

Patents rights in India unreasonably denied: US Pharma

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Singapore: Expressing grave concern over the deteriorating intellectual property environment in India, the Pharmaceutical Research and Manufacturers of America (PhRMA) have said that the situation is worrying.

PhRMA that represents America's leading biopharmaceutical researchers and biotechnology companies has further alleged that patent rights in the country are 'unreasonably denied'. "PhRMA remains concerned about the deteriorating intellectual property environment in India," said PhRMA spokesperson, Mr Mark Grayson.

Mr Grayson further added, "We have shared our views about the importance of promoting a policy environment that supports continued research and development of new medicines with Ambassador Rao and other members of the Indian government."

Only a few days back, India's Ambassador to the US, Nirupama Rao had written a letter to the US lawmakers defending India's IP policy explaining how India has a well-settled, stable and robust IP regime. A Congressional committee too held a hearing on the issue. "The three main pillars of this regime are comprehensive laws, detailed rules to back them up, and strong enforcement mechanisms, including for dispute resolution," she had said.

She had argued that more than 85 percent of all the patents granted for pharmaceutical inventions between 2005 and 2011 were owned by foreign companies in India. About 20-to-30 percent share of the patents were held by US.

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She had further noted that the provisions of the Compulsory License enshrined in the India Patent Act are in accordance with the provisions of the TRIPs Agreement and the Paris Convention. She had said that through such licensing mechanisms, all governments balance the rights of the patent holder.

"Since its inception, Compulsory Licensing has been an integral part of the patent regime of different countries.

Globally, 15 different countries, developed and developing alike, have issued more than 35 compulsory licenses. India has issued only one Compulsory License," Rao said.

However, Rao's letter has failed to convince the US pharma industry who continues to push the Obama Administration on India's policies related to the intellectual property regime.

"India's protectionist and discriminatory policies which exploit US IP to benefit their own industry requires an equally bold response. It is important that we view these actions for what they are, industrialist policies to benefit the competitiveness of India's own domestic industry," Mr Roy Waldron, chief intellectual property officer, Pfizer, told lawmakers last week.

"India's actions to undermine the incentives needed to make investment to develop new medicines, a hostile environment to IP will have a devastating impact on R&D investment in both the US and India and cause significant harm for US jobs and economic growth," he had said.