

As per section 3(p) of the Patents Act, 1970, an invention, which, in effect, is traditional knowledge or which is an aggregation or duplication of known properties of traditionally known component or components is not patentable. Sections 25 and 64 of the said Act, include anticipation of invention by available local knowledge, including oral knowledge, as one of the grounds for opposition as also for revocation of patents.

For preventing the patenting of India's traditional Medical Knowledge, the Government has developed a Traditional Knowledge Digital Library (TKDL) database on codified knowledge in Ayurveda, Unani, Siddha and Yoga. The TKDL establishes prior art for approximately 2.24 lakh formulations, transcribed in five international languages, namely English, German, French, Spanish and Japanese. The TKDL database has been provided to the Office of the CGDPTM, European Patent Office (EPO), German Patent Office, United States Patent and Trademarks Office, United Kingdom Patent Office, Canadian Intellectual Property Office, under an Access Agreement, for establishing prior art in case of patent applications based on Indian systems of medicine filed before these authorities.

#### **FDI received *vis-a-vis* countries like China**

174. DR. K.V.P. RAMACHANDRA RAO: Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

- (a) the amount of Foreign Direct Investment (FDI) received in the country during the last three years as compared to countries like China;
- (b) whether the FDI inflows have come down during the last two years; and
- (c) if so, how the inflows during the last six months compare?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI JYOTIRADITYA MADHAVRAO SCINDIA): (a) and (b) As per the World Investment Report 2010 prepared by UNCTAD, the FDI inflows in the country, during the last three years, as compared to China, are as under:

(in Million US Dollars)		
Calendar Year	India	China
2007	25,001	83,521
2008	40,418	108,312
2009	34,613	95,000

(c) The FDI equity inflows during April to September, 2010 were US\$ 11.005 billion as compared to inflows of US\$ 15.273 billion during the corresponding period in 2009.

**Non patentable traditional Indian products**

175. DR. K.V.P. RAMACHANDRA RAO: Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

- (a) whether it is a fact that traditional Indian products are not patentable;
- (b) if so, the reasons therefor; and
- (c) the steps being taken to patent the traditional processing methods?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI JYOTIRADITYA MADHAVRAO SCINDIA): (a) to (c) Yes, Sir. Traditional Indian products and processes are not patentable since they do not meet the criteria of patentability specified in the Indian Patents Act. Under Section 3(p) of the Indian Patents Act, "An invention which, in effect, is traditional knowledge or which is an aggregation or duplication of known properties of traditionally known component or components" is not patentable.

**Illegal trade on tobacco**

176. DR. JANARDHAN WAGHMARE: Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

- (a) whether Government is aware that due to illegal trade of tobacco products, Government is losing revenue worth several crore per year;
- (b) if so, the details thereof;
- (c) whether Government proposes to take effective steps to check such illegal trade of tobacco products; and
- (d) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI JYOTIRADITYA MADHAVRAO SCINDIA): (a) to (d) The information is being collected and will be laid on the Table of the House.

**Increasing FDI in new sectors**

†177. SHRI ISHWARLAL SHANKARLAL JAIN: Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

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†Original notice of the question was received in Hindi.