

WHO echoes Indian view of anti-counterfeit laws in Africa hit accessibility of generics

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The World Health Organisation (WHO) has echoed the apprehensions earlier expressed by the developing countries like India that the anti-counterfeit legislation that was adopted or that is under consideration in some of the East African countries like Kenya and Uganda threatens the accessibility of affordable generic medicines.

WHO director of essential medicines and pharmaceutical policies Hans Hogerzeil, in an interview to Inter Press Service (IPS) in Geneva recently, said that 'national legislation on counterfeit medicines has to be very carefully drafted. If the definition of counterfeits is too wide, it may lump together actual counterfeit and fake medicines with generic medicines'. Hogerzeil was one of the speakers at a technical symposium on access to medicines jointly organised by the WTO, WHO and WIPO on July 16 in Geneva.

Concerned over increasing number of African countries like Uganda, Kenya, Tanzania and Zambia planning anti-counterfeit legislation, India has been expressing the view that such move will be tantamount to denial of access to essential and affordable medicines to millions of poor people in the third world countries. In fact, the Indian commerce ministry had embarked on a 'Brand India Promotion' programme in the African countries earlier this year to counter the MNCs' propaganda against the Indian generic drugs.

Expressing concern about the public health aspect of counterfeit and fake medicines, Hogerzeil said that examples of laws that err in this regard are the draft laws in Kenya and Uganda that have been proposed but have been challenged and are now being reviewed.

While WHO leaves the intellectual property aspect to the other organisations, such as the World Intellectual Property Organisation (WIPO) and the World Trade Organisation (WTO), it is consulting with member states to draft model legislation, including a model definition for counterfeit medicines, which will specifically deal with public health and prevent that anti-counterfeit legislation is misused to frustrate the trade in legitimate generics, Hogerzeil said.

Driven by the multinational drug companies' propaganda against the generic drugs, some of the African countries have been enacting laws under which generic medicines will be considered as counterfeit drugs. After Kenya and Uganda started the trend by enacting a law which virtually equated generics as counterfeit drugs, some other countries like Tanzania and Zambia have also started deliberations on a similar law.

The African region is very important for the multinational drug companies, as the African countries have huge public health agenda due to the high prevalence of HIV, dengue, and many other dreaded diseases. The multinational drug companies have been making it a pre-condition to the African countries to enact similar laws before making huge investments in these countries.