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Government scraps patent for berry-based diabetes drug

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 a first such move since 1994, the government has revoked a patent granted by the Indian Patents Office for a medicine made from the extract of jamun, lavangpatti and chundun meant to treat diabetes.

Using a “rarest of rare” provision in the Patents Act, the government has decided to quash the protection that drug maker Avesthagen had got earlier this year on the ground that the patent right is “mischievous to the state and generally prejudicial to the public” as it is an “integral part” of ayurveda, unani and siddha system of medicine. The only other time that the



provision was used was to cancel a patent given to a US firm for developing cotton cells by tissue culture.

But this time, the patent given to the mix of jamun, lavangpatti and chundun is 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 medicines.

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 applica-

tion 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.

“In one case, we have established that the patent was wrongly given,” an official said. “When plants are known to act against a particular disease, extracts would certainly perform the same function,” the official added. Besides, the government is of the view that a patent cannot be granted for validating something that is part of traditional knowledge.