

LA & IPR SAMPLE CASELETS

Caselet 1: Compulsory Licensing

Scenario:

PharmaCo, a multinational pharmaceutical company, holds a patent for a life-saving cancer drug. Due to the high cost of the drug, access is limited in India. An Indian generic drug manufacturer, HealthGen, applies for a compulsory license under Section 84 of the Indian Patent Act, arguing that the drug is not reasonably affordable to the public.

Discussion Points:

Criteria for granting a compulsory license under Section 84.

The balance between patent rights and public health.

Precedents of compulsory licensing in India and their impact on the pharmaceutical industry.

Caselet 2: Patentability of Software

Scenario:

An Indian software company, TechSolve, developed a new algorithm that significantly improves data processing speeds. They filed a patent application under the Indian Patent Act. The Indian Patent Office rejected the application, citing that software per se is not patentable under Section 3(k) of the Act.

Discussion Points:

Understanding Section 3(k) of the Indian Patent Act.

The distinction between software per se and software with a technical application.

Possible amendments or case law that might affect software patentability in India.

Caselet 3: Compulsory Licensing

Scenario:

PharmaCo, a multinational pharmaceutical company, holds a patent for a life-saving cancer drug. Due to the high cost of the drug, access is limited in India. An Indian generic drug manufacturer, HealthGen, applies for a compulsory license under Section 84 of the Indian Patent Act, arguing that the drug is not reasonably affordable to the public.

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