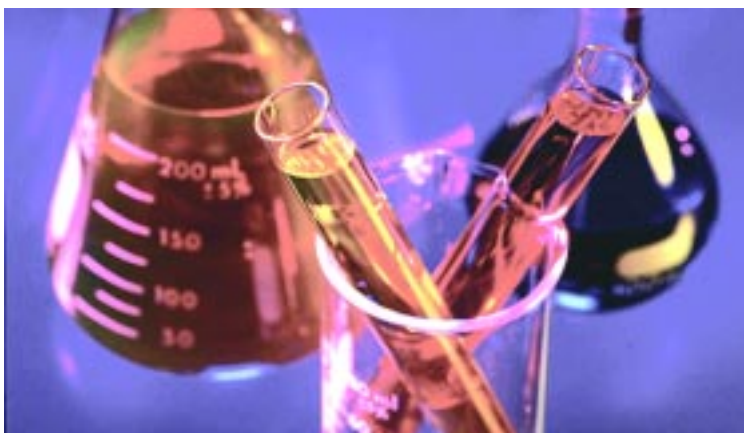


# THE PCT EXPERIENCE IN INDIA



Since India joined the Patent Cooperation Treaty (PCT) in 1998, PCT applications have been doubling every year – from 61 applications filed in 1999, to 156 in 2000, to over 300 expected in 2001. In just three years, the Indian government, the Indian Patent Office (IPO), big, medium and small industry and research and development institutions and inventors have fully embraced the PCT system. Today, the PCT system is regarded in India as a strategic business tool, essential in seeking patent protection abroad and in gaining strategic competitive advantage.

The pharmaceutical and biotechnology industries have been the biggest users of the PCT system in India. The Council of Scientific and Industrial Research (CSIR) – the world's largest publicly funded industrial research and development agency with 39 laboratories and

25,000 strong workforce, which includes 6,000 scientist and technologists – has emerged as the biggest user of the PCT in India and one of the major users of the PCT in the developing countries. CSIR has filed over 100 PCT applications during 2001 and is expected to file over 200 applications during 2002. Ranbaxy Research Laboratories, Dr. Reddy's Research Foundation, Biocon India Group and Lupin Laboratories Limited are other major users of the PCT in India.

## International Searching Authorities under the PCT

- Austrian Patent Office
- Australian Patent Office
- China Intellectual Property Office
- European Patent Office
- Japan Patent Office
- Korean Intellectual Property Office
- Russian Patent Office
- Spanish Patent and Trademark Office
- Swedish Patent Office
- United States Patent and Trademark Office

PCT applicants from India usually file through patent agents and more than three-quarters of the applications are filed with the IPO head office in Kolkata and its branch offices in Chennai, New Delhi and Mumbai. Indian applicants have the choice of six out of the ten International Searching Authorities currently available under the PCT system. However, more than 65 percent of the international searches on Indian applications are conducted by the European Patent Office, 20 percent by the Austrian Patent Office and some 11 percent by the United States Patent and Trademark Office.

## India Designated in International Applications

India is also designated in over 75 percent of the international applications filed worldwide. During 2001, some 6,000 PCT applications from abroad should enter the national phase before the IPO.

Since international search reports accompany the majority of PCT applications and international preliminary examination reports accompany over 80 percent of the applications, the Indian Patent Office expects the processing of the PCT applications to become more efficient and cost effective. The IPO recognizes the substantial contribution of the PCT in streamlining and improving efficiency in the country's patent administration.

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## Promoting Awareness Nationwide

In order to promote better awareness about the PCT system in India, WIPO has developed an active program of cooperation with the Government of India. Over the past three years, WIPO has organized several training programs, workshops and seminars relating to the PCT in different parts of India with the active cooperation of the IPO, the chambers of commerce and industry and the Indian Institute of Intellectual Property Development (IIPD). These seminars have brought together speakers and experts from the local patent office and the local industry.

At recent WIPO Roving Seminars on the PCT, organized in Mumbai, Cochin, Ahmedabad and Hyderabad, experts from the CSIR, Ranbaxy Laboratories and Biocon India Group, presented interesting case studies on the use of the PCT system by their respective firms. Some of the most useful features of the PCT system identified by Indian applicants were the extra decision-making time, the relatively low cost and the international search and preliminary examination reports.

# WHY IS INTELLECTUAL PROPERTY RELEVANT TO BUSINESS?

Understanding the importance of the various components of the intellectual property system and using it effectively as an integral part of its business strategy is crucial to success in the market place. Businesses need the intellectual property system to protect manufacturing secrets or other useful information and remain ahead of the competition. Businesses need to fully exploit their intellectual property assets to maintain consistent quality and market products and services to consumers so as to develop long-term customer loyalty.

To remain ahead of competitors, business entities must either continuously introduce radically new products and services or make small improvements to the quality of existing products and services. Changes are also made in response to customer needs; therefore almost every product or service used in daily life gradually evolves as a result of a series of big or small innovations, such as changes in design or improvements in a product's

look and function. Businesses are also concerned with maintaining consistent quality and marketing products and services to consumers. Knowledge, both original and new, is essential to all of these processes.

The intellectual property system is the primary key to successful management of such knowledge assets for business. The main types of intellectual property rights are (1) patents (for inventions), (2) trademarks, (3) industrial designs, (4) valuable undisclosed information or trade secrets, and (5) copyright and related or neighboring rights.

## Intellectual Property Assets Enhance Profitability

Any industry or business, whether traditional or modern, regardless of what product or service it produces or provides, is likely to regularly use intellectual property to prevent



*A business would have obtained patents for a CD player's various technical parts and mechanisms and industrial design protection for its three-dimensional shape and surface characteristics that appeal to the eye. Similarly, its distinctive brand name would be registered as a trademark and the music played on the CD player protected by copyright.*

Courtesy: Sony Overseas S.A.