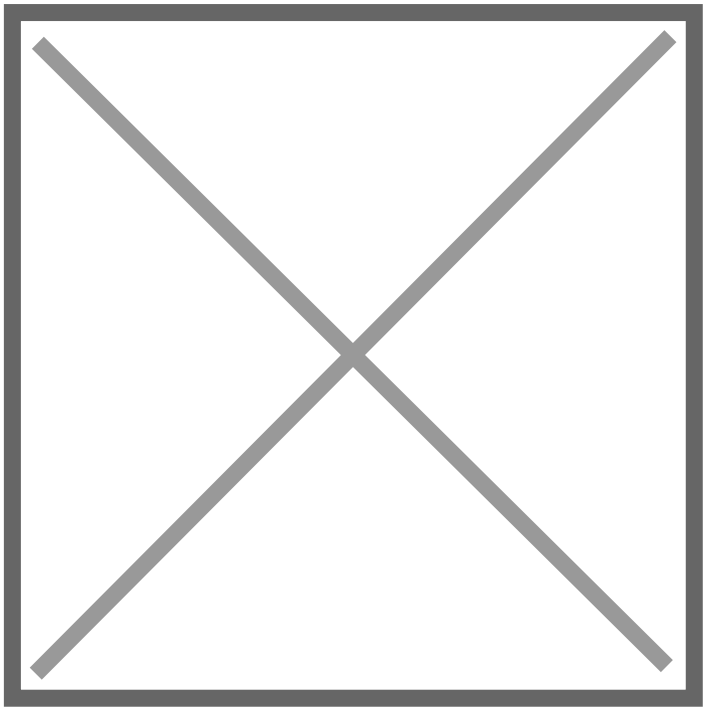
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Public funded R&D bill

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The scientific community is hopeful about the Public funded R&D bill, modeled on the popular Bayh Dole Act enacted in the US, although a few apprehensions are still abound. We find out more about the scope of the bill.

The Bayh Dole Act introduced in the US in 1980 created a uniform patent policy for the universities to own rights to patent resulting from federal funded research and to license these patents on an exclusive or non-exclusive basis. The underlying objective of this act was to stimulate innovation and ensure commercialization of the technology leading to increased public access to federally funded research. Taking inspiration from the Bayh Dole Act, the Protection and Utilization of Public Funded Intellectual Property Bill 2007, was introduced in the Rajya Sabha last year by the Science and Technology Minister, Kapil Sibal to develop a framework for protection and utilization of intellectual property created out of public funded research and development.

The bill seeks to provide a funding agreement between the government and the recipient before release of grants for R&D and also seeks to bar public disclosure, publication and exhibition of the public funded intellectual property. The bill is expected to ensure access to innovation by all stakeholders for public good and also enhance awareness on intellectual property issues, especially in universities, academic and research institutions. If the bill is enacted the scientific community will get several benefits out of it. BioSpectrum finds out the apprehensions and hopes of the scientific community regarding the bill that might see the light of the day soon.

Dr PN Rangarajan, professor, Department of Biochemistry, Indian Institute of Science, Bangalore, opined, “The Public funded R&D bill will certainly clear the confusion that is currently there on Intellectual Property Rights (IPR) arising out of publicly funded research. Almost 95 percent of R&D in Indian institutions is funded by government sources and many a times the funding agencies insist that the investigators sign an agreement to ensure that the IPR arising out of the research belongs to the funding agency. The bill with give a fillip to R&D and innovation by allowing the investigator and research institution to own the IPR and negotiate with an industry partner of their choice. A lot more innovations are likely to flow into the market place and in the long run it will definitely contribute to a better economic growth of the country.”

The bill also includes a public private partnership model which many feel has its distinct advantages. While commenting on this Dr Rama Mukherjee, managing director, Ara Healthcare, Gurgaon, said, “ Public funded R&D feeds industrial R&D, the academic information leads come from there, so a greater synergy between academia and industry would be great.” She also hopes that the bill will re-energize Indian Council of Medical Research (ICMR), Department of Biotechnology (DBT) and Council of Scientific and Industrial Research (CSIR) institutions leading to a better level of science and scientists in the country.

Echoing the same sentiment, Murali Nair, partner, advisory services, Ernst and Young, Mumbai, had earlier said in an interview to BioSpectrum that a commercial relationship between industry and academia will result from the implementation of the bill. “People will be engaged in a meaningful commercial research while they are still in campus and it will facilitate a number of research projects because the infrastructure gap can be narrowed and balanced,” he had said.

However, there are certain apprehensions surrounding the bill as well. Dr Souvik Maiti, senior scientist, Institute of Genomics

and Integrative Biology, Delhi, stated, “If the bill takes away the rights of the inventor or scientist to decide on whether the invention should be patented or should remain in the public domain, it will be a grave mistake. Unlike the American situation in the 1980s, in India there are several gaps that lead to the limited commercialization of scientific knowledge. This legislation alone cannot address all these gaps and therefore, may not provide a great impetus for innovation.”

Dr Sachin Chaturvedi, a Fellow at the Research and Information System for the Developing Countries, New Delhi, said that biotech is entering into a different patent regime owing to the growing convergence of technology. Hence a national regime on patents may not serve the purpose as good as the National Biotechnology Regulatory Authority (NBRA), which would be far more competent to deal with patents in the biotech sector. He further said that the bill is going to add a huge value to the effort of scientific institutions by enabling them to realign themselves with market oriented research. It will also create a greater synergy between the public and the private sector.