

Duality finger at US drug patent call

Fights big firms at home, lobbies for them in India: Activists

OUR SPECIAL
CORRESPONDENT

New Delhi, Jan. 28: International health activists have joined their Indian counterparts in decrying what they say are Barack Obama's dual policy on big drug companies, pledging to break their stranglehold in the US but promoting their interests in India.

The activists claimed yesterday that the India-US joint statement, issued during Obama's visit to India, contains signals that the Indian government could be preparing to weaken its intellectual property regulations on medicines, as desired by some pharmaceutical companies.

The statement had said both countries reiterated their interest in sharing information and best practices on in-

tellectual property rights issues, and reaffirmed their commitment to stakeholders' consultations on the policy matters concerning intellectual property protection. The statement said Prime Minister Narendra Modi and President Obama agreed to strengthen bilateral cooperation in the health sector, including distribution barriers and patent quality, among other areas.

Activists in India and the US have claimed that American-style intellectual property rights policy prescriptions could severely hurt the Indian health system, and restrict access to inexpensive generic medicines to patients in India and other developing countries.

The activists said Obama, whose first presidential campaign included a prominent pledge to "break the stranglehold" of pharmaceutical companies over access to affordable generic medicines, used the India-US business forum to call for increased intellectual property rights in India.

"Indian generics have been essential to expanding access to medicines around the world," Asia Russell, executive director of Health Gap, an international NGO monitoring intellectual property rights policies and impact on access to drugs said in a statement.

Sections of health activists in India have said the Indian government has signalled that

it is willing to change its stand on medicines, and veer towards the pharmaceutical companies' demand for "data exclusivity" that could curb production of new generic medicines. Data exclusivity would deny generic manufacturers from using any data generated by original companies that have developed new drug molecules.

"Such a move would benefit foreign multinational drug companies and leave Indian generic makers in the lurch, risking the health of millions of patients in India and other developing countries," said Anand Grover, director of Lawyers' Collective, a network of lawyers in India that has represented patients' groups.

and challenged certain decisions on patents in courts.

Activists believe India's existing patent laws on medicines have adequate safeguards that need to be rigorously implemented to protect the rights of patients. "It is strange that the Indian government is inviting US inputs on a draft intellectual property rights policy for India," said Kalyani Menon Sen, an activist with the Campaign for Affordable Trastuzumab, a non-government group seeking to lower the price of a drug used against certain types of breast cancer.

Representatives of pharmaceutical companies seeking changes in India's intellectual property rights regula-

tions have said the existing laws do not provide adequate recognition to innovation and the investments that go into research and development towards generating new drug molecules.

But Mathew Kavanagh, a senior policy analyst with Health Gap, disagreed. "India fully complies with international law while also making it possible for millions of people in India and around the world to access life-saving affordable drugs."

He said US drug companies want India to adopt data exclusivity rules that would turn US clinical trial data submitted to drug regulators into a right, and create a barrier to the registration of generics based on that data even when there is no patent on the drug.

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