

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

UNSTARRED QUESTION NO:1678
ANSWERED ON:07.03.2011
REJECTION OF HIV DRUG PATENT APPLICATION
Paranjpe Shri Anand Prakash

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

- (a) whether India has rejected HIV drug patent application of US based company;
- (b) if so, the reasons for this rejection;
- (c) whether this rejection will help domestic drug makers to produce low cost version of this drug;and
- (d) if so, the details thereof and its impact on consumers due to benefit of low cost production?

Answer

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

(a): Yes, Madam. 6 HIV drug patent applications of US based companies, as listed below, have been rejected:

Sl. No.	Country	Patent Application No.	Name of the Drug (Active ingredients)	Applicant Name
1	USA	712/DEL/2002	Crystalline adefovir dipivoxil	Gilead Sciences
2	USA	396/DEL/1996	Oseltamivir	Gilead Sciences
3	USA	3383/DELNP/2005	Tenofovir disoproxil fumarate and emtricitabine	Gilead Sciences
4	USA	2076/DEL/1997	Phosphonomethoxy nucleotide analogue prodrug	Gilead Sciences
5	USA	339/MUMNP/2006	Dispersion of ritonavir and lopinavir	Abbott Laboratories
6	USA	IN/PCT/2002/1243/MUM	Crystalline forms of lopinavir	Abbott Laboratories

(b): The applications listed above have been refused as these are not patentable under sections 2(1)(j), 3(d) and 3(e) of the Patents Act, 1970 as amended in 2005.

(c) & (d): Since, the above mentioned patent applications have been rejected, there is no monopoly right over the production of these drugs in India.