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Patent for jamun-based diabetes drug scrapped

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Government scraps patent for jamun-based diabetes drug

Rights Were Mischievous And Prejudicial To The Public: Centre

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 decided to quash the protection that drug maker Avesthagen had got earlier this year on the grounds that the patent right was "mischievous to the state and generally prejudicial to the public" as it was 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 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 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 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.

"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 inter-

est, 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. "When plants are known to act against a particular disease, extracts would certainly perform the same function," an official said.

Besides, the government is of the view that a patent cannot be granted for validating something that is part of traditional knowledge.