INTELLECTUAL PROPERTY OR INDIVIDUAL PROSPERITY?

A decade after India drastically amended its patent laws, the US and global MNCs have renewed efforts to effect more changes that will serve their interests, says ALAN SRIKVAS.

"The MNCs were against Section 360 of the Indian Patent Act. They felt that it curtailed their prospect of maximizing profits. In response, the apex court observed, "The substitution of (Neurox) may appear plausible if the scrutiny of the law is confined only to the Act as it stands today after undergoing the amendments in 2005. But examined in the larger perspective of the development of the law of patent over the past 130 years and especially in cases where drugs have to be supplied to cheaper prices for the poor. In technical terms, the issue is about "evergreen" - whereby new patents prolong the patents and "comparative licensing", where the government enforces the patent to make a drug at a cheaper price. The biotechnology firm, which is working on new antibiotics, has decided to delay its patent application for some time until market conditions are clearer.

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