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Govt scraps diabetes drug patent

Sidhartha | TNN

New Delhi: After combating bio-piracy of neem and haldi in the US and Europe, India has now woken up to the problem in its own backyard.

In the first such move since 1994, the government has revoked a patent granted by the Indian Patents Office for a diabetes medicine made from the extract of jamun, lavangpatti and chundun, saying it was an “integral part” of traditional medicine.

Using a “rarest of rare” provision in the Patents Act, the government decided to quash the protection that drug maker Avesthagen got earlier this year. It said the patent was “mischievous to the state and generally prejudicial to the

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public” as the treatment was an “integral part” of ayurveda, unani and siddha system of medicine. The patent was proving to be a major embarrassment, given that India has for long fought for protecting traditional knowledge and genetic resources and sought to

check piracy of ayurvedic and other traditional forms of medicine. What is even more curious is how the Indian Patents Office gave the protection after the government had successfully got European authorities to turn down the application two years ago. While the problem seems to have been dealt with at least for the moment, there could be more in store as the government has discovered that there are at least four or five similar instances of patents given to medicines over the last five years or so that have been “developed” using commonly used plants and fruits, ranging from amla, methi, karela and ashwagandha.

Cancelling the patent given to Avesthagen was not easy

as the company argued that the extracts, which work individually in managing diabetes, had an aggressive effect when combined.

Defending the patent, the company told the department of industrial policy and promotion that it developed the formulation from three plants after it had originally identified some 100 plants, which were shortlisted to 10.

Arguing that the patent was not prejudicial to public interest, the company said the “invention” was novel and provided scientific validation to Indian traditional knowledge and would support Indian farmers, from whom the plants would be sourced, and provide employment to people.