

High Court rules in favour of Natco Pharma on Nexavar

Patent Bureau

Hyderabad, July 15: The Bombay High Court has upheld the compulsory licence (CL) granted to Nexavar of Natco Pharma and allowed the company to sell a generic copy of a patented cancer drug made by Bayer. The German drugmaker had filed a plea challenging a March 2013 order passed by the Intellectual Property Appellate Board (IPAB) permitting Natco Pharma to manufacture

and sell a generic copy of the patented drug Nexavar.

In a release, the company said, "The Bombay High Court upheld the compulsory license granted to the company on Nexavar (sorafenib tosylate) of German drug Major Bayer's patented kidney cancer drug."

The Nexavar issue dates back to March 9, 2012, when the then Controller General of Patents Design and Trade marks issued the CL to the company to manufacture an

affordable generic version of sorafenib tosylate, the anti-cancer drug for which Bayer had obtained a patent. Natco Pharma was asked to pay a royalty of 6% on net sales of the drug to Bayer.

Natco's generic anti-cancer drug is priced at ₹8,800 for a month's dosage, a fraction of the ₹2.8 lakh Nexavar costs. Following this, Bayer challenged the ruling at the IPAB, which refused to stay the compulsory license granted to Natco Pharma.