Preface

Patenting system plays an important role in the growth of the industries. More particularly, patents have profound effect on the activities of innovation driven industries such as the pharmaceutical industry. History of patent law in India dates back to 19th century when the first Patents Act was enacted under the British rule. After India’s independence, the Patents Act, 1970 came into force which reflected the concerns of developing countries in the area of patenting. After India’s signing of TRIPS agreement in 1995, major changes were introduced in the Act to make it compliant with norms of the agreement. However, the current Indian patent regulations have been under constant criticism particularly with respect to patenting of pharmaceuticals. It is argued that India has not been able to adhere to the internationally accepted best practices in the field of patents. This thesis is an endeavour to analyze India’s position on the patenting of pharmaceuticals and to find out areas of improvement in the existing Indian patent regulations.

In the first chapter, background information, historical perspective and conceptual framework, review of literature, research envisaged, and aim of the research work are presented. In the second chapter, salient features of the patent laws in India, U.S., Europe and China are discussed. The third chapter provides summaries of important case laws on the pharmaceutical patents. In the fourth chapter, the Indian patent regulations are compared with the patent regulations in U.S., Europe and China. The fifth chapter presents analysis and discussion on the data collected through a questionnaire based survey. Suggestions to strengthen patent regulations in India based on the findings of this research work are presented in the sixth chapter. In the seventh chapter, findings of the present research is summarized and concluded.