



ORGANISATION OF PHARMACEUTICAL PRODUCERS OF INDIA

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Tapan Ray
Director General

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Mr. D.V. Prasad
Joint Secretary
Department of Industrial Policy & Promotion
Ministry of Commerce & Industry
Government of India
Room No.236
Udyog Bhavan
New Delhi 110 011.

Dear Mr. Prasad,

'Utility Models'

This has reference to the 'Discussion Paper on "Utility Models" (Initiative on Intellectual Property Rights), which has been uploaded on DIPP's website.

OPPI welcomes the proposed extension of Indian intellectual property protection to those inventions and innovations which may not meet the strict standard for patent protection but which are nevertheless of commercial importance and social desirability in India.

Effective intellectual property protection and enforcement framework is essential to ensure that the substantial investments needed to discover, develop and introduce a new medicine to patients are not put at risk by copying as soon as the medicine is put on the market.

Incremental inventions and tangible innovatory developments, although not meeting the high non-obviousness standards required for a patent, are still socially desirable and commercially important. They are thus also worth encouraging and protecting with a lesser form of intellectual property right such as a Utility Model (UM) for a lesser period.

Many countries have already recognised benefits to their technological and commercial development of providing some lesser form of IP right such as UMs for minor inventions and innovations. The Paper itself provides good evidence of the usage of the systems in other countries (with domestic innovators predominating) and of the underlying rationale for providing one in India.

Companies which are also carrying out R&D on pharmaceutical products, should be encouraged to continue to produce inventions and innovatory developments associated with their products and their delivery, some of which could be the subject of regular patents and some of the proposed UMs, provided they meet the underlying legal requirements.



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Thus, any UM system should be low cost, involve a simple and quick formal procedure to grant and be distinct from regular patents.

Introducing a UM protection system in India would be a positive development for all innovators, small or large.

Adequate safeguards would also be needed on both the Legislations (Patents as well as UM) that the recognition granted under one law need not negate or conflict with the same under the other Legislation.

As you may be aware, Organisation of Pharmaceutical Producers of India (OPPI), established in 1965, is a premier association of research based international and large pharmaceutical companies in India and is also a scientific and professional body.

Best regards,

TAPAN RAY
DIRECTOR GENERAL