

International Conference on “Utilization of the Traditional Knowledge Digital Library (TKDL) as a Model for the Protection of Traditional Knowledge”

New Delhi, India, March 22 to 24, 2011



Indian TKDL as a Model to Prevent Misappropriation

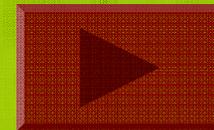
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Council of Scientific and Industrial Research, Rafi Marg, New Delhi;
E-mail: vkg@csir.res.in**

International Patent System and Prior-art

- Any material printed in any language any where in the world.
- Need search and retrieval capabilities in respect of available TK for preventing misappropriation.
- Abilities to identify attempts on misappropriation.
 - **Global Bio-piracy Watch System**
- Understanding of National Patent laws for submissions as Third Party Observations / Pre-grant Opposition.

TKDL - Prior Art - Access Agreements

- **TKDL or similar Digital Database a Pre-requisite to identify evidence of prior art**
- **TPO submission not dependent on Access Agreement**



Global Bio-Piracy Watch System

- **Study Characteristics of each website**
- **Identify the Search Criteria**
- **Develop an Agent utility to satisfy the Search Criteria on required IPC Symbols.**
- **Establish relevance of identified Applications in TKDL database**

Identify IPC Symbols of relevance to TKDL

- **A61K 36/00 (207 Sub Groups) on Medicinal Plants.** 
- **Others** 
- **Number of Applications identified** 
- **A61K 36/00 - 14234** 
- **Others - 157773**

Facilitating Search & Retrieval of India's Prior Art for Patent Examiners at IPOs

- **Access to TKDL through Non-disclosure Agreement**
- **Filing of Third Party Observation (TPO)**
 - **Study of the Patent laws of the Countries**
 - **Provision of TPO at IPOs**
 - **Finding out the no. of cases of misappropriation at IPOs e.g. ISAs**
 - **Identifying the Evidences in TKDL**
 - **Preparing the necessary interventions and evidences, for filling at IPOs**
 - **Impact of Filing Third Party Observations at European Patent Office**

Format of Filing TPO at EPO

- **Third Party Observation under Art 115 of EPC**
- **A. Details of Application**
 - **Title**
 - **Inventor(s)**
 - **Applicant(s)**
 - **Priority**
- **B. Claims**
- **C. Statement of Grounds (Art 54, 56 of EPC)**
- **D. Prior art**
 - **Documents & Reference (with translation in EPO official language)**
- **Comparison of patent application with prior art**

Tangible Results of TKDL Access Agreement with EPO

- Normal route of opposition of an international patent - (10-15 years)



– Neem (10 years)



– Enola Beans (10 years)



– Monsanto soybean (13 years)

- TKDL route



– Anti-Vitiligo Cream (3 week)



– Chinese Traditional Medicine composition for treatment of avian influenza, method for preparation, and application thereof



– Method for altering the Metabolism Characteristic of Food Products (11 Weeks)



– Composition for Heart Disease and Health Products (9 Weeks)



– Method of treatment or management of stress (40 Weeks)



– Cosmetic herbal compositions (36 Weeks)

Tangible Results of TKDL Access Agreement with EPO

TKDL route

- ▶ - Withdrawal of application by Uniliver on Cardio Vascular tonic (3 Weeks)
- ▶ - Medicaments and food for treatment or prevention of obesity and/or diabetes containing cicer arietinum extract(23 Weeks)
- ▶ - Herbal compositions for treatment of diabetes (21 Weeks)
- ▶ - Use of preparations, purifications and extracts of aloe (19 Weeks)
- ▶ - Skin Treatment Composition (20 Weeks)
- ▶ - Remedy for Cancer, HIV, AIDS and autoimmune diseases (13 Weeks)
- ▶ - Flavouring Composition (Application under process)
- ▶ - Methods and composition for treating sore throat (35 Weeks)
- ▶ - Biotherapeutics for mitigation of health disorders from terminalia arjuna (38 Weeks)
- ▶ - Anti Cancer Pistacia Vera (1 weeks)

Tangible Results of TKDL Access Agreement with EPO

TKDL route

- ▶ – Pharmaceutical Compositions for the treatment of Chronic Obstructive Pulmonary Disease (6 Weeks)
- ▶ – Compositions and methods of using same for treatment of a disease or disorder of the Eye and/or the Adnexa of the Eye (4 Weeks)
- ▶ – Compositions for regulating Intestinal Disorders and methods of use thereof
- ▶ – Compositions for the treatment of disorders of the upper respiratory tract and influenza syndromes (9 Weeks)
- ▶ – Compounds containing equol (3 Weeks)
- ▶ – Oral compositions for the prevention and treatment of inflammatory disorders of the colon (7 Weeks)
- ▶ – Extracts from the skin of fruits of plants from genus vitis, compositions containing the same and a process for its manufacture (6 Weeks)
- ▶ – Fibroblast activator, method for activation of fibroblast, collagen synthesis promoter, method for promotion of collagen synthesis, skin aging-preventing agent, and method for prevention of aging of the skin (9 Weeks)

Tangible Results of TKDL Access Agreement with EPO

TKDL route

- ▶ – Asthma/allergy therapy using nigella sativa (1 Year 8 Weeks)
- ▶ – Treatment and prevention of inflammation(1 Year 12 Weeks)
- ▶ – Novel phyllanthus extract (8 Weeks)
- ▶ – Cysteine Protease From Ginger (Zingiber) As A Food Improver And Anti-inflammatory (49 Weeks)
- ▶ – Composition And Method For Facilitating The Healing Of Non-healing And Slow-healing Wounds And Ulcerations (1 Year 13 Weeks)
- ▶ – Composition Comprising Liquiritigenin For Preventing And Treating Liver Disease (24 Weeks)
- ▶ – Reduced-hangover Alcoholic Beverage (19 Weeks)
- ▶ – Compositions And Methods For Using Juice Organic, Juice Based Skin Care Products (18 Weeks)
- ▶ – Therapeutic Uses Of Cannabigerol(15 Weeks)
- ▶ – Dolichos biflorus extract for use in therapeutic skin treatment(7 Weeks)

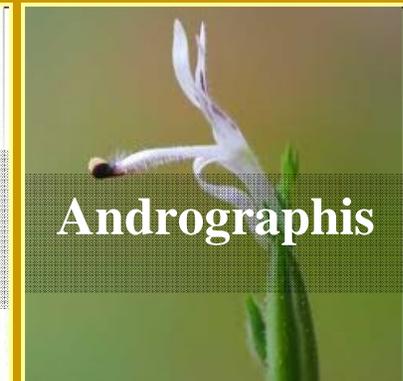
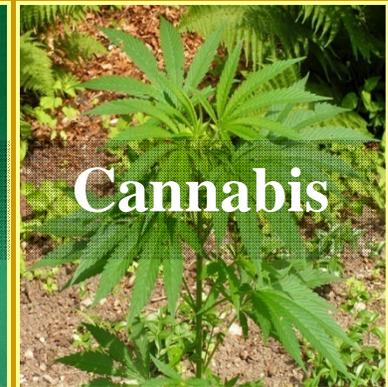
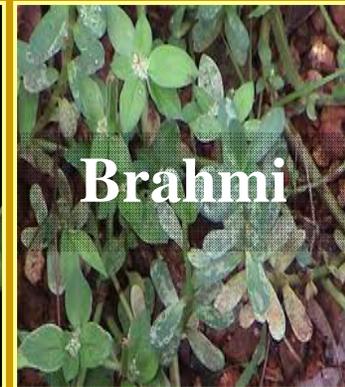
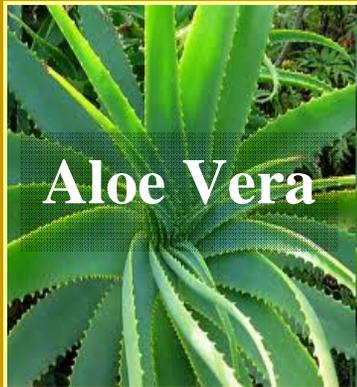
Applications under Examination at EPO & Comments of Examiner

- A Synergistic Ayurvedic / Functional Food Bioactive Composition 
- Inhibitor Of Expression Of Nuclear Transcription Factor Ap-1, And Pharmaceutical Product And Product Using The Inhibitor 
- Composition for prophylaxis or treatment of urinary system infection and method thereof 



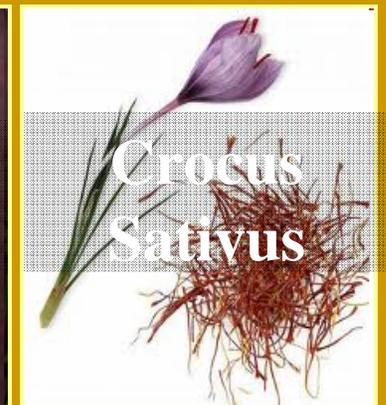
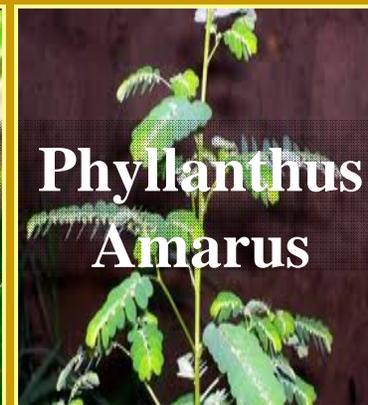
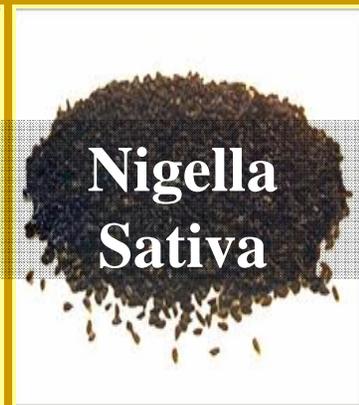
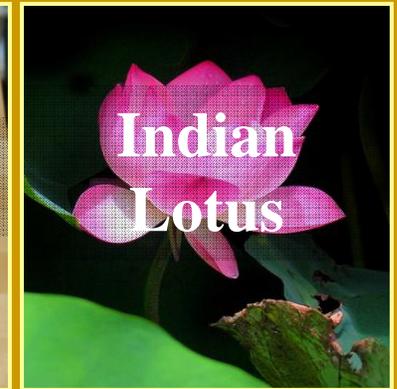
TKDL Out-Comes Against Bio-Piracy

Successfully safeguarded bio-piracy attempts to patent medicinal plants (usages)



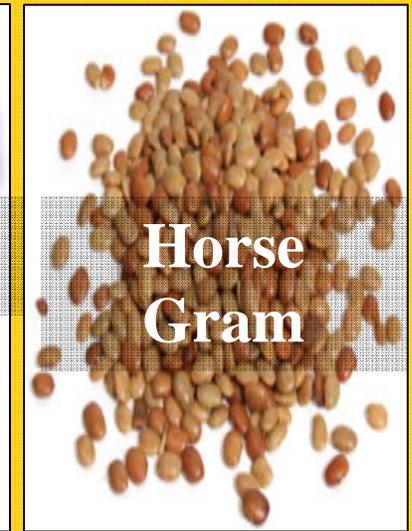
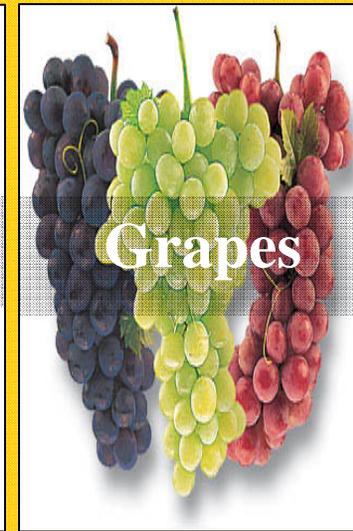
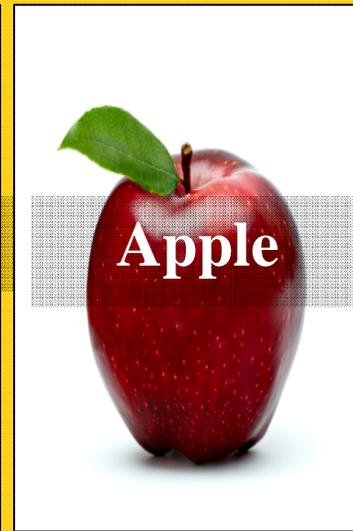
TKDL Out-Comes Against Bio-Piracy

Successfully safeguarded Bio-piracy attempts to patent Medicinal Plants (usages)



TKDL Out-Comes Against Bio-Piracy

Successfully safeguarded Bio-piracy attempts to patent Medicinal Plants (usages)

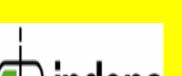


TKDL Success against Bio-Piracy attempts of MNCs

USA

1	Natreon Inc	
2	Jan Marini Skin Research Inc	
3	Phytrix JV, LLC	

Italy

1	Data Medica Padova S.p.A	
2	Indena S.p.A	
3	Bios Line S.p.a	

Korea

1	Purimed Co., Ltd	
2	Seoul National University Industry foundation	

Great Britain

1	GW Pharma Limited	
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Brazil

1	Acha Laboratories	
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Canada

1	Herbal Infusion Corporation	
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Netherlands

1	Unilever N.V	
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Cyprus

1	Bionature	
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Israel

1	Naveh Pharma	
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Australia

1	Natbio Pty Ltd.	
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TKDL Success against Bio-Piracy attempts of MNCs

Japan

1	Mercian Corporation	
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Germany

1	Cognis IP Management GmbH	
2	Evonik Goldschmidt GmbH	

China

1	Livzon Pharmaceutical	
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USA

1	Berkson, Lindsey,	
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USA

1	Juice Beauty	
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TKDL AS DETERRENT

NO. OF PATENT APPLICATIONS FILED AT EPO ON MEDICINAL PLANTS(A61K 36/00) IN PARTICULAR CONCERNING INDIAN SYSTEM OF MEDICINE

Year	Period	
	Feb-Sept	Oct-Jan
2005	65	26
2006	55	25
2007	30	24
2008	41	25
2009	35	14

- After 6 months of conclusion of TKDL Access Agreement with EPO, Percentage Reduction during Oct - Jan (2009-10) in filing of application=44%

Impact of TKDL on Misappropriation and Action Taken

Office	No. of Cases of Misappropriation identified at application Stage	Action Taken	Relevant Provisions of respective Patent Legislation
EPO	219	3 Cases Intention to grant by EPO set aside 25 Cases have been withdrawn by Applicants	Art. 610 of EPC
USPTO	196	Evidences Filed in 40 Cases. Follow up being done in 400 Cases	37CFR 1.99
IP Australia	43	Evidences Filed	Section 27
CIPO	109	Evidences Filed	Section 34.1

TPO/Pre Grant Opposition VS Post Grant Opposition

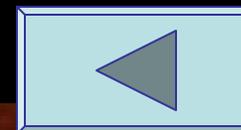
Prerequisite of TPO: Documentation similar to TKDL

S.N.	Process	Post Grant	TPO / Pre Grant
1.	Nature	Party to Re-examination Process	Can not participate in Re-examination
2.	Cost	Highly Expensive	Zero Cost
3.	Time Period	4-13 Year	1-20 Weeks
4.	Appeal	Applicant can appeal	Can not appeal since no rights were granted



Thank You

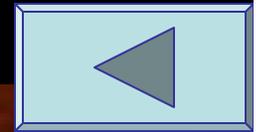
Normal oppositions i.e. without TKDL and TKDL Access Agreement



EPO PATENT NO: EP436257- (Neem)

Title	Method for controlling fungi on plants by the aid of hydrophobic extracted neem oil
Applicant & Country	Thermo Trilogy Corporation, 9145 Guilford Road Columbia, Maryland 21046-1883, USA
Date of Filing	20 December 1990
Date of Grant	04 August 1994
Date of Opposition	14 September 1994
Opposed by	National and International NGOs
Final Rejection	8 March 2005
Period between Grant & Rejection	10 Years

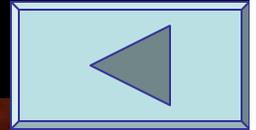
Normal oppositions i.e. without TKDL and TKDL Access Agreement



US PATENT NO: 5894079- (Enola Beans)

Title	Field bean cultivar named enola
Applicant & Country	LARRY M. PROCTOR, DELTA, CO. USA
Date of Filing	15 November 1996
Date of Grant	13 April 1999
Date of Opposition	20 December 2000
Opposed by	International Center for Tropical Agriculture
Rejection at USPTO	2008
Rejection at US Federal Court	10 July 2009
Period between Grant & Rejection	10 Years

Normal oppositions i.e. without TKDL and TKDL Access Agreement



EPO PATENT NO: EP301749 – (Monsanto soybean)

Title	Particle-medicated transformation of soybean plants and lines
Applicant & Country	Monsanto Company, 800 North Lindbergh Boulevard, St. Louis, Missouri 63167, USA
Date of Filing	20 July 1988
Date of Grant	02 March 1994
Date of Opposition	6 October 1994
Opposed by	Rural Advancement Foundation International (Canada)
Final Rejection	6 July 2007
Period between Grant & Rejection	13 Years

Impact of TKDL & TKDL Access Agreement at EPO



EPO PATENT APPLICATION NO: EP1520585 (Anti Cancer - Pistacia Vera)

Title	Cancer treatment using natural plant products or essential oils or components from some pistacia species
Applicant & Country	DATA MEDICA PADOVA S P A, Italy
Date of Filing	24 September 2004
Date of intention to grant	19 February 2009
Date of Third Party observation	08 July 2009
Notice setting aside Intention to grant	14 July 2009
Period between Third Party observation and setting aside Intention to grant	1 Week

Impact of TKDL & TKDL Access Agreement at EPO



EPO PATENT APPLICATION NO: EP1747786 (Anti-Vitiligo Cream)

Title	Natural Product Cream with Anti-Vitiligo Therapeutic Properties
Applicant & Country	PERDIX EUROGROUP S L, Spain
Date of Filing	24 July 2006
Date of Intention to grant	March 2009
Date of Third Party observation	01 July 2009
Notice setting aside Intention to grant	27 July 2009
Period between Third Party observation and setting aside Intention to grant	3 Weeks



Impact of TKDL & TKDL Access Agreement at EPO



EPO PATENT APPLICATION NO: EP1849473

(Composition for treatment of avian influenza)

Title	Chinese traditional medicine composition for treatment of avian influenza, method for preparation, and application thereof
Applicant & Country	Livzon Pharmaceutical Group Inc., CN, China
Date of Filing	19 Jan 2007
Date of Intention to grant	25 Feb 2010
Date of Third Party observation	20 May 2010
Notice setting aside Intention to grant	10 June 2010
Period between Third Party observation and setting aside Intention to grant	3 Weeks



Impact of TKDL & TKDL Access Agreement at EPO



EPO PATENT APPLICATION NO: EP1607006 (Cardio Vascular Tonic)

Title	Cardio Vascular Tonic
Applicant & Country	UNILEVER NV, Netherlands
Date of Filing	18 June 2004
Date of Third Party observation	09 July 2009
Application deemed to be withdrawn	04 August 2009
Period between Third Party observation and withdrawal of application by applicant	3 Weeks

Impact of TKDL & TKDL Access Agreement at EPO



EPO PATENT APPLICATION NO: EP1781309

(Composition for Heart Disease and Health Products)

Title	Nelumbinis semen extract for preventing and treating ischemic heart disease and pharmaceutical composition and health food containing the same
Applicant & Country	Purimed Co., Ltd. Seoul, Korea
Date of Filing	09-June-2005
Date of Third Party observation	09-July-2009
Application deemed to be withdrawn	18-Sept-2009
Period between Third Party observation and setting aside Intention to grant	9 Weeks



Impact of TKDL & TKDL Access Agreement at EPO



EPO PATENT APPLICATION NO: EP2044850

(Method for altering the Metabolism Characteristic of Food Products)

Title	Method for altering the Metabolism Characteristic of Food Products
Applicant & Country	CLARA S APS, DENMARK
Date of Filing	19-Sept-2007
Date of Third Party observation	12-August-2009
Applicant withdraw his application	30-Oct-2009
Period between Third Party observation and setting aside Intention to grant	11 Weeks



Impact of TKDL & TKDL Access Agreement at EPO



EPO PATENT APPLICATION NO: EP1889638

(Medicaments and food for treatment or prevention of obesity and/or diabetes containing cicer arietinum extract)

Title	Medicaments and food for treatment or prevention of obesity and/or diabetes containing cicer arietinum extract
Applicant & Country	Jumpsun Bio-Medicine (Shanghai) Co., Ltd, China
Date of Filing	06-March-2006
Date of Third Party observation	11-June-2009
Applicant withdraw his application	20-Nov-2009
Period between Third Party observation and setting aside Intention to grant	23 Weeks

Impact of TKDL & TKDL Access Agreement at EPO



EPO PATENT APPLICATION NO: EP1807098

(Herbal compositions for treatment of diabetes)

Title	Herbal compositions for treatment of diabetes
Applicant & Country	Amcod Limited, Mombasa, Kenya
Date of Filing	13-Sept-2005
Date of Third Party observation	01-July-2009
Applicant withdraw his application	24-Nov-2009
Period between Third Party observation and setting aside Intention to grant	21 Weeks

Impact of TKDL & TKDL Access Agreement at EPO



EPO PATENT APPLICATION NO: EP1967197

(Use of preparations, purifications and extracts of aloe)

Title	Use of preparations, purifications and extracts of aloe
Applicant & Country	Cognis IP Management GmbH, Germany
Date of Filing	09-March-2007
Date of Third Party observation	20-July-2009
Applicant withdraw his application	27-Nov-2009
Period between Third Party observation and setting aside Intention to grant	19 Weeks

Impact of TKDL & TKDL Access Agreement at EPO



EPO PATENT APPLICATION NO: EP2065031 (Skin Treatment Composition)

Title	Skin treatment composition
Applicant & Country	Evonik Goldschmidt GmbH, Germany
Date of Filing	30-Nov-2007
Date of Third Party observation	07-Sept-2009
Applicant withdraw his application	27-01-2010
Period between Third Party observation and setting aside Intention to grant	20 Weeks

Impact of TKDL & TKDL Access Agreement at EPO



EPO PATENT APPLICATION NO: EP2090315

(Remedy for Cancer, HIV, AIDS and autoimmune diseases)

Title	Remedy for Cancer, HIV, AIDS and autoimmune diseases
Applicant & Country	Kapur MBBS, B., Dr. 9 Hilltop Close Maltby, Rotherham South Yorkshire S66 8QF / GB
Date of Filing	13-June-2007
Date of Third Party observation	27-Oct-2009
Applicant withdraw his application	29-Jan-2010
Period between Third Party observation and setting aside Intention to grant	13 Weeks

Impact of TKDL & TKDL Access Agreement at EPO



EPO PATENT APPLICATION NO: EP2124629 (FLAVOURING COMPOSITION)

Title	FLAVOURING COMPOSITION
Applicant & Country	SLK FOUNDATION, Panama
Date of Filing	06.Feb.2008
Date of Third Party observation	06-Jan-2010
Applicant withdraw his application	(Application under Process)
Period between Third Party observation and setting aside Intention to grant	-

Impact of TKDL & TKDL Access Agreement at EPO



EPO PATENT APPLICATION NO: EP1937231

(Pharmaceutical Compositions for the treatment of Chronic Obstructive Pulmonary Disease)

Title	Pharmaceutical Compositions for the treatment of Chronic Obstructive Pulmonary Disease
Applicant & Country	GW PHARMA LTD [GB]
Date of Filing	11.Oct.2006
Date of Third Party observation	10-May-2010
Applicant withdraw his application	24-06-2010
Period between Third Party observation and setting aside Intention to grant	6 Weeks

Impact of TKDL & TKDL Access Agreement at EPO



EPO PATENT APPLICATION NO: EP2094287

(Compositions and methods of using same for treatment of a disease or disorder of the eye and/or the adnexa of the eye)

Title	Compositions and methods of using same for treatment of a disease or disorder of the eye and/or the adnexa of the eye
Applicant & Country	OCUMEDIC APS [DK]
Date of Filing	22-Nov-2007
Date of Third Party observation	09-June-2010
Applicant withdraw his application	02-July-2010
Period between Third Party observation and setting aside Intention to grant	4 Weeks

Impact of TKDL & TKDL Access Agreement at EPO



EPO PATENT APPLICATION NO: EP1959977

(Compositions for regulating Intestinal Disorders and methods of use thereof)

Title	Compositions for regulating Intestinal Disorders and methods of use thereof
Applicant & Country	Jaffe, Russell M. [US]
Date of Filing	07-Nov-2006
Date of Third Party observation	30-June-2010
Applicant withdraw his application	06-July-2010
Period between Third Party observation and setting aside Intention to grant	1 Week

Impact of TKDL & TKDL Access Agreement at EPO



EPO PATENT APPLICATION NO: EP2133089

(Compositions for the treatment of disorders of the upper respiratory tract and influenza syndromes)

Title	Compositions for the treatment of disorders of the upper respiratory tract and influenza syndromes
Applicant & Country	Indena S.P.A. [Italy]
Date of Filing	12-June-2008
Date of Third Party observation	07-May-2010
Applicant withdraw his application	17-July-2010
Period between Third Party observation and setting aside Intention to grant	9 Week

Impact of TKDL & TKDL Access Agreement at EPO



EPO PATENT APPLICATION NO: EP2133089

(Compounds containing equol)

Title	Compounds containing equol
Applicant & Country	Haelan Schweiz GmbH [Switzerland]
Date of Filing	13-June-2008
Date of Third Party observation	30-June-2010
Applicant withdraw his application	19-July-2010
Period between Third Party observation and setting aside Intention to grant	3 Week

Impact of TKDL & TKDL Access Agreement at EPO



EPO PATENT APPLICATION NO: EP2070545

(Oral compositions for the prevention and treatment of inflammatory disorders of the colon)

Title	Oral compositions for the prevention and treatment of inflammatory disorders of the colon
Applicant & Country	Bios Line S.p.a. [Italy]
Date of Filing	10.Dec.2008
Date of Third Party observation	09.June.2010
Applicant withdraw his application	29-July-2010
Period between Third Party observation and setting aside Intention to grant	7 Week

Impact of TKDL & TKDL Access Agreement at EPO



EPO PATENT APPLICATION NO: EP2101800

(Extracts from the skin of fruits of plants from genus vitis, compositions containing the same and a process for its manufacture)

Title	Extracts from the skin of fruits of plants from genus vitis, compositions containing the same and a process for its manufacture
Applicant & Country	Aché Laboratórios Farmacêuticos S.A. [Brazil]
Date of Filing	14.Dec.2007
Date of Third Party observation	17.June.2010
Applicant withdraw his application	30-July-2010
Period between Third Party observation and setting aside Intention to grant	6 Week

Impact of TKDL & TKDL Access Agreement at EPO



EPO PATENT APPLICATION NO: EP1949889

(Fibroblast activator, method for activation of fibroblast, collagen synthesis promoter, method for promotion of collagen synthesis, skin aging-preventing agent, and method for prevention of aging of the skin)

Title	Fibroblast activator, method for activation of fibroblast, collagen synthesis promoter, method for promotion of collagen synthesis, skin aging-preventing agent, and method for prevention of aging of the skin
Applicant & Country	Mercian corporation [Japan]
Date of Filing	17.Oct.2006
Date of Third Party observation	26.May.2010
Applicant withdraw his application	04-August-2010
Period between Third Party observation and setting aside Intention to grant	9 Week

India foils Spanish co's patent bid for Vitiligo cure

Kounteya Sinha | TNN

New Delhi: India has for the first time ever managed to foil a bio-piracy bid in a record three weeks time.

Thanks to the recently created Traditional Knowledge Digital Library (TKDL), which has till now completed documenting over two lakh medical formulations of Ayurveda, Siddha and Unani to save them from piracy, European Patent Office (EPO) has cancelled its earlier "intent to grant patent" order to a Spanish company on use of melon extract to cure vitiligo (leucoderma) — a disease that causes skin de-pigmentation to almost 65 million people globally.

Interestingly under India's ancient Unani system of med-

Understanding Disorder

What is Vitiligo?

▶ Vitiligo is a pigmentation disorder in which melanocytes in the skin are destroyed. As a result, white patches appear on the skin in

different parts of the body

Who is affected by vitiligo?

About **65 mn** people have vitiligo. Half the people who have vitiligo develop it before age 20

▶ Indian hakeems

under the Unani system have been using an extract from melon for hundred years to cure



What causes it?

▶ There is evidence that people with vitiligo inherit a group of three genes that make them susceptible to depigmentation. Some say vitiligo is a disease in which a person's immune system reacts against the body's own organs or tissues. So proteins called cytokines that are produced within the body alter their pigment producing cells and cause these cells to die

icine, *hakeems* have for hundreds of years been using melon extract to cure this disease. Michael Jackson was world's most famous vitiligo patient. After studying India's documents available in TKDL which confirmed "evidence of prior art", EPO has decided against granting patent for the anti-vitiligo cream to the Spanish company Perdix group SL.

Earlier patent related challenges made by India lasted years. Among the famous were patent application over neem's anti-fungal properties which took India 10 years to revoke, the patent application on the wound healing properties of turmeric which took three years, and that of Basmati rice against an US-based company which took well over a year.

A health ministry official said: "This is victory for us. TKDL, which has documented and translated knowledge of traditional Indian medicines from Hindi, Sanskrit, Arabic, Persian, Urdu and Tamil to five international languages — English, Japanese, French, German and Spanish — will help in fighting foreign companies and countries from claiming patents over information and practices already available in India." In order to confirm EPO's order, TOI scanned through its website and found that application no. EP1747786 titled, "Natural product in cream with anti-vitiligo (leucoderma) therapeutic properties", was filed by Perdix Euro group SL, Spain, in July 2006.

September 2009

हिन्दुस्तान

शुक्रवार, 2 जुलाई 2010 नगर, आषाढ, कृष्ण पक्ष, षष्ठी, विक्रम संवत् 2067,

नई दिल्ली, वॉ 75, अंक 156, 18 पृष्ठ + 4

पराया होते-होते बचा कमल

यूरोपीय पेटेंट ऑफिस को बताया कि भारत में 5वीं सदी से दिल के आयुर्वेदिक उपचार में इस्तेमाल होती है कमल से बनी दवाइयां

मदन जैड़ा

नई दिल्ली

आयुर्वेद में वर्णित चिकित्सा ज्ञान को भले ही देश में तरजीह नहीं मिल पाती हो लेकिन बहुराष्ट्रीय कंपनियां इनके आधार पर एलोपैथिक दवाएं बना रही हैं। कोरिया की बहुराष्ट्रीय फार्मा कंपनी मैसर्स पुरीमेड लिमिटेड ने भारतीय फूल कमल से हृदयरोग की दवा बना ली तथा यूरोप में पेटेंट दाखिल किया। लेकिन भारत ने इस प्रयास को विफल कर दिया।

भारत ने यूरोपियन पेटेंट ऑफिस को प्रमाण दिए कि देश में आयुर्वेदिक चिकित्सा पद्धति में पांचवीं शताब्दी से ही कमल से बनी दवाओं का इस्तेमाल दिल के उपचार में होता आया है।

ट्रिडिशनल नालेज लाइब्रेरी (टीकेडीएल) के डायरेक्टर वी. के. गुप्ता के अनुसार मैसर्स पुरीमेड लि. ने कमल के औषधीय तत्वों से इस्केमिक हार्ट अटैक की दवा तैयार की और पेटेंट के

लिए यूरोपीय पेटेंट ऑफिस में आवेदन किया। टीकेडीएल और यूरोपीय पेटेंट ऑफिस के बीच पहले ही समझौता हो चुका है। जैसे ही हमें इसकी खबर लगी हमने पूरे तथ्य यूरोपीय पेटेंट ऑफिस के समक्ष रखे। उन्हें बताया कि आयुर्वेद चिकित्सा शास्त्र की पुस्तकों रसयोग सागर, भेला समाहिता, सुश्रुत समाहिता एवं वंगसेना में कमल के औषधीय तत्वों से दिल की बीमारियों का उपचार का ब्यौरा है। भारत की तरफ से सवाल उठाया गया कि उपचार की जो विधि भारत में पांचवीं सदी से ही प्रचलित है, उस पर आज कोई कंपनी कैसे पेटेंट ले सकती है। डा. गुप्ता के अनुसार यूरोपीय पेटेंट ऑफिस ने उन्हें

टीकेडीएल

टीकेडीएल-आयुर्वेद, यूनानी तथा सिद्ध पद्धतियों के 2.20 लाख परंपरागत चिकित्सा फार्मूलों को इसमें डिजिटल और पेटेंट फार्मेट में लिपिबद्ध किया गया है। फार्मूले अंग्रेजी, अलावा फ्रेंच, जर्मन, स्पेनिश तथा जापानी भाषाओं में हैं। यूरोप और यूएस के पेटेंट कार्यालयों से टीकेडीएल का एग्रीमेंट हो चुका है तथा अब अन्य देशों के पेटेंट कार्यालयों से भी ऐसे ही करार किए जा रहे हैं।



सूचित किया है कि भारत द्वारा पेश तथ्यों के आधार पर पुरीमेड पेटेंट आवेदन ईपी-1781309 खारिज कर दिया है। इस बीच अपुष्ट सूत्रों से खबर मिली थी कि उपरोक्त कंपनी ने अरबों रुपये निवेश कर उक्त दवा को बनाना भी शुरू कर दिया

टीकेडीएल का फायदा

कुछ साल पूर्व यूरोप में नीम पर और अमेरिका में हल्दी पर पेटेंट कर लिए गए थे। तब भारत को इन्हें खारिज कराने में मुकदमा लड़ना पड़ा था जिसमें दस साल लगे और करीब दस करोड़ रुपये खर्च हुए। लेकिन टीकेडीएल के बनने के बाद अब जो पेटेंट खारिज हो रहे हैं, उनमें न तो मुकदमा लड़ना पड़ता है न ही समय की बर्बादी। सिर्फ चिट्ठी-पत्री से इन्हें खारिज किया जा रहा है।

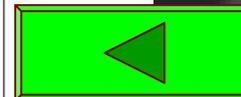
उपेक्षा का परिणाम

- यूरोप में कमल से बनी दवा पर पेटेंट हथियाने की कोशिश विफल, भारत ने खारिज कराया दवा
- कोरियाई बहुराष्ट्रीय फार्मा कंपनी ने बना ली थी कमल के औषधीय गुणों से इस्केमिक हार्ट अटैक की दवा

था। दरअसल, पेटेंट फाइल करते ही दवा पर संबंधित कंपनी का अधिकार मान लिया जाता है। लेकिन पेटेंट खारिज हो जाने के अब कंपनी के सारे दावे खारिज हो गए हैं। इससे पहले टीकेडीएल से खरबूजे के छिलके, अश्वगंधा, अर्जुन, चाय की पत्तियों, ब्रास्मी, हल्दी, बंगाली चने, नीम, अलोवेरा, पुदीना तथा कलामेघा के औषधीय तत्वों से बनी दवाओं के पेटेंट यूरोपीय और अमेरिकी पेटेंट ऑफिसों से खारिज किए गए हैं। टीकेडीएल के अफसरों का मानना है कि विदेशी पेटेंट कार्यालयों द्वारा भारतीय औषधीयों पर करीब 2000 पेटेंट हर साल दिए जा रहे हैं।

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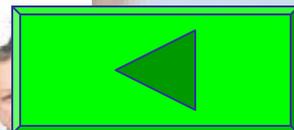




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Danish bio-piracy bid on ginger foiled

Alert India Says We Knew All Along It Could Burn Fat

Kounteya Sinha | TNN

New Delhi: India foiled a major bio piracy bid by a Danish company to patent ginger, jeera (cumin), onion and turmeric's fat burning properties, just as it stopped China from patenting pudina's health benefits last month.

Claras ApS, a Danish company, on September 19, 2007 filed a patent application at the European Patent Office, saying its invention of turmeric, cumin, ginger and onion as slimming agents was novel. But the Council of Scientific and Industrial Research (CSIR), with the help of India's Traditional Knowledge Digital Library (TKDL), dug out formulations from ancient Ayurveda texts like *Astanga Samgraha*, *Yogaratanakarah*, *Yogatarangini* and *Gadanigraha*, dating back to the 5th century, which contained formulations involving their use for ages in India, as fat burners.

TKDL director Dr V K Gupta submitted a letter to EPO on August 25, 2009 to inform the examiners that all the four have long been known in Indian systems of traditional medicine for their use as slimming agents or fat destroyers.

CSIR's letter to EPO said, "The patent application number EP2044850, titled method for altering the metabolism characteristic of food products, may kindly be referred to wherein the usefulness of a herbal composition of *Zingiber officinale* (ginger), *Allium cepa* (onion), *Cuminum cyminum* (cumin seed) and *Curcuma longa* (turmeric) on being added to a food product as a slimming agent by altering the digestion characteristic/metabolism characteristic of the food product has been claimed to be novel."

NOT A SLIM CHANCE



Claras ApS, a Danish company, had filed a patent application for its 'invention' of turmeric, cumin, ginger and onion as slimming agents. But the Council of Scientific and Industrial Research dug out formulations from ancient texts to prove their use for ages in India, as fat burners



The letter added, "In TKDL, there are several references where all four have been found to be used for improving digestion process and act as slimming agent. Hence, there does not seem to be any novelty or inventive step involved in the claims made in the above referred patent application." The letter was accompanied with evidence from age-old Indian medicinal texts. "Following India's intervention, the Danish company was not left with any option except to withdraw its patent and claims. Accordingly, the company decided to withdraw its three-year-old application," a health ministry official said.

TKDL is a collaborative project between CSIR and the health ministry's department of Ayush.

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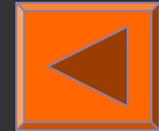
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Section A – Ayurveda

Class

- 01 – Pharmaceutical Preparations (*Kalpna*)
- 02 – Personal Hygiene Preparations
- 03 – Dietary (*food/food stuff or Beverages*)
- 04 – Biocides, Fumigatives (*Dhupana, krmighna*)



Section A Class 01 – Pharmaceutical Preparations (*Kalpna*)

● Sub-Class

- 01A Based on *Audbhida* (Plants)
- 01B Based on *Jangama* (Animals)
- 01C Based on *Parthiva* (Minerals)
- 01D Characterised by *Roga* (Diseases)
- 01E Characterised by *Karma* (Action)
- 01F Mode of Administration
- 01G Miscellaneous

● Sub-Class: A01A – Pharmaceutical Preparations (*Kalpna*) Based on *Audbhida* (Plants)

- | | | | |
|---------|------|------|--------------------------------|
| ● Group | A01A | 1/00 | Whole medicinal plant |
| | | 2/00 | Parts of medicinal plant used |
| | | 3/00 | Characterised by Physical form |

Citation from TKDL references through Third Party Observations

United States of America – Total No. of Application 4

1. Nutritional Supplement for the Prevention of Cardiovascular Disease, Alzheimer's disease, Diabetes, And Regulation and Reduction of Blood Sugar and Insulin Resistance
2. Physiologically active composition;
3. Compositions of Plant Carbohydrates as Dietary Supplements ;
4. Derivatives of sandalwood oil and santalols for treating sores and herpes

Egypt– Total No. of Application 1

1. Lipid Fraction of Nigella Sativa L. Seeds

Citation from TKDL references through Third Party Observations

Germany– Total No. of Application 2

1. Blackberry Extract
2. Oil of coriander, oil of coriander-containing compositions having antimicrobial and antiphlogistic effects and their use

South Korea– Total No. of Application 2

1. Extract Of Herbal and Composition Containing The Same
2. Hair Growth Stimulants and the Manufacturing Method Thereof

United Kingdom– Total No. of Application 1

1. Herbal Extracts and Flavor Systems For Oral Products and Methods of Making The Same

Citation from TKDL references through Third Party Observations

India– Total No. of Application 2

1. Composition for enhancing immunity
2. Cissus Quadrangularis Plant Extracts for Treating Osteoporosis and the Extraction Process Thereof

China– Total No. of Application 2

1. Chickpea extracts as therapeutic agents and foods in the treatment and prevention of obesity and non-insulin-dependent diabetes
2. Oral pharmaceuticals or oral hygiene products comprising licorice flavonoid extract

Taiwan– Total No. of Application 1

1. Composition for inhibiting nitric oxide and/or prostaglandin E2 synthesis and method for inhibiting inflammation

Citation from TKDL references through Third Party Observations



Canada– Total No. of Application 2

1. System And Method for Promoting Hair Growth and Improving Hair and Scalp Health
2. Therapeutic composition from Goji (*Lyceum barbarum* L.), methods of making and using.

Total No. of TKDL Evidence filed so far(13 July 2010) in 30 Cases

Impact of TKDL & TKDL Access Agreement at EPO



EPO PATENT APPLICATION NO: EP1906980 **(METHOD OF TREATMENT OR MANAGEMENT OF STRESS)**

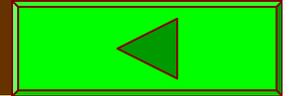
Title	Method of treatment or management of stress
Applicant & Country	Natreon Inc. 2-D Janine Place New Brunswick, NJ 08901 / US
Date of Filing	27-July-2006
Date of Third Party observation	05-June-2009
Applicant withdraw his application	25-March-2010
Period between Third Party observation and setting aside Intention to grant	40 Weeks



TKDL getting recognised TK as prior art by Patent Examination System

Claim of M/S Natreon	Treatment or management of stress, using a high purity extract composition comprising withanolide glycosides oligosaccharides, withanolide aglycons.
TKDL Evidences	Prior art references from Ayurveda & Unani Books (15 references) were given concerning of use of Withania Somnifera along with other medicinal plants for providing relief in insomnia, blood pressure, palpitation, perspiration, anemia, gastric ulcer, restlessness.
EPO Examination Report	Search authority agreed to use of withania Somnifera for use of insomnia, gastric ulcer, restlessness etc all stress related diseases and withania Somnifera would contain compound such as withanolide glycosides, oligosaccharides, withanolide aglycons, therefore there is no novelty in the claim
Withdrawal of Application	M/S Nateron withdrew its application of 1.2.2007 on 25.3.2010.

Availability of *Withania somnifera* in various countries and Usage



Sr no.	Country	Medicinal Use
1	India	As a Sedative, liver tonic, blood purifier, antidote against cobra poison and to induce abortion. For the treatment of Insomnia, hypertension, diabetes, tuberculosis, rheumatic pain, anaemia, inflammation of joints, nervous disorders, epilepsy, hiccup, cold, cough, female disorders.
2	South Africa	Alcoholism, tuberculosis and emphysema
3	Ethiopia	Cough, asthma, epilepsy
4	Somalia	Improves blood circulation, ulcer, skin disorders, sores, abcess, ear infection, fever, disturbed sleep, to repel snakes and scorpions
5	Mauritius	As a tonic, for treating Rheumatoid arthritis, skin diseases like ringworm, dysuria, gonorrhoea, gangrenous inflammation of rectum (as enema), asthma.
6	Cape Verde	As Blood purifier and diuretic and for treating gonorrhoea
7	Madagascar	Asthma

Impact of TKDL & TKDL Access Agreement at EPO

EPO PATENT APPLICATION NO: EP1825845

(Cosmetic herbal compositions)

Title	Cosmetic herbal compositions
Applicant & Country	Jan marini skin res inc, U.S.
Date of Filing	22-Feb-2007
Date of Third Party observation	02-July-2009
Applicant withdraw his application	08-April-2010
Period between Third Party observation and setting aside Intention to grant	37 Weeks

YOUNG INDIA **NBT** YOUNG PAPER

नवभारत टाइम्स

नवीन जिंदल ने अपनी सैलरी की बच्चों के नाम - p20 साइना को आमिर का सलाम, विश किया - p24

ब्राह्मी, अश्वगंधा पर भी थी कब्जे की तैयारी

सुरेश उपाध्याय ■ नई दिल्ली

हिंदुस्तानियों की परंपरा में बसी ब्राह्मी पर भी नजरें गड़ा दी गईं। लेकिन हल्दी, नीम, पुदीना और कमल की जंग जीतने के बाद केंद्रीय वैज्ञानिक एवं औद्योगिक अनुसंधान परिषद (सीएसआईआर) की ट्रेडिशनल नॉलेज डिजिटल लाइब्रेरी (टीकेडीएल) ने ब्राह्मी के साथ ही अश्वगंधा, चाय की पत्तियों और हल्दी पर कब्जे की विदेशी साजिश को नाकाम कर दिया है।

जेन मैरिनी स्किन रिसर्च इनकार्पोरेशन अमेरिका की स्किन केयर प्रोडक्ट बनाने वाली कंपनी है। इसने ब्राह्मी, अश्वगंधा, चाय की पत्ती और हल्दी के संयोग से बनाए गए एक स्किन केयर प्रोडक्ट के पेटेंट के लिए आवेदन कर दिया था। कंपनी ने इन चारों को चेहरे की रौनक बढ़ाने के साथ ही झुर्रियां दूर करने वाला बताते हुए यूरोपियन पेटेंट ऑफिस (ईपीओ) में आवेदन किया था।

टीकेडीएल के निदेशक वी. के. गुप्ता बताते हैं कि जेन मैरिनी के इस कदम की सूचना मिलते ही ईपीओ में



ब्राह्मी



अश्वगंधा

भारत की दौलत

ठंडे इलाकों में पाई जाने वाली ब्राह्मी चटख हरे रंग की होती है। इसका बॉटनिकल नाम थाकोपा मोनिफेरा है। याददाश्त बढ़ाने के लिए आयुर्वेद में इसका इस्तेमाल सदियों से होता आया है। अश्वगंधा का बॉटनिकल नाम विथानिया सोमनिफेरा है। यह ताकत और खूबसूरती बढ़ाने वाली दवा है। इसे गठिया की भी एक अच्छी दवाई माना जाता है। ऐसी ही एक जड़ी जिनसेंग चीन में पाई जाती है।

भारत की ओर से विरोध दर्ज कर दिया गया। ईपीओ को दस्तावेजों और पांडुलिपियों की मदद से बताया गया कि ब्राह्मी, अश्वगंधा, चाय की पत्ती और हल्दी का इस्तेमाल भारत में सौन्दर्य प्रसाधनों के अलावा औषधि के रूप में सदियों से किया जा रहा है। ब्राह्मी याददाश्त को बढ़ाने वाली, कोलेस्ट्रॉल को कम करने वाली और एंटी ऑक्सिडेंट (शरीर से विषैले पदार्थों को निकालने वाली) भी है। हल्दी पर कब्जा करने की एक कोशिश पहले अमेरिका में भी हुई थी। तब एक अमेरिकी कंपनी ने इसे घाव जल्दी भरने वाली दवा में इस्तेमाल करते

हुए इस पर अपना कब्जा करना चाहा था। जेन मैरिनी हल्दी को सूजन कम करने वाली बताते हुए इस पर कब्जा करने की फिराक में थी।

जेन मैरिनी ने अपने प्रोडक्ट को पेटेंट कराने के लिए 2006 में आवेदन किया था। इसका विरोध करने में इतनी देरी क्यों हुई? इसके जवाब में गुप्ता बताते हैं कि यूरोपियन पेटेंट यूनियन से भारत सरकार का समझौता जुलाई 2009 में हुआ था और इसके फौरन बाद भारत एक्टिव हो गया। भारत के चैलेंज के बाद जेन मैरिनी को पीछे हटना पड़ा।

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Impact of TKDL & TKDL Access Agreement at EPO



EPO PATENT APPLICATION NO: EP2015761

(Methods and composition for treating sore throat)

Title	Methods and composition for treating sore throat
Applicant & Country	Naveh pharma 1996 ltd, Israel.
Date of Filing	29-Mar-2007
Date of Third Party observation	24-July-2009
Applicant withdraw his application	15-April-2010
Period between Third Party observation and setting aside Intention to grant	35 Weeks

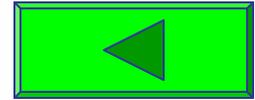
Impact of TKDL & TKDL Access Agreement at EPO



EPO PATENT APPLICATION NO: EP1660106

(Biotherapeutics for mitigation of health disorders from terminalia arjuna)

Title	Biotherapeutics for mitigation of health disorders from terminalia arjuna
Applicant & Country	Avesthagen Limited , India
Date of Filing	15-Aug-2003
Date of Third Party observation	01-July-2009
Applicant withdraw his application	06-April-2010
Period between Third Party observation and setting aside Intention to grant	38 Weeks



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FROM FEB 25 MEET | 12

PASSENGERS CLAIM A SRINAGAR FLIGHT TO DELHI WAS DIVERTED
TO DROP OFF J&K MINISTER & HIS TEAM ON AJMER PILGRIMAGE | 14

India foils China's bio-piracy bid

Shows Age-Old Use of Pudina, Kalamegha To Stop A Patent On Bird Flu Drug Using Them

Kounteya Sinha | TNN

New Delhi: India has foiled a major Chinese bio-piracy bid to patent the use of medicinal plants 'pudina' (mint) and 'kalamegha' (andrographis) for the treatment of H5N1 avian influenza or bird flu.

The Council of Scientific and Industrial Research (CSIR), with the help of India's Traditional Knowledge Digital Library (TKDL), dug out formulations from ancient Ayurveda and Unani texts, like 'Cakradattah', 'Bhaisajya Ratnavali', 'Kitaab-al-Haawi-fl-Tibb' and 'Qaraabaadeen Azam wa Akmal', dating back to the 9th century, to show that both pudina and kalamegha have been widely used in India since ages for influenza and epidemic fevers. After receiving exhaustive evidence from the CSIR that confirmed India's stand, the European Patent Office (EPO) on



GREEN FIGHT

After receiving exhaustive evidence from the CSIR on the use of pudina and kalamegha in ancient Indian formulations to treat bird flu, the European patent office had on June 10 cancelled the decision to grant patent to Livzon, a China pharmaceutical company, on the medicinal properties of the two plants

June 10 cancelled the decision to grant patent to Livzon, a major Chinese pharmaceutical company, on the medicinal properties of pudina and kalamegha for treating bird flu. It all began when Livzon, on January 19, 2007, filed a patent application at the EPO, claiming the usefulness of pudina and kalamegha for the treatment of bird flu. Impressed with the data, the EPO had on February 25, 2010 de-

cidated to grant patent to Livzon. However, on April 27, TKDL director V K Gupta shot off a letter to the EPO informing the examiners that the medicinal properties of pudina and kalamegha have been long known in the Indian systems of traditional medicine. The letter said, "The patent application number EP1849473, titled Chinese traditional medicine composition for the treatment of avian

influenza, method for preparation, and application thereof, may kindly be referred to wherein the usefulness of andrographis (kalamegha) and mint (pudina) for the treatment of fever, detoxification and for the treatment of avian influenza, has been claimed to be novel." The letter added, "In the TKDL, there are several references where andrographis and mint are used for the treatment of influenza and epidemic fever. Hence, there does not seem to be any novelty or inventive step involved in the claims made in the above referred patent application."

Following the letter, the EPO set up a three-member panel to study the evidence. On June 10, the panel decided to cancel the Chinese patent claim. TKDL is a collaborative project between the CSIR and the Union health ministry's department of Ayush.

Case Shaman Tribe Fable

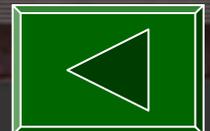
— Cost of Protection (US \$)

Knowledge/Innovations	IPR	National	International			
		India	US	EU	JAPAN	TOTAL
1. Method of preparation and usage of 'Potion'	Patent/ Utility Model	1400	9000	2,02,695	35,250	2,47,043
2. Vase for any technical feature						
1. Performance of prayer	Copyright	10	1000	No fee	No fee	1100
2. Garments of Page's						

Case Shaman Tribe Fable

— Cost of Protection (US \$)

Knowledge/Innovations	IPR	National	International			
		India	US	EU	JAPAN	TOTAL
1. Vase used in preparation 'Potion'	Design	100	1200	1216	3225	5671
2. Ceremonial Garments of 'Page's						
1. Plant used in potion subjected to certain requirements	New Plant Variety Protection Act	NA				15000 (approx.)
TOTAL (\$)		1510	13240	2,03,911	38,475	2,68,000



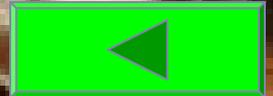
Basis

Activity	Traditional medicine	Modern medicine
Medical view	Philosopho scientific	Scientific
Diagnosis	Comprehensive	Analytical
Clinical distinction	Wholeness	Local or systemic



Objectives, Aims and Methodology

Medicine	Natural	Chemical derivatives of natural/synthetic
Study method	Human experience	Clinical trials/lab tests
Maintenance of health	Promotion & Prevention	Vaccination & Sanitary
Treatment	Individualized	Standardized
Treatment Aim	Cure of disease	Symptom relief
Treatment View	Natural	Invasive
Despite of above difference of outlook, both the systems have many things in common		



Diagnostic Methodology and Identification

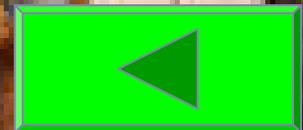
Symptoms

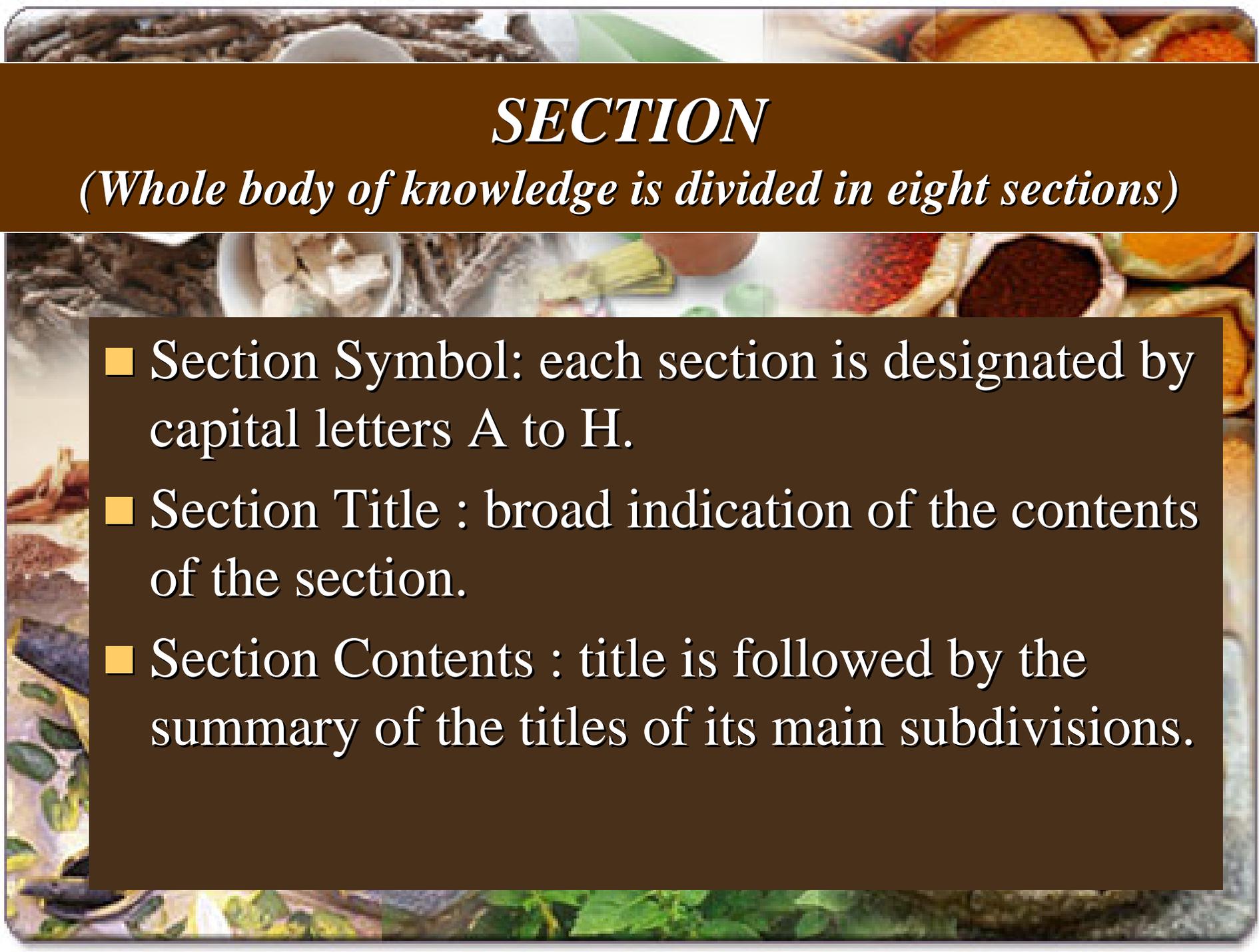
Disease	Symptoms in TM (Ayurveda)	Symptoms in Modern Medicine
Fever	Rise in body temperature, malaise/bodyache, loss of/diminished perspiration	An elevation of body temperature above the normal range (Oral temperature 98.6°F; 37°C) along with associated symptoms
Gout	Disease starts from base of toe or thumb, with swelling and severe pricking pain	Acute mono or polyarticular pain...The pain becomes progressively more severe and is often described as throbbing, crushing or excruciating...The meta tarsophalangeal joint of the great toe is involved most frequently



Drugs (Substance) and its components

Drug	TM	MM
<i>Psoralia corylifolia</i> Linn.	Seeds used in leucoderma	Chemical compound psoralin extracted from seeds used in leucoderma
<i>Colchicum luteum</i> Baker	Used in treatment of gout	Colchicines extracted from plant is useful for treatment of gout
<i>Commiphora mukul</i> Hook ex Stocks	Exudates used in treatment of obesity	Guggulosterone extracted from the exudates is useful in the treatment of hyperlipidaemia





SECTION

(Whole body of knowledge is divided in eight sections)

- Section Symbol: each section is designated by capital letters A to H.
- Section Title : broad indication of the contents of the section.
- Section Contents : title is followed by the summary of the titles of its main subdivisions.

Example

Section A : Human Necessities

Section B : Performing Operations;
Transporting

Section C : Chemistry; Metallurgy

Section D : Textiles; Paper

Section E : Fixed Constructions

Section F : Mechanical Engineering; Lighting;
Heating; Weapons; Blasting

Section G : Physics

Section H : Electricity



Subsection

- Within section, informative heading forms subsections. *Subsections are title without symbol*
- Example:
- Section A : Human Necessities
— covering the subject matter under:
 - Subsections : Agriculture; Foodstuffs;
Tobacco; Personal of
Domestic; Articles; Health;
Amusement



Classes

- Each section is subdivided into Classes
 - *Class Symbol* : section symbol followed by a two digit number
 - *Class Title* : title gives an indication of the contents of the class
 - *Class Index* : gives an informative summary giving a broad survey of the contents of the class.

Example

Subsection : Agriculture

Class A 01 : Agriculture; Forestry; Animal Husbandry; Hunting; Trapping; Fishing

Subsection : Foodstuffs; Tobacco

Class A 21 : Baking; Edible Doughs

Class A 22 : Butchering; Meat Treatment; Processing; Poultry or Fish

Class A 23 : Foods or Foodstuffs; Their Treatment, Not covered by other classes



Subclasses

- Each class has one or more subclass
 - *Subclass Symbol*: class symbol followed by a capital letter
 - *Subclass Title* : indicates as precisely as possible the content of the subclass
 - *Subclass Index* : It is merely an informative summary giving a broad survey of the content of the subclass

Examples

Class A 47— Furniture; Domestic Articles or Appliances; Coffee Mills; Spice Mills; Suction Cleaners; General.

Subclass A 47 B — Tables; Desks; Office furniture; Cabinets; Drawers; General details of furniture

Subclass A 47 C — Chairs; Sofas; Beds

Subclass A 47 D — Furniture specially adapted for Children

Subclass A 47 F — Special furniture, fittings, or accessory shops, storehouses, bars, restaurants etc.



Groups/Main Groups

- Each subclass is further divided in Groups/Main groups
 - Group Symbol : subclass symbol followed by one-to three digit number, oblique stroke and then number 00.
 - Group Title : defines a field of subject matter considered to be useful for search purposes
 - Example :
 - C01B17/00 — Sulfur; compounds thereof.
 - B01B1/00 — Boiling apparatus for physical or chemical purposes



Subgroup

- Groups/Main groups are further divided into subgroups to make more precise the subject matter of the invention
 - Subgroup Symbol : Subclass symbol followed by one-to-three digit no. of its main group, the oblique stroke and then no. of at least two digits other than 00. *Any third or subsequent digit after the oblique is to be understood as decimal subdivision of the digit preceding it.*
 - Subgroup Title : it defines a field of subject matter within the scope of its main group. It is further preceded by one or more dots indicating the hierarchical position of that subgroup.



List of Ayurveda Books

1	Agni Purana (700-900AD)	26	Rasa Hridaya Tantra (Govindapadacarya;1000AD)
2	Anaga Ranga (Kalyanamalla;1500AD)	27	Rasa Kamadhenu (Cudamanimisra;1600AD)
3	Anandakanda (Manthanabhairava;)	28	Rasa Paddhati (Bindu;1500AD)
4	Arka Prakasa (Ravana;1600AD)	29	Rasa Prakasa Sudhakara (Yasodharabhatta;1200AD)
5	Arya Bhisaka (Sankaradasajisastripade;1889-1911)	30	Rasa Ratna Samuccaya (Vagabhata; 1300 AD)
6	Ayurveda Prakasa (Madhava;1700AD)	31	Rasa Ratnakara (Nityanathasiddha;1500AD)
7	Ayurveda Sara Samgraha (back references from 1000BC-2000AD)	32	Rasa Tarangini (Sadanandasarma;2000 AD)
8	Baja Nama	33	Rasa Yoga Ratnakara
9	Vangasena Samhita (Vangasena;1200AD)	34	Rasamrta (Yadavajitrikamajiacharya; back references from 1000BC-2000AD)
10	Vasavarajiyam (Vasavaraja;1500AD)	35	Rasarnava (Yadavajitrikamajiacharya; back references from 1000BC-2000AD)
11	Bhela Samhita (Bhela;1000BC)	36	Rasatantra Sara Va Siddha Prayoga Samgraha (back references from 1000BC-2000AD)
12	Brhad Rasa Raja Sundara (back references from 1000BC-1900 AD)	37	Rasendra Cintamani (Dhundhukanatha;1600AD)
13	Cakradatta (Cakrapanidatta; 1100 AD)	38	Rasendra Cudamani (Somadeva;1200AD)
14	Dhanvantari Nighantu (Mahendrabhogika;1000-1300AD)	39	Rasendra Mangala (Nagarjuna; back references from 1000BC-2000AD)
15	Dravyaguna Nighantu	40	Rasendra Sara Samgraha (Gopalakrsnabhatta;1600AD)
16	Gada Nigraha (Sodhala; back references from 1000BC-1200 AD)	41	Siddha Bhaisajya Manimala (Krsnaramabhatta;1900AD)
17	Gaja Sastra (Palakapyamuni;1000-1300AD)	42	Siddha Yoga Samgraha (Yadavajitrikamajiacharya; back references from 1000BC-2000AD)
18	Kaideva Nighantu (Kaideva;1500AD)	43	Sodhala Nighantu (Sodhala;1200AD)
19	Kupi Pakva Rasayana	44	Vaidya Jivana (Lolimbaraja;1700AD)
20	Madanapala Nighantu (Madanapala;1400AD)	45	Vaidya Manorama (Kalidasa;1300AD)
21	Nakula Samhita	46	Kama Sutra (Vatsyayana;1500-1600AD)
22	Nighantu Ratnakara (1867)	47	Vrnda Madhava (Vrnda;1000AD)
23	Palakapya Samhita (Palakapyamuni; 1000-1300AD)	48	Vrksayurveda (Parasara;1BC-1AD)
24	Raja Nighantu (Panditanarahari;1700AD)	49	Yoga Ratnakara (1700 AD)
25	Rasa Candansu (Srisamkara;)	50	Yoga Tarangini (Trimallabhatta;1700AD)



List of Yoga Books

S. No.	Name of the Book
1	Patanjali Yoga Sutra
2	Bhagvadgita
3	Hatha Pradeepika of Svatmarama
4	Gheranda Samhita
5	Goraksha Shatakam
6	Shiva Samhita
7	Hatha Ratnavali
8	Nathamuni's Yoga Rahasya
9	Swara Yoga – the tantric science of brain breathing
10	Shatkarma Sangraha
11	Vijnanabhairava
12	Kumbhaka Paddati of Raghuveera
13	Shatchakra Nirupana
14	Yogasana Vijnana
15	Surya Namaskara



List of Siddha Books

1	Vaidya Chinthamani	24	Agasthiyar Chillari Kovai
2	Therayar Maha Karisal	25	Chikicha Rathna Deepam
3	Brah,a Muni Karukkada	26	Agasthiyar Nayana Vidhi
4	Bhogar (770)	27	Yogi Karisal (151)
5	Pulippani (500)	28	Agasthiyar Vallathi (600)
6	Agasthiyar Paripuranam (400)	29	Therayar Thaila Varkam
7	Therayar Yamagam	30	Therayar Venba
8	Agasthiyar Chenduram (300)	31	Thrumular Vaidyam - 600
9	Agasthiyar	32	Kannu Samiyam
10	Athmarakshamrutham	33	Therayar Kudineer
11	Agasthiyar Pin (80)	34	Agasthiyar Amutha Kalaiganam - 1200
12	Agasthiyar Rathna Churukkam	35	Anubooga Vaidya Navaneetham Volumes 1 to 9
13	Therayar Karisal (300)	36	Agasthiyar Guna Vagadam
14	Veeramamuni Nasa Kandam	37	Therayar Sekarappa
15	Agasthiyar (600)	38	Machamuni – 800
16	Agasthiyar Kanma Soothiram	39	Bogar Kaipa Vithi
17	18 Siddhar's Chillari Kovai	40	Yagoppu Vaidyam
18	Yogi Vatha Kaviyam	41	Therayar Kapiyam
19	Therayar Tharu	42	Theram Maruthu Bharatham
20	Agasthiyar Vaidya Kaviyam (1500)	43	Bogor -7000
21	Bala Vagadam	44	Konganam Mukkandam - 3000
22	Chimittu Rathna (Rathna) Churukkam	45	Yanavetti Yan
23	Nagamuni (200)		



List of Unani Books

S.No	Name of the Book	S.No	Name of the Book
1	Al Qanoon Fi-al-Tibb,(IbnSina:980-37AD)	10	Ilajul Amraj (Mohd, Shareef Khan 1725-1807A.D)
2	Kamil-al-Sana(AliIbn Abbas Majoosi 930-994AD)	11	Miftahul Khazain(Kareem Baksh 20th Century)
3	Kitab-al-Umda Fi-al-Jarahat(Ibn-ul-Khaf 1186-1233AD)	12	Quarabadeen Najmul Ghani (Najmul Ghani Khan 1859-1899A.D.)
4	Kitab-al-Jame-li-Mufraadat al-Advia(Ibn Baitar 1197-1248AD)	13	Khazinat-al-Advia(Najmul Ghani Khan 1859-1899A.D.)
5	Zakhira Khwarizm Shahi(S M Ismail Jurjani 1135/1140 A.D.)	14	Kitab-al-Hawi(Abu Bakr bin Zakariya Razi)
6	Qarabadeen Quadri(Mohd. Akbar Arzani 1722 A.D)	15	Kitab-ul-Hashaish(Deoscoroides)
7	Quarabadeen Azam wa Akmal(Mohd Azam Khan and Mohd Akmal Khan 1813-1902A.D)	16	Hidayat-ul-mutallimeen(Abu Bakr Akhwini)
8	Iksir Azam(Mohd Azam Khan 1813-1902A.D.)	17	Kitab-ul-Abniya-un-Haqaiqil-Advia (Abu-al-Muwaffiq Hirati)
9	Muheet Azam (Mohd Azam Khan 1813-1902A.D)	18	Firdaus-ul-Hikmat(Ali bin Rabban Tabri.)



Publishers and No. of E-Journals

<i>Sr. No.</i>	<i>Name of Publisher</i>	<i>No. of Journals for access</i>
1	Elsevier Science	1500
2	Springer	800
3	American Institute of Physics*	16
4	Blackwell	355
5	American Society of Civil Engineering*	30
6	American Chemical Society	41
7	John Wiley	374
8	Cambridge University Press*	74
9	Oxford University Press	69
10	American Society of Mechanical Engineering*	20
11	Royal Society of Chemistry	37
	Total – 11	3316

** For relevant labs only*



Impact of TKDL & TKDL Access Agreement at EPO



EPO PATENT APPLICATION NO: EP1709995

Title	Asthma/Allergy Therapy Using Nigella Sativa
Applicant & Country	Al-Jassim, Rawaa at al United States, Great Britain and Germany,
Date of Filing	02 March 2000
Date of Third Party observation	18 June 2009
Applicant withdraw his application	18 August 2010
Period between Third Party observation and setting aside Intention to grant	1 Year 8 Weeks

Impact of TKDL & TKDL Access Agreement at EPO



EPO PATENT APPLICATION NO: EP1958641

Title	Treatment And Prevention Of Inflammation
Applicant & Country	Bionature E.A. Limited, Nicosia / Cyprus
Date of Filing	16 Feb 2007
Date of Third Party observation	23 June 2009
Applicant withdraw his application	22 September 2010
Period between Third Party observation and setting aside Intention to grant	1 Year 12 Weeks

Impact of TKDL & TKDL Access Agreement at EPO



EPO PATENT APPLICATION NO: EP2116253

Title	Novel Phyllanthus Extract
Applicant & Country	Phytrix JV, LLC, USA
Date of Filing	07 May 2008
Date of Third Party observation	03 August 2010
Applicant withdraw his application	28 September 2010
Period between Third Party observation and setting aside Intention to grant	8 Weeks

Impact of TKDL & TKDL Access Agreement at EPO



EPO PATENT APPLICATION NO: EP1729593

Title	Cysteine Protease From Ginger (Zingiber) As A Food Improver And Anti-inflammatory
Applicant & Country	Natbio Pty Ltd, Australia
Date of Filing	23 Feb. 2005
Date of Third Party observation	31 October 2009
Applicant withdraw his application	11 October 2010
Period between Third Party observation and setting aside Intention to grant	49 Weeks

Impact of TKDL & TKDL Access Agreement at EPO



EPO PATENT APPLICATION NO: EP1827466

Title	Composition And Method For Facilitating The Healing Of Non-healing And Slow-healing Wounds And Ulcerations
Applicant & Country	Berkson, Lindsey, USA
Date of Filing	17 November 2005
Date of Third Party observation	08 July 2009
Applicant withdraw his application	13 October 2010
Period between Third Party observation and setting aside Intention to grant	1 Year 13 Weeks

Impact of TKDL & TKDL Access Agreement at EPO



EPO PATENT APPLICATION NO: EP1971354

Title	Composition Comprising Liquiritigenin For Preventing And Treating Liver Disease
Applicant & Country	Seoul National University Industry Foundation, Korea
Date of Filing	05 January 2007
Date of Third Party observation	04 May 2010
Applicant withdraw his application	21 October 2010
Period between Third Party observation and setting aside Intention to grant	24 Weeks

Impact of TKDL & TKDL Access Agreement at EPO



EPO PATENT APPLICATION NO: EP2089505

Title	Reduced-hangover Alcoholic Beverage
Applicant & Country	Morning-After Herbal Infusion Corporation, Canada
Date of Filing	08 November 2007
Date of Third Party observation	14 June 2010
Applicant withdraw his application	29 October 2010
Period between Third Party observation and setting aside Intention to grant	19 Weeks

Impact of TKDL & TKDL Access Agreement at EPO



EPO PATENT APPLICATION NO: EP1942917

Title	Compositions And Methods For Using Juice Organic, Juice Based Skin Care Products
Applicant & Country	Juice Beauty, USA
Date of Filing	30 October 2006
Date of Third Party observation	02 July 2010
Applicant withdraw his application	04 November 2010
Period between Third Party observation and setting aside Intention to grant	18 Weeks

Impact of TKDL & TKDL Access Agreement at EPO



EPO PATENT APPLICATION NO: EP2175848

Title	Therapeutic Uses Of Cannabigerol
Applicant & Country	GW Pharma Limited, Great Britain
Date of Filing	25 June 2008
Date of Third Party observation	30 July 2010
Applicant withdraw his application	11 November 2010
Period between Third Party observation and setting aside Intention to grant	15 Weeks

Impact of TKDL & TKDL Access Agreement at EPO



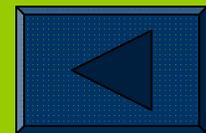
EPO PATENT APPLICATION NO: EP2218455

Title	Dolichos Biflorus extract for use in Therapeutic Skin Treatment
Applicant & Country	Cognis IP Management GmbH, Germany
Date of Filing	07 Feb. 2009
Date of Third Party observation	30 Sep. 2010
Applicant withdraw his application	18 Nov. 2010
Period between Third Party observation and setting aside Intention to grant	7 Weeks

Doha Ministerial Declaration

(Nov' 2001)

We instruct the Council for TRIPS, in pursuing its work Programme including under the review of Article 27.3(b), the review of the implementation of the TRIPS Agreement under Article 71.1 and the work foreseen pursuant to paragraph 12 of this declaration, to examine, *inter alia*, the relationship between the TRIPS Agreement and the Convention on Biological Diversity, the protection of Traditional Knowledge and Folklore.



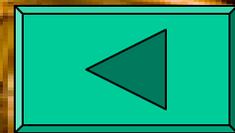
Submission by Developing Countries to TRIPS Council

“TRIPS Agreement should be amended in order to provide that Members shall require that an applicant for a patent relating to biological materials or to traditional knowledge shall provide, as a condition to acquiring patent rights:

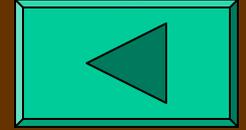
- disclosure of the source and country of origin of the biological resource and of the traditional knowledge used in the invention;
- evidence of prior informed consent through approval of authorities under the relevant national regimes; and
- evidence of fair and equitable benefit sharing under the national regime of the country of origin.”
- Last TRIPS Council meeting was held in Sept. 2008 and remained inconclusive.

“India along with a coalition of 110 other WTO members has been strongly propagating the cause of TRIPS – CBD linkage as part of WTO negotiation. However time and again opponents of proposal, mainly US, Canada, Chile, Australia, New Zealand, and Argentina have questioned the need for such linkage particularly since proponents have been unable to bring forth sufficiently convincing argument to justify their case”.

**Department of Commerce
July 2009**

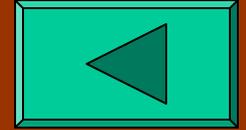


WIPO's Inter Governmental Committee on IPRs, Genetic Resources, Traditional Knowledge and Expressions of Folklore



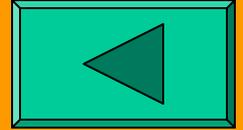
- **Established in Oct 2000**
- **So far Seventeen Meetings of 170 plus Countries held.**
- **Developing Countries are looking for a binding Sui-generis International Legal Framework on protection of Traditional Knowledge, Genetic Resources and Expressions of Folklore**
- **Currently discussions are under way on any of the following options:**
 - **A binding International instrument(s)**
 - **A non-binding normative International instrument(s)**
 - **A high-level political resolution, declaration or decision**

Nagoya Protocol



- **Primarily targets Benefit Sharing arising from the utilization of Genetic Resources**
- **Does include associated Traditional Knowledge of indigenous & Local Communities.**
- **Does not include publicly available / codified knowledge such as Ayurveda, Unani & Siddha etc.**

CBD & Bonn Guidelines



- **CBD came into force in 1992**
- **Bonn Guidelines 2002**
 - **Recognises the sovereign rights over GR and associated TK**
 - **ABS principles**
 - **Only 7 developing countries have enacted national legislations India, Costa Rica, Peru, Brazil, Venezuela & Philippines**
 - **No Practical Implications**

Cost/ Effectiveness of TKDL

- TKDL Route

- No. of A4 Size page information in 5 international languages

30 Million

- Expenditure Incurred

1.4 Million US \$

- Translation Route

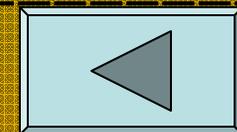
- Skill needed, knowledge of Ayurveda/ Unani/ Siddha/ Sanskrit/ Persian/ Tamil/ German/English/French/Japanese/Spanish/ Modern medicine & Science

- In case above skill set was available, it would have costed 1.2 billion US \$, a team of 5000 and time period of 60 years against the team of 100 and cost of 2.0 million US\$

- TKDL protects 0.2 million formulations based on Neem cases, cost of such protection would be astronomical (200 billion US\$).

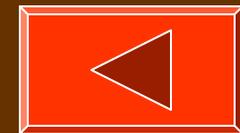
Cases of Misappropriation Identified and Action taken during 2010

Patent Office	No. of Cases
• United States Patent and Trademark Office	- 196
• Intellectual Property Australia	- 43
• European Patent Office	- 219
• United Kingdom Intellectual Property Office	- 17
• Canadian Intellectual Property Office	- 109
	=====
Total	584

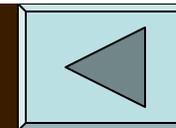


Steps for Defensive Protection After Documentation

- Non-Disclosure Agreement with International Patent Offices (IPOs)
- Tracking Global Patent filing in particular on identified IPCs e.g. **A61K36/00** and other related **IPC symbols**
- Establish relevance of documented TK as Prior Art
- Study claims and prepare Third Party Submissions
- Track the outcomes

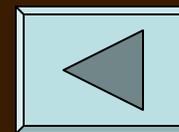


Subgroup Categorization A61K 36/00



S. No	IPC codes	IPC Categories	No. of Subgroups
1.	Algae	A61K 36/02 to 36/05	4
2.	Fungi & Lichens	A61K 36/06 to 36/09	10
3.	Bryophyta	A61K 36/10	1
	Pteridophytes	A61K 36/11 to 36/126	3
	Gymnosperms	A61K 36/13 to 36/17	5
	Angiosperms	A61K 36/18	1
	Dicotyledons	A61K 36/185 to 36/87	148
	Monocotyledons	A61K 36/88 to 36/9068	35
Total			207

Other Relevant IPC Symbols



S.No.	DESCRIPTION	No. of IPC SYMBOLS
1.	FLOUR OR DOUGH	6
2.	DAIRY PRODUCTS	7
3.	FOODSTUFFS & NON-ALCOHOLIC BEVERAGES	10
4.	DIAGNOSIS & SURGERY	5
5.	IMPLANT / STENTS	8
6.	DENTAL & TOILETRIES	224
7.	DEVICES	5
8.	THERAPEUTIC / CHEMICAL COMPOUNDS	144
9.	NON-METALLIC COMPOUNDS	20
10.	COMPOUNDS OF METALS	6
11.	COMPOUNDS AINING METALS	29
12.	CARBOCYCLIC COMPOUNDS	6
13.	MACROMOLECULAR COMPOUNDS	5
TOTAL		475

National Regulations & Provisions on Filing of Third Party Observation / Pre-Grant opposition in different Patent Offices

- **European Patent Office**

Third Party Oppositions can be filed under Article 115 of EPC after the Publication of Patent Application. There is no filing fee and no time limit.

- **United States Patent and Trademark Office**

Third Party Submission can be filed under 37CFR 1.99 within two months from the date of publication of Patent Application. Also, there is a fee of \$180.

- **Intellectual Property Australia**

Third Party Oppositions can be filed under section 27 of Australian Patent Act of 1990, between open to Public inspection and 3 months after Publication. There is no filing fee.

Cont....

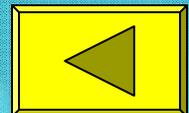
National Regulations & Provisions on Filing of Third Party Observation / Pre-Grant opposition in different Patent Offices

- **Canadian Intellectual Property Office**

Third Party Oppositions can be filed under section 34.1 of Patent Act, after the Publication of Patent Application. There is no filing fee and no time limit.

- **Japan Patent Office**

Third Party Oppositions can be filed under Article 13 of Patent law. The Third Party Oppositions can be submitted at any time after a Patent Application is filed and even after grant of Patent. However, any person who neither has an address nor residence in Japan can not take any procedure so it is necessary to appoint an Agent or Attorney in Japan for submitting information. There is no fee involved.



EP2152284



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A SYNERGISTIC AYURVEDIC / FUNCTIONAL FOOD BIOACTIVE COMPOSITION [CINCATA]

Bibliographic data

[Description](#)

[Claims](#)

[Mosaics](#)

[Original document](#)

[INPADOC legal status](#)

Publication number: **EP2152284** (A1)

Publication date: 2010-02-17

Inventor(s): MORAWALA-PATELL VILLOO [IN]; ULLANAT RAJESH [IN]; MUNDRIGI ASHOK [IN]; HENJARAPPA JAGADEESH BADAMARAN [IN]; SIDDAIAH CHANDRAMOHAN BANGALORE [IN] +

Applicant(s): **AVESTHAGEN LTD** [IN] +

Classification:

- international: **A61K36/37; A61K36/54; A61K36/61; A61P3/10**

- European: **A61K36/37; A61K36/54; A61K36/61**

Application number: **EP20070805634** 20070629

Priority number(s): WO2007IN00264 20070629; IN2007CH01076 20070523

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[View list of citing documents](#)

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Also published as:

[EP2152284](#) (A4)

[WO2008142702](#) (A1)

Cited documents:

[WO2009001362](#) (A2)

[US5886029](#) (A)

[XP002442211](#) (A)

[XP002442209](#) (A)

[XP002442210](#) (A)

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Claims of Application



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A SYNERGISTIC AYURVEDIC / FUNCTIONAL FOOD BIOACTIVE COMPOSITION [CINCATA]

Bibliographic data

Description

Claims

Mosaics

Original document

INPADOC legal status

The EPO does not accept any responsibility for the accuracy of data and information originating from other authorities than the EPO; in particular, the EPO does not guarantee that they are complete, up-to-date or fit for specific purposes.

Claims not available for **EP 2152284 (A1)**

[Translate this text](#)

[Claims Tree](#)

Claims of corresponding document: **WO 2008142702 (A1)**

We claim:

1. A synergistic ayurvedic / functional food bioactive composition **for managing diabetes** and related disorders, said composition comprising extracts of at least two plants selected from a group comprising **Eugenia, Cinnamomum and Salacia** optionally alongwith pharmaceutically acceptable excipients.

and other related claims from 2 to 28

Comparison of Patent Application with Prior Art

The alleged invention **EP2152284** claims the usefulness of Eugenia, Cinnamomum and Salacia for managing diabetes and related disorders as novel. However Eugenia (Syzygium), Cinnamomum and Salacia have been used together along with few other ingredients for the treatment of Diabetes mellitus in the Indian Systems of Medicine since long, as it is evident from the references cited above from the books namely Vaithya Chinthamani by Yugi, (Siddha, Exhibit 1: Pg. no. 04-06), Vaithya Chinthamani

by Yugi, (Siddha, Exhibit 2: Pg. no. 07-09) and Athmarakshaamirtham by Kandasamy Mudaliar, (Siddha, Exhibit 3: Pg. no. 10-12). Hence the said application EP2152284 is not novel and does not involve any inventive step, therefore cannot qualify for the grant of patent rights.

Comparison of Claims with Prior Art

Ground of Opposition:

- **Claims: Eugenia (Syzygium cuminii), Salacia oblonga and Cinnamomum for Diabetes**
- **Prior art: 2 Siddha texts describe the Use**
 - **Vaithya Chinthamani by Yugi (10-15th Century A.D)**
 - **Athmarakshaamirtham by Kandasamy Mudaliar (20th Century AD)**

Examiner's Report

- D6 Mega Noikku Legyam, TKDL, GP02/658:
TKDL
, 1800, XP002615047,
Retrieved from the Internet:
URL:http://www.tkdل.res.in/tkdل/LangDefault/common/TKDL_AdvanceQueryData.asp?GL=Eng
[retrieved on 2010-12-22]
- D7 Meganoikku Kudineer, TKDL, GP02/666:
TKDL
, 1800, XP002615048,
Retrieved from the Internet:
URL:http://www.tkdل.res.in/tkdل/LangDefault/common/TKDL_AdvanceQueryData.asp?GL=Eng
[retrieved on 2010-12-22]
- D8 Neerizhiuvu Noikku Kudineer, TDKL, AM05/1644:
, 1800, XP002615049,
Retrieved from the Internet:
URL:http://www.tkdل.res.in/tkdل/LangDefault/common/TKDL_AdvanceQueryData.asp?GL=Eng

Examiner's Report

- 1 The applicant is requested to provide basis in the sense of Article 123(2) EPC for the present set of claims, which has been amended compared to the originally filed claims.
- 2 The present subject matter is directed to a "synergistic ayurvedic / functional food composition" (claim 1) or "composition for use in the treatment of diabetes" (claim 6) comprising extracts of at least two of the plants selected from *Eugenia (=Syzygium)*, *Cinnamomum* and *Salacia*.

Also preparation processes for preparing such compositions are claimed in independent claim 10.
- 3 It appears that the present subject matter is entitled to its priority claims, for which reason D1 cannot be used in the assessment of patentability of the present subject matter .
- 4 Third party observations according to Article 115 EPC have been received by the EPO and forwarded to the applicant in June 2010. These observation are considered very relevant since they cite novelty anticipating prior art documents D6, D7 and D8. Each of these references discloses compositions comprising all three of the presently specified components for use in the treatment of diabetes. Thus, the present set of claims is not considered novel over these references, (Article 54(2) EPC).

Place of search

Munich

Date of completion of the search

10 January 2011

Examiner

Schnack, Anne

Examiner's Report in Favour of TKDL

- *Third Party Observations are considered very relevant since they cite novelty anticipating prior art documents D6, D7 and D8.*
- *Each of these references discloses compositions comprising all three of the presently specified components for use in the treatment of diabetes.*
- *Thus, the present set of claims is not considered novel over these references.*



EP2033650



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INHIBITOR OF EXPRESSION OF NUCLEAR TRANSCRIPTION FACTOR AP-1, AND PHARMACEUTICAL PRODUCT AND PRODUCT USING THE INHIBITOR

Bibliographic data

[Description](#)

[Claims](#)

[Mosaics](#)

[Original document](#)

[INPADOC legal status](#)

Publication number: EP2033650 (A1)

Publication date: 2009-03-11

Inventor(s): YAGI MASAYUKI [JP]; MATSUURA NOBUYASU [JP] +

Applicant(s): ARKRAY INC [JP] +

Classification:

- international: A23L1/30; A61K31/7048; A61K36/00; A61K36/28; A61K8/60; A61K8/97; A61P11/00; A61P11/06; A61P13/08; A61P15/00; A61P17/00; A61P17/02; A61P17/04; A61P17/06; A61P17/10; A61P19/02; A61P3/06; A61P3/10; A61P9/10; A61P9/12

- European: A23L1/30B; A61K31/7048; A61K36/28

Application number: EP20070767198 20070619

Priority number(s): WO2007JP62340 20070619; JP20060172997 20060622

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Also published as:

- EP2033650 (A4)
- US2010240603 (A1)
- WO2007148697 (A1)
- CN101472597 (A)

Cited documents:

- WO2005070440 (A1)
- US6890569 (B1)
- XP009067568 (A)
- XP009122174 (A)
- XP009122171 (A)

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Claims of Application

INHIBITOR OF EXPRESSION OF NUCLEAR TRANSCRIPTION FACTOR AP-1, AND PHARMACEUTICAL PRODUCT AND PRODUCT USING THE INHIBITOR

Bibliographic data

Description

Claims

Mosaics

Original document

INPADOC legal status

The EPO does not accept any responsibility for the accuracy of data and information originating from other authorities than the EPO; in particular, the EPO does not guarantee that they are complete, up-to-date or fit for specific purposes.

Claims of **EP 2033650 (A1)**

[Translate this text](#)

[Claims Tree](#)

1. An expression inhibitor of a nuclear transcription factor AP-1, comprising **chamaemeloside**.
2. The expression inhibitor of AP-1 according to claim 1, wherein expression inhibition of the AP-1 is at least one of expression inhibition at a gene level and expression inhibition at a protein level.
3. The expression inhibitor of a nuclear transcription factor AP-1 according to claim 1, wherein the chamaemeloside is at least one of chamaemeloside derived from Roman chamomile and **chamaemeloside derived from German chamomile**.
4. The expression inhibitor of a nuclear transcription factor AP-1 according to claim 1, comprising at least one of an extract of Roman chamomile and an extract of German chamomile.
5. The expression inhibitor of a nuclear transcription factor AP-1 according to claim 4, wherein the extract is at selected from the group consisting of an alcohol extract and a water extract of Roman chamomile and an alcohol extract and a water extract of German chamomile.
6. A pharmaceutical for prevention or treatment of a disease in which a nuclear transcription factor AP-1 is involved or for wound healing, wherein the pharmaceutical comprises an expression inhibitor of a nuclear transcription factor AP-1 according to claim 1.
7. The pharmaceutical according to claim 6, wherein the disease is at least one selected from the group consisting of cancer, metastasis of cancer, arteriosclerosis, hypertension, diabetes, skin diseases, malignant hyperproliferative diseases, neointimal hyperproliferative diseases, nonmalignant hyperproliferative diseases, autoimmune diseases, immune diseases, arthritis, asthma, allergy, chronic inflammatory diseases, lipid metabolism/transport-related diseases, dry-eye syndrome, neurodegenerative diseases, Alzheimer-type diseases, and Parkinson disease.

and other related claims from 8 to 18

Comparison of Patent Application with Prior Art

The alleged patent application EP2033650 claims the usefulness of chamaemeloside derived from Roman chamomile and German chamomile for the treatment of wound healing, Cancer, Diabetes mellitus, Arthritis, Acne vulgaris and Eczema, has been claimed to be novel. However German chamomile (*Matricaria chamomilla* Linn.) from which the chamaemeloside is derived has been used for the treatment of wound healing, Cancer, Diabetes mellitus, Arthritis, Acne vulgaris and Eczema through local/oral administration, in the Indian systems of medicine since long, as is evident from exhibits cited from the books

namely *Kitaab-al-U'mdah-fil-Jeraahat*, Part II by Aminuddaula Abul Farj Ibn Al-Quff Maseehi (Unani, exhibit 1 pg no 6-7), *Kitaab-al-U'mdah-fil-Jeraahat*, Part II by Aminuddaula Abul Farj Ibn Al-Quff Maseehi (Unani, exhibit 2 pg no 8-9), *Kitaab-al-U'mdah-fil-Jeraahat*, Part II by Aminuddaula Abul Farj Ibn Al-Quff Maseehi (Unani, exhibit 3 pg no 10-11), *Kitaab-al-Haawi-fil-Tibb*, Vol.III by Abu Bakr Mohd.Bin Zakariya Razi (Unani, exhibit 4 pg no 12-13), *Kaamil-al-Senaa'h*, Part II by Ali Ibn Abbas Majoosi (Unani, exhibit 5 pg no 14-15), *Quaraabaadeen Azam wa Akmal* by .Mohd. Akmal Khan (Unani, exhibit 6 pg no 16-17), *Quaraabaadeen Najm-al-Ghani* by Mohd. Najmul Ghani Khan (Unani, exhibit 7 pg

Comparison of Claims with Prior Art

Ground of Opposition:

- Claims: German chamomile for Wound healing, Cancer, Diabetes mellitus, Arthritis, Acne vulgaris and Eczema
- Prior art: 7 Unani texts and 1 Ayurveda text describe the use
 - Kitaab-al-U'mdah-fil-Jeraahat, Part II by Aminuddaula Abul Farj Ibn Al-Quff Maseehi (13th century AD)
 - Kitaab-al-Haawi-fil-Tibb, Vol. III by Abu Bakr Mohd. Bin Zakariya Razi (9th century AD)
 - Kaamil-al-Senaa'h, Part II by Ali Ibn Abbas Majoosi (10th century AD)
 - Quaraabaadeen Azam wa Akmal by .Mohd. Akmal Khan (20th century AD)
 - Quaraabaadeen Najm-al-Ghani by Mohd. Najmul Ghani Khan (20th century AD)
 - Khazaain-al-Advia, Vol. I by Mohd. Najmul Ghani Khan (20th century AD)
 - Ikseer Azam, Vol. IV by Mohd. Azam Khan (19th century AD)
 - Rasatantrasarah Evam Siddhaprayogasamgrahah part I (20th century)

Examiner's Report

Datum
Date 07.02.2011
Date

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Anmelde-Nr:
Application No: 07 767 198.0
Demande n°:

The examination is being carried out on the **following application documents**

Description, Pages

1-29 as originally filed

Claims, Numbers

1-10 filed in electronic form on 17-05-2010

Drawings, Sheets

1-4 as originally filed

1. Art. 123(2) EPC

The amended claims filed in electronic form on 17-05-2010 appear to be **allowable** under **Art. 123(2) EPC**.

2. Art. 115 EPC / Rule 114 EPC

Observations by a third party have been presented with the letter dated 19/04/10 and have duly been taken into account by the Examining Division.

The documents '**Exhibit 1 to 11**' filed by the third party are considered relevant for the assessment of novelty and inventive step (*Guidelines, E-VI, 3.*)

Examiner's Report

3.7 **D18** is cited by the Examiner (Guidelines C-VI. 8.2 and 8.3). A copy of the document is annexed to the communication.

Kraul, M. A., Schmidt, F.: 'Antiarthritic activity of an extract of Chamomile flowers.' Zeitschrift für die gesamte innere Medizin und ihre Grenzgebiete. 1955, 10(19), 934-936.

D18 discloses that an aqueous extract of chamomile flowers has antiphlogistic and antiarthritic effects in rats.

D18 therefore *anticipates* the subject-matter of the present application (again, see items 3.1 and 3.3)

3.8 Documents 'Exhibit 1 to 11' filed by a third party:

Exhibits 1 to 11 disclose that German chamomile from which chamaemeloside is derived has already been used alone or in combination with other ingredients for the treatment of wound healing, cancer, diabetes mellitus, arthritis, acne vulgaris and eczema through local / oral administration.

The subject-matter of the present application is thus *not novel* in the light of Exhibits 1 to 11 (see items 3.1 and 3.3 of this communication).

Place of search Munich	Date of completion of the search 14 September 2009	Examiner Hornich-Paraf, E
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Examiner's Report in Favour of TKDL



- *The Exhibits 1-11 filed by a Third Party are considered relevant for the assessment of novelty and inventive step.*
- *Exhibits 1-11 disclose that German Chamomile from which chamaemeloside is derived has already been used alone or in combination with other ingredients for the treatment of wound healing, cancer, diabetes mellitus, arthritis, acne vulgaris and eczema through local/ oral administration*
- *The subject matter of the present application is thus not novel in the light of exhibits 1-11.*

EP1880719



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Composition for prophylaxis or treatment of urinary system infection and method thereof

Bibliographic data

[Description](#)

[Claims](#)

[Mosaics](#)

[Original document](#)

[INPADOC legal status](#)

Publication number: **EP1880719** (A2)

Publication date: 2008-01-23

Inventor(s): **CHIH-HSIUNG LIN [TW]** +

Applicant(s): **CHIH-HSIUNG LIN [TW]** +

Classification:

- international: **A61K31/00; A61K36/90; A61P13/00**

- European: **A61K31/00**

Application number: **EP20070011162** 20070606

Priority number(s): US20060422924 20060608

Also published as:

- EP1880719 (A3)
- US2008124405 (A1)
- US2009169653 (A1)
- JP2007326858 (A)
- HK1111889 (A1)

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Cited documents:

- EP1486207 (A2)
- WO2004014916 (A1)
- WO2004101537 (A1)
- WO2005019194 (A1)
- WO03070711 (A1)

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Claims of Application

Composition for prophylaxis or treatment of urinary system infection and method thereof

Bibliographic data

Description

Claims

Mosaics

Original document

INPADOC legal status

The EPO does not accept any responsibility for the accuracy of data and information originating from other authorities than the EPO; in particular, the EPO does not guarantee that they are complete, up-to-date or fit for specific purposes.

Claims of **EP 1880719 (A2)**

[Translate this text](#)

[Claims Tree](#)

1. A composition for prophylaxis or treatment of urinary system infection, comprising a matrix metalloproteinase inhibitor.
2. The composition of claim 1, wherein the matrix metalloproteinase inhibitor is selected from the group consisting of *Zizyphus jujuba*, *Malva sylvestris*, *Opuntia Streptacantha*, *Cinnamomi Cortex*, *Hippophae rhamnoides*, *Panax ginseng*, *Eriobotrya japonica*, *Citrus depressa Hayata*, *Nelumbo nucifera*, *Mosla chinensis*, *Fructus schisandrae*, *Dalbergia odorifera*, *Smilax glabra*, kale and their extracts.
3. The composition of claim 1, wherein the matrix metalloproteinase inhibitor is selected from the group consisting of inhibitors of MMP-2 and MMP-9.
4. The composition of claim 1, which further comprises at least one component selected from the group consisting of a macrophage function modulator, a pathogen isolator, and a urine pH stabilizer.
5. The composition of claim 4, wherein the macrophage function modulator is able to activate the activity of calcineurin enzyme.
6. The composition of claim 4, wherein the macrophage function modulator is selected from the group consisting of *Lonicera japonica* Thunb., *Cordeceps sinensis*, *Sophorae Radix*, *Hippophae rhamnoides*, *Flos Lonicerae*, *Pulsatillae Radix*, extract of the dried leaf of *Camellia sinensis* (L.) C. Kuntze, *Ganoderma lucidum*, *Gynostemma pentaphyllum*, *Cynara Scolymus* L, Thyme, *Fructus Schisandrae*, *Prunellae spica*, *Lophatheri spica*, *Coptis Chinensis* Franchet, Dandelion (*Taraxacum officinale* F. Weber ex Wiggers), *Portulacae Herba*, *Gardeniae Fructus*, *Sophora subprostrata* Radix, *Houttuynia cordata* Thum, *Forsythia suspense* (Thum) Vahl, *Smilax glabra* and *Coptis groenlandica* Salisb.

and other claims from 7 to 20

Comparison of Patent Application with Prior Art

The alleged patent application EP1880719 claims the usefulness of a composition comprising Zizyphus jujuba, Malva sylvestris, Opuntia Streptacantha, Cinnamomi Cortex, Hippophae rhamnoides, Panax ginseng, Eriobotrya japonica, Citrus depressa Hayata, Nelumbo nucifera, Mosla chinensis, Fructus schisandrae, Dalbergia odorifera,

Smilax glabra, kale , Lonicera japonica Thunb., Cordeceps sinensis, Sophorae Radix, Hippophae rhamnoides, Flos Lonicerae, Pulsatillae Radix, extract of the dried leaf of Camellia sinensis (L.) C. Kuntze, Ganoderma lucidum, Gynostemma pentaphyllum, Cynara Scolymus L, Thyme, Fructus Schisandrae, Prunellae spica, Lophatheri spica, Coptis Chinensis Franchet, Dandelion (Taraxacum officinale F. Weber ex Wiggers),

Portulacae Herba, Gardeniae Fructus, Sophora subprostrata Radix, Houttuynia cordata Thurn, Forsythia suspense (Thurn) Vahl, Smilax glabra and Coptis groenlandica Salisb

and their extracts for treating urethritis or cystitis as novel. However Zizyphus jujuba, Nelumbo nucifera, Portulacae Herba (Portulaca oleracea), Cinnamomum zeylanicum and Malva sylvestris have been used for the treatment of Cystitis / Urethritis through oral administration in the Indian systems of medicine, since long, which is evident from

exhibits cited from the books namely, I'laaj-al-Amraaz by Mohd. Shareef Khan(Unani, Exhibit 1:pg.no.06-08), Bhaisajya Ratnavali by Govinda Dasa (Ayurveda, Exhibit

Comparison of Patent Application with Prior Art

2:pg.no.09-14), Quaraabaadeen Quaadri by Mohd. Akbar Arzani (Unani, Exhibit 3:pg.no.15-17), Nighanturatnakarah(Ayurveda, Exhibit 4:pg.no.18-23), I'laaj-al-Amraaz by Mohd. Shareef Khan (Unani, Exhibit 5:pg.no.24-26), Bharata Bhaisajya Ratnakara (Ayurveda, Exhibit 6:pg.no.27-32). In addition to the aforesaid references, some other references also exist in TKDL, wherein Zizyphus jujuba, Portulacae Herba (Portulaca oleracea), Cinnamomum zeylanicum, Malva sylvestris and Nelumbo nucifera have been used in combination with few other ingredients for the treatment of Cystitis/Urethritis through oral administration.

Hence the said application **EP1880719** is not novel as per the cited prior art and does not involve any inventive step, therefore cannot qualify for the grant of patent rights.

Comparison of Claims with Prior Art

Ground of Opposition:

- **Claims:** Zizyphus jujuba, Malva sylvestris, Nelumbo nucifera, Portulacae Herba for urinary tract infection
- **Prior art:** 3 Ayurveda and 2 Unani texts describe the use
 - I'laaj-al-Amraaz by Mohd. Shareef Khan (18th Century AD)
 - Quaraabaadeen Quaadri by Mohd. Akbar Arzani (17th century AD)
 - Bhaisajya Ratnavali by Govinda Dasa (18th Century AD)
 - Nighanturatnakarah (19th Century AD)
 - Bharata Bhaisajya Ratnakara (20th Century AD)

Examiner's Report

Datum
Date 03.01.2011
Date

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Anmelde-Nr:
Application No: 07 011 162.0
Demande n°:

The examination is being carried out on the **following application documents**

Description, Pages

1-22 as originally filed

Claims, Numbers

1-16 received on 30-12-2008 with letter of 30-12-2008

1). With letter dated 28/05/2010 observations of a third party (art. 115 EPC) has been filed and communicated to the applicant (rule 114(2) EPC).

TKDL MH1/2650: Julaab Bara-e-Warm-e-Masaanah Haar, Knowledge since 200 Years (=Exhibit 1; = **D15**) discloses a composition for the treatment of cystitis comprising *Zizyphus jujuba*. Hence, in the light of **D15** the subject-matter of claims 1-3,9-12 and 16 is not novel. The subject-matter of claims 4-8 and 13-15 although novel cannot be considered inventive since the contribution of cranberry, or of a calcineurin enzyme activator or of the urine pH stabilizer to the pharmacologic activity of the composition is questionable and there is nothing in the application demonstrating an additional unexpected effect.

Examiner's Report

TKDL AK/2204: Vrhadgoksuradyavalehah, Knowledge since 200 Years (=Exhibit 2; = **D16**) discloses a composition for the treatment of cystitis and urethritis comprising *Nelumbo nucifera*, and *Cinnamomum ceylanicum*. Hence, in the light of **D16** the subject-matter of claims 1-3,9-12 and 16 is not novel. The subject-matter of claims 4-8 and 13-15 although novel cannot be considered inventive since the contribution of cranberry, or of a calcineurin enzyme activator or of the urine pH stabilizer to the pharmacologic activity of the composition is questionable and there is nothing in the application demonstrating an additional unexpected effect.

TKDL MH5/1994: Safoof Bara.e.warm-e-Masanah, Knowledge since 200 Years (=Exhibit 3; = **D17**) discloses a composition for the treatment of cystitis and urethritis comprising *Malva sylvestris* and *Portulaca oleracea*. Hence, in the light of **D17** the subject-matter of claims 1-5,7,9-14 and 16 is not novel. The subject-matter of claims 6,8 and 15 although novel cannot be considered inventive since the contribution of the urine pH stabilizer to the pharmacologic activity of the composition is questionable and there is nothing in the application demonstrating an additional unexpected effect.

Examiner's Report

TKDL RG/5556: Brhadgoksuradyavalehah, Knowledge since 200 Years (=Exhibit 4; = **D18**) discloses a composition for the treatment of cystitis and urethritis comprising *Nelumbo nucifera*, and *Cinnamomum ceylanicum*. Hence, in the light of **D18** the subject-matter of claims 1-3,9-12 and 16 is not novel. The subject-matter of claims 4-8 and 13-15 although novel cannot be considered inventive since the contribution of cranberry, or of a calcineurin enzyme activator or of the urine pH stabilizer to the pharmacologic activity of the composition is questionable and there is nothing in the application demonstrating an additional unexpected effect.

TKDL RS/2134: Vrhadgoksuradyavalehah, Knowledge since 200 Years (=Exhibit 6; = **D19**) discloses a composition for the treatment of cystitis and urethritis comprising *Nelumbo nucifera*, and *Cinnamomum ceylanicum*. Hence, in the light of **D19** the subject-matter of claims 1-3,9-12 and 16 is not novel. The subject-matter of claims 4-8 and 13-15 although novel cannot be considered inventive since the contribution of cranberry, or of a calcineurin enzyme activator or of the urine pH stabilizer to the pharmacologic activity of the composition is questionable and there is nothing in the application demonstrating an additional unexpected effect.

Place of search	Date of completion of the search	Examiner
Munich	14 December 2007	Economou, Dimitrios

Examiner's Report in Favour of TKDL

- *TKDL Exhibits disclose compositions for the treatment of cystitis and urethritis (urinary tract infection) comprising Zizyphus jujuba, Nelumbo nucifera, Portulacae Herba (Portulaca oleracea), Cinnamomum zeylanicum and Malva sylvestris .*
- *Hence in the light of TKDL Exhibits, the subject matter of claims is not considered novel.*



Misappropriation of India's TK at International Patent Offices (A61K 36/00) As per current TPO fill Update



Sr. No.	Name	No of patent applications searched
1	Austria	743
2	Australia	1627
3	Canada	994
4	China	1780
5	Spain	638
6	Finland	96
7	Japan	6502
8	Korea	326
9	Russia	57
10	Sweden	80
11	Nordic-Iceland	14
12	Nordic-Norway	184
13	Nordic-Denmark	358
14	EPO	352
15	USPTO	771
Total		14522