

## Part 1 - Lead Organizer

**Salutation**

**Contact Person** Prasanth Sugathan

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**Organization / Affiliation (Please state "Individual" if appropriate)** SFLC.in

**Designation** Legal Director

**Gender**

**Economy of Residence**

**Primary Stakeholder Group**

## Part 2 - Session Proposal

**Primary Theme**

**Secondary Theme (if any)**

**Session Title** Software Patents in India

**Session Format**

Description of Session Formats **Birds of a Feather (BoF)** – An informal discussion session designed to connect the participants of shared topic of interests without a pre-planned agenda. **Panel** - Presentation and/or sharing of viewpoints by speakers on a particular topic. The number of speakers on the panel shall not be more than 4 to allow sufficient time for interaction with the attendees. **Roundtable** - Interactive dialogue involving all participants with designated moderators and not more than 2 speakers.

### Specific Issues of Discussion

Indian patent law, unlike law in countries like the US, Australia and Singapore, specifically excludes business methods, computer programme per se, mathematical methods and algorithms from patentable subject matter. Notwithstanding this statutory position, it is seen that, a number of patents have been granted in the area of software and business methods in India. This discussion will cover the patentability of software and computer programmes under the Indian Patent Act. It will focus on the exception to patentability provided under Section 3 (k), and various judicial precedents, amendments, Parliamentary Committee Reports, and Manuals of Patent Office Practice and Procedure. The discussion will surround the burgeoning number of software patents being approved, inspite of the explicit exception, and the impacts that software patents have on innovation and development in India. Lastly, the discussion will focus on the imbalance in the number of software patents granted to foreign entities as compared to Indian players, and the impact this has on the Indian tech industry.

### **Describe the Relevance of Your Session to Theme**

The theme, Fostering Digital Innovation towards economic progress discusses important issues of governance and policy. It has been correctly identified that we are entering a techade, and the subsequent technological developments we see will be matched by patents and copyrights being claimed by developers. In light of this, it is important to have a settled stance on the patentability of software in India. This will provide confidence to developers of the regulatory landscape in India, and will also provide newer entrants to the market the freedom to innovate without being shackled by patents that have been claimed by large tech giants.

### **Methodology / Agenda**

The session will focus on presenting the report that SFLC.in has authored on Software Patents and will take questions on the subject.

**Please provide 3 subject matter tags that best describe your session.** #Patents #Access #FOSS

\*Please specify gender e.g. agender, cis woman, cis man, female, gender-fluid, gender-neutral, male, trans woman, trans man, etc.

### **Moderators & Speakers Info (Please complete where possible)**

	Moderator (Primary)	Moderator (Backup)	Speaker 1	Speaker 2	Speaker 3	Speaker 4
Name	Nilay Shah		Prasanth Sugathan			
Email	nilay@sflc.in		prasanth@sflc.in			
Organization	SFLC.in		SFLC.in			
Designation	Fellow		Legal Director			
Gender	Male		Male			
Economy of Residence / Country	India		India			

	Moderator (Primary)	Moderator (Backup)	Speaker 1	Speaker 2	Speaker 3	Speaker 4
Stakeholder Group	Civil Society		Civil Society			
Status of Confirmation	Confirmed		Confirmed			

**Please explain the rationale for choosing each of the above contributors to the session.**

Prasanth Sugathan is a lawyer with years of practice in the fields of technology law, Intellectual property law, administrative law and constitutional law. He is an engineer turned lawyer and has worked closely with the Free Software community in India. He has appeared in many landmark cases before various Tribunals, High Courts and the Supreme Court of India. He has also deposed before Parliamentary Committees on issues related to Information Technology Act and Net Neutrality