

## Research lab to help fight patent war

Shounak.Ghosal@timesgroup.com

**Kolkata:** A laboratory, devoted to research and document qualities of certain indigenous plants and crops that are at the risk of being patented by multi-national companies, started rolling off EM Bypass on Tuesday.

Renowned scientist and conservator Debal Deb, who heads the institute, said their aim was to publish findings on indigenous plants and crops in established journals to prevent multi-national companies from filing patent for the same.

Once the indigenous plants and crops become "prior public knowledge" by finding their place in science journals, they can no longer be patented by third parties. India has lost many a battle for patent of indigenous products, which include basmati rice, neem and turmeric, because of the absence of such an initiative, said Deb.

"India and Pakistan fought legal battles against the basmati patent being granted to an American company, which had identified 14 points such as the aroma or the increase in the length of the rice upon cooking. All of us know basmati rice. But though this type of rice with a particular aroma, length and other qualities is so familiar to us, neither the Indian nor the Pakistani government could furnish any document to prove that it was 'prior public knowledge'. Even our agricultural research centres failed



Debal Deb (centre) at his biotechnology conservation laboratory

to do it," Deb added.

"India, however, won one battle by challenging a patent on turmeric and proving it was 'prior public knowledge'. The credit for winning the battle goes to the Centre for Scientific and Industrial Research. I, along with several Indian scientists, had challenged a bid to patent the fungicidal property of neem oil. We were able to prove the knowledge was

already on public domain by showing a translation of the 'Sushruta Sanhita'. The World Trade Organization does not acknowledge any language other than six European languages when it comes to prior publications. Thankfully, a Harvard professor had translated the text from the 'Sushruta Sanhita', which helped us show that the information had been a part of public knowledge in the country for more than 1,500 years. The patent bid was subsequently withdrawn and the European Patent Office declared it to be a case of theft," he added.

"If you have a patent, users will have to pay you royalty. Interestingly, Australia is the largest exporter of basmati rice. Their exporters protested the move. In Europe, the importers objected. So did Iran, which imports the highest amount of basmati rice. So, the patent failed to operate due to commercial reasons. But, Indians can't claim any credit for it," Deb said.

Deb's research project is being funded partly by real estate major Siddha group.

"Our objective is not just to prevent a patent war, but also to conserve selected rare and endangered plants using tissue culture method," said molecular geneticist Avik Ray, who is also involved in the project.

The TOI is withholding the location of the research institute on the request of Deb who fears sabotage.