

Q What is patently wrong with pesticide patents in India?

A Failure of western MNCs to introduce patented pesticides in Indian market.

119

is the number of new pesticide molecules granted patents in India in the last **15 years.**
(2010-11 to 2024-25)

72

is the number of patented pesticide molecules not yet launched in India. This works out to **61%**

18

is the number of patented pesticide molecules that went off patent in the last **15 years** without introduction in India.

35

is the number of patented pesticide molecules that have **<10 years** of patent life left – still not launched in India.

PATENTS ACT



Section 83 of the Patents Act requires patented products are introduced in India on a commercial scale without undue delay to benefit our economy.

The failure to introduce patented pesticide molecules violates the foundational principle of **Section 83** of the Patents Act.

The western MNCs who do not commercially introduce all their patented pesticide molecules are the ones now actively lobbying for “data exclusivity. Their plan is to bring off patent pesticide molecules to the Indian market under “data exclusivity linked monopoly” and enjoy profiteering.

This is a double whammy for India. It would only end up creating yet another market monopoly to these companies - beyond patent period. The patent period of 20 years is designed to give the inventor enough time to recoup the cost of R&D and regulatory registration.

Generic manufacturers in India may seek “compulsory license” if a patented pesticide molecule is not introduced within 3 years after grant of patent - under Section 84 of the Patents Act. This would considerably discipline the patents regime in India. Remember, patents are granted to encourage inventions and promote their commercial introduction in India to the fullest extent without undue delay.



CCFI

Crop Care Federation of India

E admin@cropcarefed.in | W www.cropcarefed.in