

## Universal policy must for public-private partnership

e DEBATE

**T**HE pattern followed by various institutional bodies differ, in other words their DNA differs. The classification can be as central universities, state universities, agri-universities, CSIR Institutes, DBT, DST, DAE, and ICMR. Then each of them follow their own triplet cod on how patent conscious they need to be and how they wish to pursue it. This would be fine too if they all were at the same level of having made the decision to be or not to be in the 'patenting rat race'. The institutes have evolved a policy but many universities tend to lag behind and have an incoherent strategy about the IP lying within the institutions. Most of them have their own version of IP protection.

Here one needs to distinguish IP from patent and a provisional patent from a product patent. This clarity has still to be arrived at in the Indian institutes if one is to expect India to be a world leader in innovation. This lack of understanding could result in not very meaningful public-private partnerships. In most R&D institutes, the base for the provisional patents is strong, however the lack of accountability results in many of these patents being left incomplete, therefore to get it to commercialisation a lot of work still needs to be done and therefore the need to forge early public-private partnerships becomes essential at



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the provisional stage.

CSIR is the most prolific and most conscious of the need to file patents. However a lot of understanding and the ways of how the world works has to be understood by many of the institutes and scientists filing the patent.

Corporate scientists interacting with the institutes sometimes face an uphill task to convince the institutional scientists that the current status of these patents are a far cry from any commercialisation process and a lot more research and funding would go into it to make it a product. Many institutes have IP cells that rely on precedents to support their licensing process without taking into account that environments change.

The need to instill the understanding that cooperation and collaboration needs to extend further

even after the company has taken the patent forward.

There are many excellent research institutions who do not have a policy. However they are open to companies to come and collaborate with the scientists. There is excellent work in many institutes and it is important for Indian companies to seek and search for technologies within the institutions. And work closely with the individual scientist to move the work towards new innovation. It is important for the patent cells to set up core subject oriented executive patent teams for each set of technology. Only a deep rooted public-private initiative can enable a progressive patent policy.

There is a need to understand the dynamics of licensing. A right model needs to evolve linked to milestone payments and royalty post-commercialisation. These unresolved dynamics with no clarity on patents or lack of clear guidelines on how to enable a secure public-private partnership creates a 'law of the jungle' and unrealistic expectations from both public institutes and private companies. A need for a universal policy on patenting and licensing to enable sophistication in public-private partnering is the need of the hour and essential.

(The writer is CEO of Avesthagen)

**Are Indian R&D institutes patent conscious?**

**Are they investing in the right kind of patents?**