



A Brewing Storm in India's Patent Arena: Inventions Related to Atomic Energy

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India has been in the centre of IP debate worldwide quite often and now another issue seemingly is making an entry i.e. Section 4 of the Indian Patents Act, 1970 which deals with the inventions relating to Atomic Energy being not patentable. Of late there has been a significant rise at the Indian Patent office in raising objection under Section 4. Originally Section 4 find its root in the Interim report submitted by the Ayyangar committee in April 1959. An "urgent necessity" was foreseen by the committee members then, which made them submit said interim report when their complete report on revisions of the Law of Patents in general was nearing completion! And the complete report was submitted soon after few months i.e. in September 1959. The emerging issue of applicability of Section 4 on an invention, allowability of applications and other related issues need to be analysed, keeping in view the "urgent necessity" of the world then and now. The first legislation in India relating to patents was the Act VI of 1856. The objective of this legislation was to encourage inventions of new and useful manufactures and to induce inventors to disclose secret of their inventions. The Legislative History of India's patent law has seen several stages starting as early as 1832 and arriving to the Indian Patents Amendment Act, 2005. On its evolution path two committee reports made mark in shaping the patents law. Firstly, the Tek Chand Committee Report which made recommendation for prevention of misuse or abuse of patent right in India and that the Patents Act should contain clear indication to ensure that food and medicine and surgical and curative devices are made available to the public at the cheapest price commensurate with giving reasonable compensation to the patentee. Second, The Ayyangar Committee Report. The development of patent law in India owes much to the Report of Justice Rajagopala Ayyangar, as majority of recommendations of the Committee found their way into the Act. *Authored by Archana Shanker and Priyanka Dubey. [This article was published in Expert Guides.](#)*

