

Public interest groups urge India to oppose moves at WIPO to harmonise patent administration

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A number of public interest organizations, mainly in the health sector, have urged the Centre to oppose any effort at WIPO General Assembly on harmonization of patent administration as it can fundamentally change the way in which substantive decisions about granting patents are taken by the patent offices in developing countries.

In a joint letter sent to the commerce minister and others, they have urged the government to question the rationale of establishing new Committee on WIPO Standards (CWS), and Committee on Global IP Infrastructure (CGI). They also wanted the government to take necessary measures to defend the domestic policy space as well as the public health safeguards available in the TRIPS Agreement and Doha Declaration.

The organizations also called for facilitating enhanced south-south co-operation in promoting alternate innovation models as opposed to the IP centric model pushed forth by developed countries. They also wanted the government not to welcome any capacity building programmes from the developed countries which promote an IP culture that is detrimental to Indian industries as well as public health.

Signatories in the letter included Initiative for Health Equity & Society(IHES), Indian Network for People Living With HIV/AIDS, All India Drug Action Network (AIDAN), Diverse Women for Diversity, International Peoples Health Council (South Asia), Drug Action Forum -Karnataka (DAF-K), Center for Legislative Research and Advocacy (CLRA), SATHI-CEHAT, Knowledge Commons, International Treatment Preparedness Coalition-India, Delhi Science Forum (DSF), All India People's Science Network (AIPSN), LOCOST, Centre for Health and Social Justice (CHSJ), National Working Group on Patent Laws(NWGPL), IT for Change, Centre for Internet and Society (CIS), and Centre for Trade and Development (Centad).

"Developed countries and MNCs have been lobbying aggressively for harmonization of the major substantive aspects of patent law such as grace period, prior art, novelty and inventive step at the global level. Substantive Patent Law Treaty (SPLT) proposed at the WIPO is meant to address the issues and concerns raised by developed country IP holders," the letter said.

"Patent examination is one of the substantive aspects of patenting. If it is done judiciously, it can facilitate better industrial development and better access to medicines. For instance, Tamiflu, that is used extensively for the treatment of H1N1 flu (Swine flu) across the world is an off-patented drug in India. Hence it is cheaper in the Indian

market. On the contrary, in most of the developed countries, tamiflu is a patented medicine and is exorbitantly priced. Similarly, the Indian patent office has rejected many foreign patent applications of pharmaceutical substances that are used in medicines such as tenofovir, darunavir (HIV/AIDS) and imatinib mesylate/Glivec (leukaemia) on the ground that the applications did not satisfy novelty as required by the Section 3 (d) of the Indian patent act. Generic industry in India has benefited enormously from these off patented drugs. An important fact to be noted is that it has also ensured better accessibility to comparatively cheaper drugs in India and other developing countries," the letter said.