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Health Ministry identifying more essential drugs for compulsory licence as debate still rages on

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Even as the debate over India giving compulsory licence heating up with US official too raising apprehensions, Union health ministry made it clear that it is strongly in favour of invoking the provision of compulsory licences in the case of more essential medicines.

The Ministry has already set up a panel to examine the issue in detail and consider granting compulsory licences to the essential medicines as per the requirement, Health Minister Ghulam Nabi Azad informed in a letter recently to Lok Sabha member from Kerala , Anto Joseph, who raised the issue in the House during the last session.

Without specifying the composition and members of the panel, the Minister said the committee under the Ministry was in the process of finalizing the names of the expensive patented drugs and other details including prices, accessibility and affordability.

The Planning Commission had some time back suggested to the Ministry to consult other concerned ministries and identify the drugs for which compulsory licence could be granted with a view to build 'drug security' in the country.

In March, the Patent Office had granted the country's first compulsory licence to Hyderabad-based drug-maker Natco, allowing it to make and sell in India, a similar version of Bayer's Nexavar, an advanced kidney cancer drug. The compulsory license has been granted by the Controller General of Patents, Designs and Trade Marks for the drug in which the compound is 'Sorafenib Tosylate' (Patent No. 215758). The patent was granted to Bayer Corporation, USA on 03.03.2008 by the Indian Patent Office, consequent to their filing a national phase application in India. Bayer developed the drug under trade name 'Nexavar' and received regulatory approval for importing and marketing the drug in India and launched it in India in the year 2008.

The decision had raked sharp reactions from the multinational companies who claimed that arbitrarily using of compulsory licenses would undermine innovation in the sector. Recently, the US Patent and Trademark Office (USPTO) deputy director Teresa Stanek Rea raised objection to it. "...disappointed in March, when India's patent office ordered Bayer AG to grant an Indian generics maker a compulsory license for the cancer drug Nexavar (sorafenib tosylate), ruling that it was expensive for most people to afford. We are consistent on our efforts of trying to stop these compulsory licenses," Rea stated.