patent grant spree. A vast majority of these are likely to be either frivolous or preventive pleas. ♦