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ASIA EDITION

IPAB concludes hearing in Bayer Nexavar case

September 6, 2012 | News | By BioSpectrum Bureau

Indian IP board reserves order in Bayer Nexavar appeal

Bangalore: The Intellectual Property Appellate Board (IPAB) in Chennai, India, reserved its order during the hearing on the compulsory licensing (CL) case, in which Bayer appealed against the grant of compulsory license to NATCO for its anti-cancer drug Nexavar. The arguments of both the firms were heard by a two-member IPAB bench, comprising of Justice Prabha Sridevan, and DPS Parmar. No date for judgement has been fixed yet.

The first-ever compulsory license in India was given by the Indian Patent Controller P H Kurian on March 9, 2012, to NATCO Pharma, to manufacture a generic version of Bayer's anti-cancer drug Nexavar (sorafenib tosylate). Bayer had obtained a patent (IN215758) for Nexavar in India during 2008. Bayer has in particular sought to have the operation of the compulsory license order stayed until the appeal hearings were completed and IPAB passed its decision.

Prior to the compulsory licensing, patients needed to spend $5,500 (approximately Rs280,000) per month for obtaining Nexavar. The compulsory license reduced the price of sorefanib tosylate by 97 percent in the Indian market from over to $175 per month.

The issue of compulsory licensing has is highly debatable. While on one hand some believe that it will open up the field for the generic industry to provide more affordable drugs, on the other many feel that it will affect innovation.