

Civil society groups hold protest demonstration in Mumbai against Novartis

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A group of people from the networks of people living with HIV, organisations working with vulnerable communities and other HIV organisations held a protest demonstration in front of the office of the Swiss pharmaceutical company Novartis in Mumbai to condemn the legal campaign the Swiss company is pursuing in India to undermine section 3(d) of India's patent law aimed at destroying the future production of affordable generic medicines in India.

The demonstration in front of the company's office in Mumbai - Sandoz House - coincided with the World AIDS Day.

"The pharmaceutical company has one priority: its profits", said Manoj Pardesi, of the Network of Maharashtra People with HIV (NMP+). "We're taking to the streets today, and many of us have come to the Novartis Office to protest against its deadly legal campaign against generic drug access".

Novartis has taken the Indian government to the Supreme Court, challenging the legal interpretation of a critical public health safeguard in the country's patent law - Section 3(d) - that principally limits the patenting of new uses and new forms of old medicines in India. If successful, Novartis' challenge could have major implications for future access to AIDS drugs.

Many developing countries rely on affordable medicines produced in India, and such medicines constitute over 80% of the AIDS drugs used in the developing world. If section 3(d) is weakened, patents would be granted far more widely in India, heavily restricting the production of affordable medicines that has become crucial to the treatment of diseases across the developing world.

India was able to produce affordable versions of medicines patented elsewhere because it did not grant patents on medicines. World Trade Organization rules forced it to do so in 2005. Indian lawmakers amended the patent law in a manner that prioritised public health over company profits, limiting patents to drugs that are new, and not just improvements of older medicines.

"Novartis lost its first attempt to get section 3(d) removed from the patent law in the Madras High Court", said Eldred Tellis, Director of Sankalp Rehabilitation Trust. "Now it is trying to weaken the provision in the Supreme Court. As the case plays out in the Supreme Court the future of millions of people living with HIV in India and in the developing world hangs in the balance".

With the kind of interpretation that Novartis is seeking on 3(d), far more medicines - even medicines that currently have no patent - will become patentable if a pharmaceutical company has filed applications in India on a new form or improved formulations of old medicines.

"In the area of AIDS treatment this is standard practice. Abbott has been trying for years to patent the heat stable version of the second line AIDS drug - lopinavir/ritonavir. Bayer tried to get a patent on the monohydrate form of the antibiotic - moxifloxacin in India - that is now used in MDR TB drug", said Shiba Phurailatpam, of the Asia Pacific Network (APN+). "All these are crucial drugs for people living with HIV and India is the pharmacy for these drugs. Opening the door for Novartis to patent imatinib salt will open the floodgates of such patents in India, which will have a chilling effect on generic production of our medicines".