

## CORRESPONDENCE

tific community, and we work and publish in English.

The eight-volume series on plant biochemistry<sup>4</sup> (180 contributors) and the four-volume series on *Encyclopedia of Molecular Biology*<sup>5</sup> (480 contributors) have no Indian address, though the latter has contributions by nine Indians residing abroad. The five-volume series on *Encyclopedia of Bioprocess Technology*<sup>6</sup> contributed by 375 authors, has four authors with Indian address and nine Indians contributing from abroad.

Analysis as above may be made with other sources like *Encyclopedia of Biochemistry*, *Annual Reviews* series, *Critical Reviews* series, *Nature Reviews*, etc. and also in other disciplines. In conclu-

sion, this parameter, namely number of solicited articles in reputed compendia can also serve for assessment of quality of science contribution from any country, in any field.

1. Rehm, H.-J. and Reed, G. (eds), *A Multi-volume Comprehensive Treatise – Biotechnology (Second, completely revised edition)*, VCH, Weinham, vols 1–12 (including 16 volumes of subdivision).
2. Lederberg, J. (Editor-in-chief), *Encyclopedia of Microbiology (Second Edition)*, Academic Press, San Diego, 2000, vols 1–4.
3. Colowick, S. and Kaplan, N. (eds), *Methods in Enzymology*, Academic Press, New York.

4. Stumpf, P. K. and Conn, E. E. (Editors-in-chief), *The Biochemistry of Plants – Comprehensive Treatise*, Academic Press, New York, 1980–81, vols 1–8.
5. Creighton, T. E. (ed.), *Encyclopedia of Molecular Biology*, John Wiley, New York, 1999, vols 1–4.
6. Flickinger, M. C. and Drew, S. W. (eds), *Encyclopedia of Bioprocess Technology*, John Wiley, New York, 1999, vols 1–5.

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## Absurd patents – Are they really useful?

Patents have been one of the most debatable aspects of Intellectual Property Rights under TRIPS (Trade Related Aspects of Intellectual Property Rights). Member countries are free to determine appropriate methods for implementing requirements mandated under TRIPS for grants of Intellectual Property Rights under their legal systems, as TRIPS provides a broad framework for designing a legal system in accordance with TRIPS. TRIPS mandates criteria for granting patents that include novelty, usefulness and unobviousness. One of the objectives of patent system is fostering innovation and technology and bringing new inventions to market for the benefit of society. Whatever rules are framed by any member state pertaining to Intellectual Property Rights, these three criteria are to be looked into by various patent offices before issuing a patent. Thus, these three criteria are prone to be interpreted by various member states in different ways and what constitutes novelty in one country may not constitute novelty in another country. Out of these three criteria of novelty, usefulness and unobviousness, criterion of usefulness is the most loosely used criterion for granting patents by USPTO (United States Patents and Trademarks Office). As a major chunk of patents filed worldwide is in United States, patents granted by USPTO sometimes seem to be absurd and make one ponder how such inventions could be

useful or beneficial to society. One such example is US Patent no. 6,293,874 (ref. 1). This patent is granted by USPTO and the title of invention is 'User operated amusement apparatus for kicking the user's buttocks'. The description describing the 'invention' has 14 claims and helps to provide amusement to the user by kicking one's own buttocks! One may wonder why anyone on earth would like to kick his own buttocks to derive amusement; it is hard to believe that this 'invention' is useful to society in any way. Another example is US Patent no. 5,787,895 (ref. 2) and this 'invention' relates to the kissing shield. This 'invention' is entitled 'Kissing shield and method of use thereof'. These patents are commercially not viable and no sane person would like to commercialize these products, as few people would like to accept them. But the US patent system is totally different where 'anything under the sun made by the hands of man' is patentable. It seems it is easier to obtain a patent in US than in any other part of world. If the US patent system follows these rules what is the need to look into details of criticality of criteria for granting patents? And thus arguments put forward by the developed world that patent system helps in progress of science and technology and ultimately contribute to the nation's economy does not seem plausible to a certain extent. Such crazy or absurd patents, rather than contributing significantly to economy, are actually a

burden on it, as a large amount of money is wasted to get such patents that do not have commercial viability. It becomes difficult for the 'inventor' to assess at a later stage, whether to keep the patent in force by paying annual fees or it be allowed to lapse. These days the number of patents filed by the inventors from various countries is taken as a yardstick to measure technological progress of any country. Considering the above examples, such frivolous patents dilute the real intention of encouraging research and development in any field of technology and nurturing science. It is time to curb such frivolous patents granted to so-called 'inventors' or 'innovators' and promote science for true benefit of society and mankind.

1. Armstrong, J. W., US Patent No. 6,293,874.
2. Wood, D. G., US Patent No. 5,787, 895.

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