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Govt scraps patent for diabetes drug

Sidhartha | TNN

New Delhi: After combating bio-piracy of neem and turmeric 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 (cinnamon) and chandan (sandalwood), 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 public” as the treatment was an “integral part” of the ayurveda, unani and siddha systems of medicine. The patent was proving to be an embarrassment, given that India has for long fought to protect traditional knowledge and genetic resources, and sought to check piracy of ayur-

INDIAN DOSE

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vedic and other traditional forms of medicine. What is even more curious is how the patents office gave the protection after the government successfully got the European authorities to turn down the application two years ago.

The only other time the provision was used was to cancel the patent given to a US firm for developing cotton cells by tissue culture.

► **More under scanner, P 13**

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More patents are under scanner

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New Delhi: The government has used “the rarest of rare” provision in the Patents Act to revoke the patent given to Avesthagen for a diabetes medicine. The only other time the government has used this was to cancel the patent given to a US firm for developing cotton cells by tissue culture.

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. “In one case, we have established that the patent was wrongly given. We are investigating the others and if we find similar problems, we will deal with it,” an official said. 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. In addition, it used an approach that is “innovative, novel and scientific” in developing a formulation and screened it for efficacy and safety using modern technology. 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. The government, however, countered it by saying that for centuries, it was known that the plants were used for management of diabetes and there were no inventions.