

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

UNSTARRED QUESTION NO:3503
ANSWERED ON:03.09.2012
PATENT RIGHTS ON CANCER MEDICINE
Sugumar Shri K.

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

- (a) whether the Government has responded aggressively to protests from developed countries such as United States over waiving off patent rights on a cancer medicine by India and to allow the sale of the drugs at a lower cost;
- (b) if so, the details thereof;
- (c) whether the Government has been using the provisions of the TRIPS Agreement to enable access to cheaper medicines;
- (d) if so, the details thereof; and
- (e) the reaction of the developed countries in this regard?

Answer

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

- (a) & (b): The Government has not received any formal protest on the issue of Compulsory Licence for 'Sorafenib'.
- (c) & (d): Subsequent to the TRIPS Agreement, India's IPR regime which includes the patent regime was amended to incorporate all provisions of TRIPS. In March, 2012, a Compulsory Licence was issued by the Controller General of Patents, Designs & Trademarks under Section 84 of the Patents Act, 1970 (as amended in 2005) for the cancer drug 'Sorafenib'. The order has been appealed by M/s. Bayer Corporation Ltd. in the Intellectual Property Appellate Board (IPAB). The matter is sub judice.
- (e): The Special 301 report, prepared annually by the United States Trade Representative under Section 182 of the US Trade Act, 1974, in 2012 mentions that the "US will monitor developments concerning Compulsory Licensing of patents in India following the broad interpretations of Indian law in a recent decision by the Controller General of Patents while also bearing in mind the Doha declaration of TRIPS and public health"