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India takes lead for guiding developing countries to drive WHO focus on public health instead of IPR

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India has taken the lead to get together a number of generic drug-producing nations to call for better definitions to ensure quality, strengthening of regulatory authorities in the respective countries, and bringing focus of the world to public health instead of intellectual property.

India, along with Brazil and South Africa, recently convened a meeting of experts and representatives of regulatory bodies of developing countries in Geneva on 'falsified and substandard medicines: current challenges and long term solutions – a public health perspective.' The initiative came as an inter-governmental working group, appointed by the World Health Assembly last year, is looking at the WHO's role to ensure the availability of quality, safe and efficacious and affordable medicines.

The developing nations called for focus on defining counterfeit, substandard and related terms, and to bolster national regulatory capacity. The experts at the meeting felt that the problem was about public health and not the IP rights.

"The deliberate confusion is created by some interest groups, conflating the concept of counterfeiting – which has a specific meaning in intellectual property law – with issues related to the quality, safety and efficacy of medicines has further confounded the issue," according to Indian Ambassador to the United Nations Gopinathan Achamkulangare.

India is concerned about drug consignments that in the European Union were subject to 'numerous seizures' and is further concerned about TRIPS and TRIPS-plus trends initiated by 'some developed countries in bilateral and regional' initiatives, such as the Anti-Counterfeiting Trade Agreement (ACTA), he said.

Special rapporteur to the United Nations Anand Grover said there is a push for conflating counterfeit medicines with genuine generics. "And this confuses the real issue. On 31 May 2007, the government of India published the results of a market survey on spurious, false, and substandard drugs. It found that actual falsified drugs which do not contain the active ingredient were 0.25-0.47 per cent of the market, whereas substandard drugs accounted for 8.95 to 10 per cent," he said.

"Pharmaceutical companies have a long-term agenda to have the same patent law all over the world. That is why after TRIPS, they pushed for TRIPS-plus. They couldn't do it in TRIPS Council, so they are doing it in free trade agreements. The India-EU FTA is the most dangerous thing that could happen," he said.