As the pharmaceutical industry becomes more focused towards biopharmaceuticals and personalized medicines, biotechnology is increasingly playing an important role in coming up with newer and more innovative solutions to problems associated with human health. This approach is ably supported and encouraged by intellectual property, particularly patents which seek to protect commercial interests while ensuring reward for innovation. However, in the volatile landscape of patent laws, new precedents and interpretation of statutes give rise to complex scenarios thereby making it imperative to understand the nitty-gritties of patent laws. The important aspect is to recognize patent eligible subject matter in various jurisdictions and to comprehend as to what cannot be protected through patents. These issues are more pronounced and important in US than ever before, particularly in view of the recent spree of landmark judgments such as Myriad and Prometheus from the Supreme Court of the US. On the other hand, as India continues to evolve in its patent practice, it finds itself amidst difficulties in dealing with provisions of The Patents Act intertwined with The Biodiversity Act. Hence, it is important to know the scope of statutes and provisions in US and India in more detail, which forms a basis on; what is protectable versus what is not in the biotech sector. Thus, due awareness of patent laws is of criticality since the stakes are high and the overall impact of patents on biotechnology especially R&D is tremendous.

Biography

Durgesh Mukharya has been practicing IP law for last 8 years. He is a Registered Patent Agent having a Master’s in Biotechnology and he is also a Lawyer. Being in one of the top IP firms in India, he has handled patent drafting and prosecution in the areas of biotechnology, microbiology, bio-informatics, bio-pharmaceuticals, genetic engineering, medical diagnostics, therapeutics and biochemistry. He also advises clients on contentious issues related to patentability, freedom to operate, due diligence and technology landscape besides managing patent portfolios and conducting patent workshops. He regularly appears before the Indian Patent Office and the Intellectual Property Appellate Board in connection with prosecution of patent applications and related matters. He is also a regular speaker at various conferences and seminars.

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