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Patent pledge to Indian universities

Critics worry that the push for technology transfer is moving too fast.

India's parliament will soon be scrutinizing a bill intended to help publicly funded institutes and universities commercialize their research. India's science minister, Kapil Sibal, is confident that the bill will become law and will help Indian universities "make millions through patents".

But the bill has been pushed through without an open debate and is not publicly available, prompting concern. "In a democracy you cannot bulldoze a bill like this," says Pushpa Bhargava, former vice-chair of the National Knowledge Commission.

The idea is widely believed to be the brainchild of Raghunath Mashelkar, former director-general of the Council of Scientific and Industrial Research (CSIR), who has turned his own labs into veritable patent factories (see *Nature* **442**, 120; 2006). After the knowledge commission backed the move in 2007, the government asked the Department of Biotechnology to draft wording for the bill, which the Indian cabinet approved on 31 October. It had been slated to go before a parliamentary committee this month, but the Mumbai terror attacks may cause it to be pushed into early 2009.

The bill is modelled on the 1980 US Bayh-Dole Act, which allowed US universities to

Kapil Sibal, India's science minister, wants the universities to create wealth.

patent discoveries derived from federally funded work. According to the Indian bill, scientists would be allowed to retain 30% of the net income earned from patents and licences. The scientist's institute would retain 40%, with the rest going into a fund maintained by the institute for managing intellectual property. Researchers in publicly funded institutes or universities would also be allowed, for the first time, to set up and work in private companies without having to leave their academic jobs.

"The benefits of publicly funded research are not reaching the public," Sibal told a meeting of

the Federation of Indian Chambers of Commerce and Industry (FICCI) in October. "We need to create an environment in which wealth can be generated from the university system."

Only a few top institutes in India have a good grasp of patents and markets. Between 1990 and 2002, Indian universities accounted for only 3% of patents filed by Indian organizations in the Indian patent office, and 1% of Indian patents filed in the US patent office, according to the New Delhi-based National Institute of Science, Technology and Development Studies. Researchers at institutes without a well-developed technology-transfer office can

apply to the National Research Development Corporation in New Delhi for help in commercializing their work.

Heads of publicly funded institutes support the bill in principle. "This will empower universities in an era of patents and competitiveness," says Samir Brahmachari, director general of the CSIR. But he notes that scientists and institutes also need to strike a balance between earning profits and keeping the public interest in mind, especially in fields such as affordable health care and infectious diseases.

Most university academics have not read ▶

India creates funding council for basic science

The Indian government plans to create an independent agency to promote basic research in science and engineering, along the lines of the US National Science Foundation, prime minister Manmohan Singh announced last week.

The new body, to be called the National Science and Engineering Research Board (NSERB), is expected to control an annual budget of 10 billion rupees (US\$200 million) annually — equivalent to about 15% of last year's total funding for science — in new funding. "It will provide unfettered financial assistance to researchers, academic institutions, research laboratories and industrial concerns," Singh told scientists on 3 December.

The idea of an autonomous funding agency was first mooted by the Department of Science and Technology (DST) in 2002. Prominent

scientists including C. N. R. Rao, chairman of the prime minister's scientific advisory council, have been lobbying for it since. "I am happy that it has finally come through," says Rao.

Parliament will establish the NSERB during its session beginning this week, and the agency will be functional from the financial year beginning 1 April 2009, says DST secretary Thirumalachari Ramasamy. Its nine-member board will be chaired by an eminent scientist, to be named by the cabinet, and will have several advisory panels.

Scientists can currently get funding from departments such as health, agriculture, energy or biotechnology — but usually only for research related to these areas. The biggest source of funds for basic science is the DST's Science & Engineering Research Council (SERC), which was set up in 1974. Last year, it distributed 3.6 billion

rupees for projects in all disciplines.

Rao says that the current funding mechanisms are too bureaucratic. Ramasamy says that "the NSERB can be fast" as it is not subject to the same government rules as SERC. SERC would continue to function but only to provide money to improve university science laboratories and to handle scholarship and fellowship programmes.

The idea of an autonomous board is "wonderful", says Seyed Hasnain, vice-chancellor of the University of Hyderabad and a member of the prime minister's scientific advisory council. "My only concern is it should not end up as another agency funding scientists in institutions already having a big budget. The bulk of the board's funding must go to university researchers, who are most neglected now."

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