

**GOVERNMENT OF INDIA  
COMMERCE AND INDUSTRY  
LOK SABHA**

UNSTARRED QUESTION NO:2013

ANSWERED ON:20.07.2009

PATENT VIOLATION CHARGES

Adhalrao Patil Shri Shivaji;Adsul Shri Anandrao Vithoba

**Will the Minister of COMMERCE AND INDUSTRY be pleased to state:**

- (a) whether Indian Pharma firms are facing patent violation charges in Europe;
- (b) if so, the details thereof and the response of the Government thereto;
- (c) whether even after India raised concerns with European Union, generic companies in India which export drugs to developing countries through Europe face seizures by Dutch customs;and
- (d) if so, the reasons therefor and the steps taken by the Union Government in this regard?

**Answer**

MINISTER OF THE STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI JYOTIRADITYA M. SCINDIA)

(a) to (d) Yes Madam, there have been instances of seizure of consignments of Indian Generic drugs by Dutch authorities under EC Regulation No.1383/2003 dt.22.7.2003 on the grounds that the pharmaceuticals were patented in Europe and thus infringed the rights of patent holders in Europe. India has represented to Dutch Government and EC against this as these products were not violating any patent rights. Neither there were existing patents on them at the place of production nor at the place of destination and there was no proof of products likely to be diverted in European markets.