

Workshop on Patent Opposition in Pharmaceutical Field

TWN
Third World Network



Concept Note

Background & Objective



Patent opposition strategies have played a crucial role in ensuring that unmerited patents do not block access to affordable medicines. The opposition system enables third parties to challenge unjustified patents through both pre-grant and post-grant oppositions.

India maintains a higher patentability threshold, which helps prevent the patenting of mere modifications or minor improvements of known drugs. For instance, Section 3(d) of the Patents Act, 1970 bars the patenting of new forms of known substances unless they demonstrate significantly enhanced therapeutic efficacy. Section 3(e) excludes mere admixtures that lack synergistic effects; Section 3(f) prohibits the mere rearrangement or duplication of known devices; and Section 3(i) excludes methods of treatment from patentability.

Further, the definition of "inventive step" under Section 2(1)(ja) requires that an invention show technical advancement or economic significance, and that it is not obvious to a person skilled in the art.

Despite these safeguards, pharmaceutical companies often file multiple patents with minor variations of existing drugs. However, the number of pre-grant oppositions (PGOs) has not shown a corresponding increase in recent years, even as the volume of patent applications has grown substantially. The proliferation of patent thickets—multiple overlapping patents on newer medicines—continues to pose serious barriers to generic entry.

The opposition system remains a critical tool for challenging such practices and ensuring that access to medicines is not unduly restricted.

This workshop is designed to equip junior and mid-level executives in the Indian generic pharmaceutical industry, as well as patent legal practitioners, with the knowledge and practical skills required to draft and argue pre-grant and post-grant oppositions in the pharmaceutical sector.

Participants will strengthen their capacities in areas such as prior art search, claim analysis, and opposition drafting through interactive discussions, case studies, and hands-on exercises based on real cases. The workshop will also draw on the experiences of past oppositions filed by patient groups, offering valuable insights into successful strategies used to block unmerited patents.

Workshop Details

DATES

28 May–01 June, 2026

LOCATION

IUCIPRS, CUSAT, Kochi, Kerala
Inter-University Centre for Intellectual Property Rights Studies, Cochin University of Science and Technology

TARGET AUDIENCE

Junior/Mid-Level Executives in Indian Generic Pharmaceutical Companies (Science background preferred) and Patent Law Practitioners

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Contact: campaign4access2medicinesindia@gmail.com

Accommodation, Food & Travel Fully Covered

Key Topics Covered

- Patent Law & Opposition Mechanisms – Impact on access, competition, and market entry
- Identifying Evergreening Strategies & Patent Thickets
- Understanding Patentability Criteria, Sufficiency of Disclosure, and Subject-Matter Exclusions, with a focus on Sections 3(d), 3(e), and 3(f) of the Patents Act, 1970
- Prior Art Search
- Trends in IPO and High Court Interpretations of Patentability Criteria and Subject-Matter Exclusions – Their impact on access and competition
- Analysing Patent Claims & Specifications for Weaknesses
- Drafting & Filing Pre-Grant and Post-Grant Oppositions
- Case Studies on Successful Pharmaceutical Patent Oppositions

Workshop Format

- Expert-led interactive sessions
- Hands-on exercises
- Group discussions and mock oppositions/mock hearings
- Case studies

Who Should Attend?

- Junior/mid-level Patent and IP Executives working on generic drug launches
- Legal teams handling patent challenges
- R&D professionals focusing on formulation and alternative strategies
- This five-day intensive workshop will provide valuable insights and practical tools to help Indian generic manufacturers navigate patent barriers and secure market access for affordable medicines.

RESOURCE PERSONS

1. Ms Pragma Singh Thakur

Ms Pragma Singh Thakur is an IP Attorney and Patent Agent. She specializes in patents, particularly pharmaceutical and chemical patents and her experience spans from prosecution to contentious proceedings such as oppositions. She has worked with various law firms before starting her practise under the banner of SUN IP & Regulatory Counsels. Apart from IP she has also gained experience in research as product development scientist and as a regulatory affairs professional.

2. Dr Rathish IG

Dr Rathish IG is an Assistant Professor at IUCIPRS, CUSAT, and a registered Indian Patent Agent. He also serves as Guest Faculty at IIT Hyderabad and coordinates the IPR Facilitation Cell at IUCIPRS. He holds a PhD in Chemistry and brings prior industry experience from R&D and patent departments of leading pharmaceutical MNCs. Dr. Rathish has filed around 25 patent applications and guides six PhD scholars in IPR. He is also a patent facilitator under the Government of India's SIPP scheme and an expert member of the Kerala State Biodiversity Board.

3. Ms Chetali Rao

Ms Chetali Rao is a biotechnology patent lawyer with nearly 20 years of experience in pharmaceutical innovations, access to medicines, and global health. She has worked with pharmaceutical, generic, and biotech companies, as well as consulting firms, shaping policies on intellectual property and biologics. She has contributed to international projects on patent reforms, collaborated with civil society and research institutions on biosimilars and essential medicines, and published on IP, trade, and access issues. She also has expertise in biosimilar regulatory policies in India and developing markets, including contributions to WHO consultations. Chetali holds a Biotechnology degree from IIT Roorkee and an LLM from the London School of Economics, where she was a Commonwealth Scholar.

4. Ms Rajeshwari Hariharan

Ms Rajeshwari Hariharan is the founder of Rajeshwari & Associates, is a distinguished Intellectual Property lawyer with over 27 years of experience. Known for her strong command of patent law and trial advocacy, she has led landmark IP litigations before the Supreme Court and various High Courts across India. She played a pivotal role in securing India's first-ever compulsory license for Natco and successfully litigated the Glivec case, which shaped the interpretation of Section 3(d) of the Patents Act. Her firm, established in 2009 in New Delhi, offers full-service IP expertise, including patents, trademarks, copyright, and regulatory matters. She has won several patent oppositions, managed global portfolios, and is a regular speaker and author on IP issues. Her contributions have earned her recognition as a Trademark Star (Managing IP, 2019) and Leading Patent Lawyer (Chambers & Partners, IAM).

5. Ms Prathibha Sivasubramanian

Prathibha Sivasubramanian is a legal expert with over 15 years of experience working at the intersection of intellectual property law and public health. She is associated with the Third World Network, where she focuses on issues related to access to medicines, pharmaceutical patent law, and TRIPS-related policy advocacy. Prathibha has been at the forefront of several high-impact patent oppositions, representing patient groups in landmark cases, including the Novartis v. Union of India case that shaped the interpretation of Section 3(d) of the Indian Patents Act. She regularly engages with civil society, policymakers, and international organizations on strategies to promote equitable access to healthcare technologies, and has contributed to research and publications on patent law, trade, and health.

We look forward to your participation!



Contact: campaign4access2medicinesindia@gmail.com