

## US Leads the World in Use of Compulsory Licences: KEI

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While the US Government and strong American pharma sector have been up in arms against India for issuing compulsory licence in the sector, an eminent global non-governmental organisation has said that it is the United States which leads the world in use of compulsory licences. The United States "is leading the world in the use of compulsory licenses, and is hypocritical in voicing indignance when developing countries issue compulsory licenses for essential drugs," Washington-based Knowledge Ecology International (KEI), with its offices in Geneva, has alleged.

In a recent submission to the US International Trade Commission, KEI said that from 1970 until 2005, India did not grant patents on pharmaceutical products, and like many other developing countries limited or eliminated patent protection for pharmaceutical drugs.

"The US and other countries seek to limit and curb anti-competitive actions by businesses. One of the remedies available to curb anti-competitive acts are compulsory license on patents, copies, data or other types of intellectual property rights," said James Love of KEI. In its testimony, KEI said that from 1970 until 2005, India did not grant patents on pharmaceutical products, and like many other developing countries limited or eliminated patent protection for pharmaceutical drugs. When the WTO was created, its TRIPS agreement included a requirement that India and other countries grant patents on pharmaceutical products.

It created a new system to regulate the limitations and exceptions for patent rights, including the granting of compulsory licenses, he said.

According to KEI, India and other countries were reluctant to accept the TRIPS agreement, but did so after threats of unilateral trade sanctions, as part of a larger bargain that offered greater market access.

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