“Uncertain times for antibodies in India” by Archana Shanker and Nupur Maithani

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In India, there are two core areas of the antibody patenting field that are unsettled and need correcting, as Archana Shanker and Nupur Maithani of Anand and Anand explain. Subject matter patentability and sufficiency requirements are issues that are dealt with at the Indian Patent Office (IPO). Issues/challenges relating to these aspects often go unnoticed unless there is an opposition involved. Here we are writing about trends in India in relation to antibodies. The increase in investment in research in the fields of biotechnology and antibodies, in particular, has led to an increase in the filing of patent applications related to antibodies. More than 750 patents have been granted in India for antibodies and several are pending, which is a positive trend. However, there are two core areas in the field of antibody-related inventions which seem to be unsettled and need to be corrected soon. The first is how to characterise/define antibodies and the second is subject matter patentability. Antibodies can be characterised in several ways, such as:

- By the sequence of the complementarity-determining regions (CDRs);
- Through their target protein;
- By the target dependent/independent functional properties;
- By deposition of cell lines;
- By the sequence of the heavy chain and light chain variable regions;
- By functional features (eg, binding to an epitope, dissociation constant); and
- By the sequence of the epitope.

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