



Vicissitudes of Indian Patent Law

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Since 2011 – for a period of more than two years – the weakest intellectual property legislation in relation to the world of chemistry, i.e. patent law in relation to pharmaceuticals and chemical substances, showed a renewed promise in India. From 1972 when the Patents Act, 1970, came into force to 2005, there was no product patent regime for pharmaceutical or chemistry patents. Innovator drug companies or those in agro-chemicals suffered. On account of TRIPS, the law changed and product patent protection was introduced with effect from February 1, 2005. The question was, would the regime really strengthen, or was it going to be an eyewash? For this, one needs to examine the number and quality of patents granted for pharmaceuticals and agro-chemicals post 2005, the cumulative effect of pre- and post-grant oppositions in preventing a patent from being finally granted; and the success of infringement actions and the history of counter-claims and revocation actions. This article will examine the last of these aspects. Authored by Pravin Anand. This article was published in IP Era in 2015. [Read more](#)

