

Medical charity accuses US of pushing India to ease patent rules

October 19 2014, by Penelope Macrae

Medical charity Medecins Sans Frontieres (MSF) on Saturday accused the United States of ratcheting up pressure on India's new government to relax strict patent conditions which have made the country the "world's pharmacy".

India's vast generics industry is a major supplier of cheap copycat, lifesaving drugs to treat diabetes, cancer and other diseases afflicting poor people locally and globally who cannot afford expensive branded versions.

"India has been the world's affordable drug safe-haven—the biggest source of affordable medicines," Leena Menghaney, South Asia Regional Head of MSF's Access Campaign, told AFP.

"But now the US is trying to paint India as a rogue nation" in the area of [patent](#) law, she said in an interview.

India's stringent rules for obtaining patents and its \$12.2-billion generics industry reduce incentives to produce cutting-edge medicines, the US and other global drugmakers say.

MSF's comments come after the US Trade Representative announced in mid-October it was launching an "Out-of-Cycle Review" of India's intellectual property regime in which the nation's drug patent laws will be closely scrutinised.

Through the review, the US is seeking "constructive engagement that will both improve IP (intellectual property) protection and enforcement" in India, the USTR said in a website statement.

Menghaney, however, asserted the review was an attempt to "roll back progressive patent law safeguards" balancing [intellectual property](#) protection with need for affordable drugs.

The previous left-leaning Congress government, which lost power in May, had said it would not water down India's patent criteria, which are among the world's toughest.

Indian law stipulates drugs must "satisfy the test of novelty or inventiveness" to win patent protection.

But US authorities now are seeking to get Modi's right-wing government to lower India's patent eligibility bar, MSF said.

"The new government must stand firm and not allow the patent regime to be dismantled. It (India) must not be bullied," said MSF's Menghaney.

Unlike many Western nations, India does not award patents for so-called "evergreening" or tweaking existing drug formulas, angering multinational pharmaceutical firms which rely on such measures to extend patents and income stream.

Foreign drug companies also dislike India's "compulsory licensing" which allows a local company to produce a drug without the patent owner's consent if the medicine is deemed unaffordable and vital.

Following Modi's US visit, MSF noted the two governments agreed to "establish an annual high-level Intellectual Property Working Group with appropriate decision-making and technical-level meetings".

Menghaney said MSF fears the group will give Washington a "formal platform" to pressure Modi's government to change the country's patent laws.

The importance of India's cheap drugs in enabling charities like MSF to meet patient needs around the world "cannot be underestimated", Menghaney said.

"India has no reason to feel it's doing anything wrong in the patent arena—its rules are fully compliant with global trade rules" and are "seen as a model for such countries as Brazil and South Africa," she added.

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