



## FORM 27 of INDIAN PATENTS ACT

### Relevancy:

- ✓ GS Prelims, GS Mains paper III
- ✓ Issues relating to intellectual property rights, Patents, Indian Patents Act, Form 27 of Indian Patents Act

### What is a Patent?

- It is a limited legal monopoly granted to an individual or firm to make, use, and sell its invention, and to exclude others from doing so.
- Three conditions must be fulfilled for the grant of a patent: Novelty, Industrial use, Non-obviousness.
- In India, Patents are regulated by Indian Patents Act. Internationally, the World Trade Organisation's TRIPS (Trade Related Intellectual Property Rights) agreement provides rules for patents.
- TRIPS agreement also provides flexibilities to the member countries, so that they can address their socio-economic and health related problems while fulfilling their international obligations.
- Patent law grants to the patentees the privilege of enjoying a limited monopoly in order to achieve the objective of public benefit.
- Thus, the quid pro quo for getting patent monopoly is patent disclosure.
- As part of the disclosures, patentees are required to disclose if they are locally working their patented invention in exchange for the conferred benefits.
- This disclosure, in India is provided in Form 27 of the Indian Patents Act.

### FORM 27:

- It is a unique provision in the Indian Patents Act, 1970 through which, patentees are required to submit information about their innovation in the prescribed Form i.e. Form 27.
- Form 27 provides information to the government on the extent to which the patent holder has worked his patent i.e. converted it to an innovative product and supplied the product to the market.
- This information in Form 27 is pertinent for examining the necessity for invoking compulsory licensing provisions and revocation provisions.
- Because in India, “non-working” of an innovation leads to invoking a demand for Compulsory License by a third party.
- Section 83 of the Indian Patents Act, 1970 says “patents are granted to encourage inventions and to secure that the inventions are worked in India on a commercial scale and to the fullest extent that is reasonably practicable and that the monopoly granted to the patentees is not merely to import the invention”.

### Importance of Form 27 in health sector:

- Form 27 seeks information to ensure that the patented material is adequately supplied in India.
- If the supply of the patented invention does not cater to the demands, then the ‘reasonable requirement’ of the public with regard to the patented invention is deemed as not met.
- This will be a ground to seek compulsory licensing of the product within India.
- The underlying rationale is to protect public health.
- The case *Shamnad Bashir vs Union of India*, in which the petitioner has filed a PIL (Public Interest Litigation) highlighted the debate on the ‘access to medicine’ in India.
- At present, there are certain missing columns in the Form 27. The Form must be re-designed, so that complete information on the “working of the patent” may be asked by the Controller and published for the sake of Transparency.
- India had joined the WTO so that ‘transfer of technology’ from foreign firms could take place and the local manufacturers could learn from the international technology in order to improve their products.
- This is especially important for improving the Public Health.
- Form 27 provides requisite knowledge and opportunity, as it mandates disclosure of use of patents.

### Q. What is the importance of Form 27 of the Indian Patents Act in bringing about Transparency in the 'working of patents' and betterment of Public Health?

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## PMMY Pradhan Mantri MUDRA Yojana

### Relevancy:

- ✓ GS Prelims, GS Mains paper III
- ✓ Government Schemes, PPMY, Pradhan Mantri MUDRA Yojana

### Recently:

- ❖ The Vice President of India, Shri M. Venkaiah Naidu has hailed the Prime Minister MUDRA Yojana (PMMY) as a revolutionary scheme and was aimed at empowering the neglected and underprivileged sections of the society.
- ❖ Interacting with the beneficiaries of the PMMY on the completion of three years of the launching of the scheme here today, the Vice President said that a record number of 12 crore beneficiaries have received loans under the scheme.
- ❖ The Mudra Yojana will also help the entrepreneurs to get loans at cheaper interest rates,

### Beneficiaries:

- Micro Units Development & Refinance Agency Ltd. (MUDRA) is a new institution set up by Government of India to provide funding to the non-corporate; non-farm sector income generating activities of micro and small enterprises whose credit needs are below ₹10 Lakh.
- All Non-Corporate Small Business Segment (NCSBS) comprising of proprietorship or partnership firms running as small manufacturing units, service sector units, shopkeepers, fruits/vegetable vendors, truck operators, food-service units, repair shops, machine operators, small industries, food processors and others in rural and urban areas, are eligible for assistance under Mudra.
- These loans are given by Commercial Banks, RRBs, Small Finance Banks, Cooperative Banks, MFIs and NBFCs.
- Loans under this scheme are collateral free loans.

### Products of MUDRA:

- Under the aegis of Pradhan Mantri MUDRA Yojana (PMMY), MUDRA has created three products i.e. 'Shishu', 'Kishore' and 'Tarun' as per the stage of growth and funding needs of the beneficiary micro unit. These schemes cover loan amounts as below:
  - Shishu: covering loans up to ₹50,000
  - Kishore: covering loans above ₹50,000 and up to ₹5,00,000
  - Tarun: covering loans above ₹5,00,000 and up to ₹10,00,000



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