A tilt observed towards simplifying Form 27

News & Updates • April 6, 2018

In continuation of the recommendations made by Anand and Anand to simplify Form 27, a Stakeholder Meeting in relation to the issue of working statements was held on 6th April. The meeting was presided by the Controller General, Mr. O.P. Gupta, Dr. K.S. Kardam, Mr. B.P. Singh and Dr. Usha Rao, with Anand and Anand being represented by Ms. Archana Shanker. 1. The CG clarified the mandate of the stakeholder meeting which was "revision of Form 27" within the framework of Section 146(2) and Section 122. The meeting was well represented by IP law firms, SME, FICCI, FICPI, Academicians, NGO and industry. 2. While there were suggestions with regard to having separate form 27 for pharma and non-Pharma patents, majority of the stakeholders were of the view that filing of form 27 is onerous and the consequences for non-compliance is a big deterrent for not filing patents in India. 3. It was also discussed that From 27 moves on the assumption that every product can be mapped to a patent and the cost /quantum can easily be determined. 4. Several members of the ICT / automobile industry indicated that it was hard and impossible to give this information requested in Form 27 for several reasons such as there is an assumption that every product can be mapped to a patent and the cost /quantum can easily be determined. 5. Anand and Anand made the following recommendations and also submitted Revised Form-27:

- That the discrepancies in Form 27 should be removed;
- A simple format should be prescribed without compromising the requirements prescribed in the law;
- Introduction of IPC classification so as to analyse the working statements (industry wise) and use is as a tool to clear bottlenecks if any and make recommendations to the government;
- Confidential information should not be requested and there should be a provision to keep important business information confidential which can be produced on demand under the terms of confidentiality;
- As there is a difficulty in accurately determining the value of a patented invention that is incorporated into a product or apportioning a value to a patent incorporated into a product that is covered by multiple patents, the requirement of providing the quantum and price be done away with;
- Expressions such as "quantum and value", "whether public requirement has been met partially, adequately or to the fullest extent" be deleted as these are all subjective test and the patentees are under no obligation to carry out such an analysis for the purpose of form 27;
- 'Reasonable price' is an ambiguous term and therefore should be deleted. What might be reasonable for an innovator company might not be considered as being reasonable for another company. Also over the years, as technology evolves, the value of products drop even though the said product might still be covered by the said patent(s);
- There should be an option of filing one form 27 for a cluster of patents;

- Disclosure of name of licensees should not be mandatory as there are comprehensive/worldwide license agreements including cross-license agreements and it may not be possible to provide detailed information as currently required under Form 27.

Read
more: https://patentsrewind.wordpress.com/2018/04/12/a-tilt-observed-towards-simplifying-form-27/

RELATED INDUSTRIES

BRAND STRATEGY

RELATED PRACTICES

COPYRIGHT
TRADEMARK