

India reasserts its reservations on 'counterfeit' drugs at WHO meeting

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India, along with some other prominent members like Brazil, expressed strong reservation on the use of the term 'counterfeit' and the confusion it has created, at a recent briefing meeting on the work of WHO and WHO initiative – International Medical Products Anti-Counterfeiting Taskforce (IMPACT).

"We have concerns regarding the use of the term 'counterfeit'. These concerns include its association with trademark, and the danger that quality, safety and efficacy issues could be viewed through the lens of intellectual property," India said, terming all this as 'deliberate confusion' on the part of those seeking to increase IP enforcement regimes. India is of the view that this 'confusion' was responsible for the holding of shipments by European customs authorities while on the way from India to Africa and Latin America.

India said that IMPACT "lacks legitimacy" to define WHO's work on dangerous medicines as it has neither a mandate of operation from member states, and that its sources of funding and decision making are not transparent. "India does not regard IMPACT as a public health initiative because it does not frontally deal with [quality, safety and efficacy] issues," an Indian statement said, suggesting instead that the work of IMPACT might be better placed at WTO or perhaps within the plurilateral Anti-Counterfeiting Trade Agreement under negotiation.

Likewise, Brazil also said it did not want to use the word counterfeit. "There is no consensus on what exactly that word means at WHO. And if a definition is to be achieved it must be done through a full-fledge, member-driven and open-ended process involving WHO governing bodies," Brazil said.

The meeting saw sharp divisions between the members on the controversial issue, according to the reports. Many expressed reservations on the issue and claimed that there were no official figures about the quantum of the problem while those supporting IMPACT wanted to argue that 'counterfeit' was not equivalent to legitimate drugs such as lower-cost generics.

Though the IMPACT-sponsored attempt to redefine the word 'counterfeit' was sabotaged by India and others, the issue is reportedly still an active part of the WHO agenda. The WHO is expected to report on the topic to the World Health Assembly in May.