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Abbott backs India's drug patent regime

US Co Contradicts Big Pharma On IP Fears

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New Delhi: The government has received support from an unexpected quarter in its battle against the US on the intellectual property (IP) regime.

Amid an uproar for action against India by Big Pharma, American drug major Abbott has told the US International Trade Commission (USITC) that it is "not currently facing any significant challenges with respect to intellectual property protection in India".

Abbott is the second US company after Boeing to support India's case, leaving companies such as Pfizer and Novartis as the top protesters who are demanding changes to the Indian IP regime, which allows flexibility to patent authorities to turn down frivolous patent applications. In addition, they want the provision to waive patent rights, or issue compulsory licences in special cases, to be withdrawn.

The USITC, a quasi-judicial body, is investigating if Indian government policies and tariffs impacted American companies, investment and jobs. Various companies and industry groups are making submissions to the agency and Abbott presented its position to William Powers, project leader of the India Survey Project Team, on April 18.

"India is an investment priority and fundamentally important to the future of Abbott. We have had a positive experience in India, are committed to a long-term presence, and remain optimistic about our future because our diversified product offering makes us uniquely able to meet the health needs of Indian citizens. We are also proud of the work we do there, which we believe makes a substantial positive impact on the health of India's people," Abbott said in a five-page note. At the same

PATENT WAR

► Five pharma companies seen lobbying hard for US action against India

► Govt sees Pfizer leading the charge, along with BMS, Bayer, Novartis and Roche

► Pfizer had recently met India's ambassador to the US

seeking amendments to Indian patent law

► Drug companies fear "contagion effect" in other countries after India revoked frivolous patents, waived rights to offer cheap cancer medicine

► Boeing had earlier backed India's IP regime



time it called for greater transparency in decision making to boost investor confidence.

"The Trade Related Aspects of Intellectual Property Rights (Trips) Agreement provides an important framework for that protection and it is important that all World Trade Organization members meet their obligations under Trips. Currently, Abbott is not facing any significant challenges with respect to intellectual property protection in India," it added.

Abbott's position puts the spotlight on five pharma companies — Pfizer, Bayer Corporation, Novartis, Bristol-Myers Squibb and Roche — which are seen to be the main protesters. The government

suspects that Pfizer is leading the charge as it fears that actions taken by India, although allowed under Trips, was resulting in similar action in other countries.

For instance, Australia recently enacted the Raising the Bar Act, seen as the biggest revamp of the IP rights regime in close to two decades. The legislation, which came into effect just last week, gives customers access to a simplified IP system, while also helping innovators. Several other countries such as Argentina and the Philippines are also amending their laws, while others such as Brazil, China, Russia and South Africa are contemplating changes.

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