

Commercialization of IPRs in India

Office of the Controller General of Patents, Designs & Trade Marks (CGPDTM), Government of India

<https://ipindia.gov.in/>

The value and economic reward for the owners of IP rights comes only from their commercialization. A concerted effort should be made for capitalizing the existing IP assets in the country. Entrepreneurship should be encouraged so that the financial value of IPRs may be captured. Existing mechanisms including Incubators and Accelerators set up to promote entrepreneurship should be strengthened with IP-oriented services.

Financing is a major impediment for entrepreneurs and therefore it is necessary to connect investors and IP creators. Another constraint faced is valuation of IP and assessment of the potential of the IPRs for the purpose of marketing it. There is an urgent need to take stock of existing IP funding by different departments and bodies of the Government like BIRAC, NRDC, and TIFAC, and take measures to consolidate the same, scaling up successful models while avoiding duplication of efforts.

Public-funded research laboratories, academia, and other institutions should stimulate commercialization of their research outcomes. They ought to be suitably state-supported in the development and deployment of their IPRs. While certain larger organizations have the intent and capabilities to commercialize their technology/IPRs, several others do not. Hence, it becomes imperative to establish facilitate mechanisms that can address such limitations, especially in terms of MSMEs, academic institutions, and individual innovators. One of the effective ways of achieving this would be by synergizing the activities of IP facilitation centers with the industry, especially industrial clusters. This would also include sensitization regarding licensing arrangements.

Efforts should be made for creation of a public platform to function as a common database of IPRs. Such a platform can help creators and innovators connect to potential users, buyers, and funding institutions. It would also be helpful in scouting the technology landscape to identify white spaces and thereby help promote innovative activities in uncovered areas. Significant potential for innovation exists in new and emerging technologies like nanotechnology, biotechnology, agribiotech, life sciences, green technologies, telecommunications, new materials, space technologies, etc. The steps to be taken towards attaining this objective are outlined below:

5.1. CIPAM shall also undertake the following tasks:

5.1.1. Provide a platform for IPR owners and users of IPRs by acting as a facilitator for creators and innovators to be connected with potential users, buyers and funding agencies;

5.1.2. Undertake a study to examine the feasibility of an IPR Exchange;

5.1.3. Establish links among different organizations for exchange of information and ideas as also to develop promotional/educational products and services;

5.1.4. Facilitate access to databases on Indian IP and global databases of creators/innovators, market analysts, funding agencies, IP intermediaries;

5.1.5. Study and facilitate implementation of best practices for promotion and commercialization of IP within the country and outside;

5.1.6. Promote public sector initiatives for IPR commercialization.

5.2. Promote licensing and technology transfer for IPRs; devising suitable contractual and licensing guidelines to enable commercialization of IPRs; promote patent pooling and cross licensing to create IPR based products and services.

5.3. Provide support for MSMEs, Individual Inventors and Innovators from the informal sectors with enablers like facilitation centers for single window services to help them commercialize their IPRs.

5.4. Incentivize Indian inventors, MSMEs and start-ups to acquire and commercialize IPRs in other countries also.

5.5. Examine availability of Standard Essential Patents (SEPs) on fair, reasonable and nondiscriminatory (FRAND) terms.

5.6. Identify opportunities for marketing Indian IPR-based products, especially GIs, and services to a global audience.

5.7. Promote collaborate IP generation and commercialization efforts between R&D institutions, Industry, Academia and Funding Agencies.

5.8. Ensure enhanced access to affordable medicines and other health-care solutions by (a) encouraging cross-sector partnerships between public sector, private sector, universities and NGOs; (b) promoting novel licensing models, and (c) developing novel technology platforms.

5.9. Streamline regulatory processes to ensure timely approval for manufacturing and marketing of drugs while maintaining safety and efficacy standards.

5.10. Make efforts to reduce dependency on active pharmaceutical ingredients (API) imports, including incentivizing manufacture of APIs in India and revitalizing public sector undertakings in health care sector.

5.11. Support the financial aspects of IPR commercialization by:

5.11.1. Enabling valuation of IP rights as intangible assets by application of appropriate methodologies and guidelines; facilitating

securitization of IP rights and their use as collateral by creation of enabling legislative, administrative and market framework;

5.11.2. Facilitating investments in IP driven industries and services through the proposed IP Exchange for bringing investors/funding agencies and IP owners/users together;

5.11.3. Providing financial support to the less empowered groups of IP owners or creators like farmers, weavers, artisans, craftsmen, artists etc. through financial institutions like rural banks or co-operative banks offering IP friendly loans;

5.11.4. Providing financial support for development and commercialization of IP assets through links with financial institutions including banks, venture capital funds, angel funds, crowd funding mechanisms;

5.11.5. Utilizing Technology Acquisition and Development Fund under the Manufacturing Policy for licensing or procuring patented technologies;

5.11.6. Taking stock of all IP funding by the Government and suggesting measures to consolidate the same to the extent possible; scaling up the funding as needed and avoiding duplication;

enhancing the visibility of IP and innovation related funds so that utilization is increased; performance based evaluation for continued funding.

5.12. Promote use of Free and Open Source Software along with adoption of open standards; possibility of creating Indian standard operating environments will be examined.

5.13. Promote going-to-market activities by:

5.13.1. Creating mechanisms to help MSMEs and research institutions to validate pilots and scale up through market testing;

5.13.2. Providing seed funding for marketing activities such as participating in trade fairs, industry standards bodies and other forums;

5.13.3. Providing guidance and support to IPR owners about commercial opportunities of e-commerce through Internet and mobile platforms;

5.13.4. Encouraging enterprises to create brand equity from their IP rights, such as Trademarks and GIs.

(Source: National Intellectual Property Rights (IPR) Policy, 2016)

COVID-19 Technology Access Pool

In May 2020, WHO and partners launched the COVID-19 Technology Access Pool (C-TAP) to facilitate timely, equitable and affordable access of COVID-19 health products by boosting their supply. C-TAP provides a global one-stop shop for developers of COVID-19 therapeutics, diagnostics, vaccines and other health products to share their intellectual property, knowledge, and data, with quality-assured manufacturers through public health-driven voluntary, non-exclusive and transparent licenses. This enables manufacturers that currently have untapped capacity to produce COVID-19 health products by giving them the legal rights to manufacture and sell the products; the technological know-how required to develop high-quality products effectively and efficiently; and access to clinical data needed to obtain regulatory approval for their products. This enables manufacturers that currently have untapped capacity to produce COVID-19 health products by giving them the legal rights to manufacture and sell the products; the technological know-how required to develop high-quality products effectively and efficiently; and access to clinical data needed to obtain regulatory approval for their products

C-TAP was launched by WHO, in partnership with the Government of Costa Rica, under a global Solidarity Call to Action endorsed by nearly 40 Member States. WHO C-TAP implementing partners include the Medicines Patent Pool, Open COVID Pledge, UN Technology Bank and Unitaid. Developers of COVID-19 health technologies and holders of related knowledge, intellectual property and data are invited to "share their intellectual property, knowledge and data, and join the Solidarity Call to Action."

By sharing intellectual property and know-how through the pooling and these voluntary agreements, developers of COVID-19 health products can facilitate scale up production through multiple manufacturers that currently have untapped capacity to scale up production.

C-TAP works through its implementing partners, the Medicines Patent Pool, Open COVID Pledge, UN Technology Bank and Unitaid to facilitate timely, equitable and affordable access to COVID-19 health technologies. Developers of COVID-19 health technologies and holders of related knowledge, intellectual property and/or data are invited to voluntarily share with C-TAP by joining the Solidarity Call to Action.

For more information, access:

<https://www.who.int/initiatives/covid-19-technology-access-pool>

Renewal of patents in Thailand

Department of Intellectual Property, Thailand

<http://www.ipthailand.go.th/>

Consideration criteria

The protection period of petty patent lasts 6 years, starting from the application date in the Kingdom of Thailand. The petty patent owner may renew the petty patent twice, 2 years each time. To renew a petty patent, the applicant shall submit a request to the competent officer within 90 days before the expiring date. After the submission of the renewal application within the specified period, it shall be deemed that the Petty Patent Registration is still protected under the laws.

Conditions of application submission

1. A petty patent shall have a term of six years from the date of filing of the applications in the country. The owners of a petty patent may request that the term of his petty patent be extended for two periods, each period shall be valid for two years, by submitting a request to the competent officer within 90 days before the expiring date. If the request is submitted within the said period, the petty patent shall be regarded as validly registered until it is otherwise ordered by the competent officer. The request shall be made by using the form 010-Kor
2. Authorization
 2. In case the applicant of the patent does not reside in the Kingdom of Thailand, he shall authorize the patent agent/patent attorney registered with the Director-General of the Department of Intellectual Property to act on his behalf. In this regard, the power of attorney shall be presented to the Director-General in accordance with the following regulations;
 - (1) If the authorization is done outside the Kingdom of Thailand, the signatures in the authorization letter or power of attorney shall be certified by the authorized official of the Thai embassy or consulate or Director of the office of the Ministry of Commerce located in the country where the principal or power grantor resides, or the person authorized to act on behalf of the said officials or the person authorized to certify the signature according to the law in that country, or
 - (2) In case the authorization is done in the Kingdom of Thailand, the applicant shall submit a copy of passport or temporary residence certificate of the principal or power grantor, or any evidence indicating that at the time the authorization was made, the principal or power grantor was in Thailand.

- 2.2 The Power of Attorney shall be attached with the revenue stamp of 30 Baht/patent agent/patent attorney/application.

Proceeding according to the official's instruction

1. In case that the official finds a correctable defect in the application, the official shall notify the applicant or his patent agent/patent attorney for the correction. The applicant shall finish the correction within 90 days of the notification reception date. After such period, without the correction, the applicant shall be deemed to have abandoned the application, except the Director-General extends the period for correction as deemed appropriate due to any necessity.
2. After the applicant corrected the application, the applicant shall submit the correction application and the fee to the Department of Intellectual Property or the provincial office of the Ministry of Commerce. The corrected application shall enter the consideration and initial inspection processes respectively, similarly to the re-submission of the application.
3. In case of application submission via the website of the Department of Intellectual Property, the inspecting official shall check the completeness of information and details in the patent/petty patent application, request or other applications based on information and details appearing in the e-patent filing system. In this regard, the applicant shall present the application and supporting documents to the Department of Intellectual Property within 15 days of application number reception date and patent/petty patent application filing date via internet. The inspection of application submitted via internet shall be in accordance with the Notification of the Department of Intellectual Property Re: Principles and conditions for submission of patent/petty patent application, requests or other applications via internet.

Notes

1. The working process starts after the inspection of the documents is completed, as specified in the manual of the public service.
2. In case the application or documentary evidence is not correct or incomplete, the official shall record the defect of the document or indicate the required additional documentary evidence (Record of conditions on application reception). The applicant shall correct the document and/or submit

the additional document within 90 days of the application filing date. If the applicant fails to submit all additional documents within the specific period of time, the applicant shall be deemed to have abandoned the application. The official shall return the application to the applicant and inform the reason of the return and his appeal right.

3. Any person fee paid to the Department of Intellectual Property shall not be refunded in all cases, except
 - (1) The law stipulates that the fee must be refunded, or
 - (2) The applicant double-paid or overpaid the fee, by which the faulty payment resulted from the mistake of the state official, not the payer. In this regard, the Department of Intellectual Property shall consider the refund case by case.
4. In case the applicant is required to submit many additional documentary evidences, the applicant shall submit all additional documentary evidences in the same time.
5. In case the applicant submits the copy of the documentary evidence, the applicant shall certify the copy of the documentary evidence.
6. In case the applicant submits the document in foreign language, the applicant shall submit the document with Thai

translation and the correct translation certification of the translator.

7. In case the applicant or the authorized patent agent/patent attorney does not submit the application by himself, and granted power to the other person to submit the application, the application submitter shall present a sub power of attorney or temporary power of attorney, so that he is eligible to submit the application and sign in the record of conditions on application reception. If it appears that the application and the documentary evidence is not correct or incomplete, and the application submitter is not authorized to sign on the said record, the official shall not receive the application.
8. The working period does not include the time period when the applicant follows the official's instruction or corrects the application, or the period of temporary suspension of registration.

Relevant laws

- The Ministerial Regulation Re: Fees and fee exemption for patent and petty patent B.E. 2547
- The Patent Act B.E. 2522 as amended by the Patent Act (No. 2) B.E. 2535 and the Patent Act (No. 3) B.E. 2542

CSIR Compendium of Technologies 2021

The CSIR Compendium of Technologies 2021 has been compiled by CSIR-National Institute of Science Communication and Policy Research of the Council of Scientific and Industrial Research (CSIR-NIScPR) of the Ministry of Science and Technology, Government of India. The compendium is based on the technology details provided by different CSIR laboratories at TRL 6 and above.

The compendium is based on the validation of these technologies by experts in eight CSIR themes. Selected technologies for this compendium are those that have been validated by the experts at TRL 6 and above. This compendium contains a total of 313 technologies. Many technologies are protected by Intellectual Property Rights (IPR) filed in the US. Among them, 61 % are most promising (TRL 6 and TRL 7), and 39% are ready for market (TRL 8 and TRL 9) with huge potential for further innovation and commercialization. More than half of the technologies identified are from Agriculture, Nutrition and Biotechnology (ANB) (28%) and Mining, Minerals, Metal and Materials (4M) (24%) combined.

For more information, access:

https://drive.google.com/file/d/10VWMxkKo3La83ea0r2_NNY-ksHomlpk2/view