

India to be part of patent pool for HIV drugs, clarifies UNITAID

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UNITAID, which has just voted to create a patent pool for HIV/AIDS drugs with the aim of bringing down the prices of medicines for this dreaded disease, has clarified that India will also be included in the pool. However, the multinational lobbies are still learnt to be working to exclude India which is a lucrative market for the HIV drugs.

The executive board of the UNITAID, an international facility hosted by the World Health Organisation (WHO), on December 14 decided to create the pool, expected to start operating by mid-2010 to make newer medicines at lower prices. Without naming the countries, the official statement said that all 'low-and-middle' income countries will be included.

However, UNITAID official Ellen 't Hoen specifically clarified to Pharmabiz that India will also be included in the pool. The agency had based on the classification of countries done by the World Bank to decide on the set of countries, it was pointed out.

Notwithstanding this clarification, there are concerns among the public health activists that countries like India, Brazil, China may still be excluded at later stages as there is a long way of negotiations ahead before making the pool happen. As it is a voluntary measure on the part of the HIV drug makers, the UNITAID may be helpless in asserting the inclusion of these countries. Many of the drug makers are not in favour of including these countries including India in the pool as they are considered to be 'lucrative new markets', it is learnt.

UNITAID has committed to provide start-up funds of up to US\$ 4 million over the next year. Expected savings exceed one billion dollars a year, which will make more medicines available for more people. Generic companies will be allowed to make medicines in the chosen countries after paying a mutually agreed licence fee and the pool is expected to give a boost to the Indian generic industry also. A host of Indian civil society organizations have been pressing for the inclusion of the country in the pool.

The UNITAID has identified 19 products and is in talks with the companies. "These are the nine companies that hold patents in certain countries related to ARV medicines: Abbott, Boehringer-Ingelheim, BMS, Gilead, Merck, Roche, Tibotec/J&J, Sequoia, ViiV," UNITAID official Ellen told Pharmabiz. On the aspect of royalty parameters, the official said the royalty rates will still be part of the negotiations of specific terms and conditions of the licence.

Strengthening the apprehensions, International Federation of Pharmaceutical Manufacturers and Associations (IFPMA) has also raised concern about the patent pool which it felt did not follow the past or current patent pool structures. "Voluntary

participation of entities contributing to the patent pool should be considered an essential pre-requisite for this or any pooling mechanism,” it said in communication to its members recently.