

**Symposium on -  
Indian Patents Act 2005  
- *An Impetus to Science in India***

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*Effective Healthcare Delivery Lies in Enabling Policies*

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Ushering in the product Patent Regime in India, heralds the dawn of a new era, the era that vindicates not only the need to encourage, protect and reward innovation for the rapid progress of the nation, but also to compete effectively in the knowledge economy with the best in the world to re-establish India as a leading country with significant share of the global economy. However, it is quiet unfortunate that the Patents that protect today's innovation and drive research and development to create tomorrow's life saving treatments are under criticism from some quarters.

**Access to Medicines: Paradoxical Situation**

India chose to follow an alternative to Product Patent Regime for many years, since 1970. In 1970 the Government of India amended its Patent Law with a clear objective in mind to reduce the prices of medicines, to improve their access to the ailing population of the country.

As a result some drugs were made cheaper. However, the moot question, we need to address now, was it a panacea? While looking back it does not appear so. On the contrary, the situation remained as gloomy thereafter. *So as far as access of medicine is concerned, after almost four decades of continuation of the above policy around 65 per cent of the Indian population still does not have access to cheaper off-Patent medicines, against comparative figures of 47 per cent*

in Africa, 15 per cent in China, according to a study by International Policy Network in November 2004.

*Children in our country still go without routine vaccinations even though Government of India has made primary vaccination programmes free in our country for all.* Even in a situation like this, where affordability is no issue, only about less than 40 per cent of infants of the age group of 12 months to 23 months are fully vaccinated against six major childhood diseases. Tuberculosis, Diphtheria, Pertussis, Tetanus, Polio and Measles (Source: Outlook – 7<sup>th</sup> April, 2008]. Moreover, you know despite the solution of cheaper generic HIV Aids medicines by the Government and other organizations, mostly free for years; - only 5 per cent of India's Aids patients were receiving any drugs by the end of 2006 [Editorial by IPN: "Attack on Patients Hurts the Poor" by Alec Van Gelder & Franklin Cudgoe – Business Daily, Africa).

The above two important examples prove the point very clearly, that addressing the issue of price alone will not help our country to solve the issue of poor access of medicine to the ailing population of India. Only a sharp focus on rejuvenation of our fragile healthcare system, rapid development of healthcare infrastructure, and most importantly building a healthcare financing system through either the Government or Public-Private Partnership will help address this pressing issue.

### **Patent Regime has not Increased Prices**

Indian Patent Act 2005 has paved way for innovation and hi-tech research and development within the country. Contrary to adverse forecast from some quarters, prices of medicines in India have not gone up.

However, medicines relatively play a small role in rising overall healthcare spending, including hospitalization, it is important to ensure that individuals with large healthcare expenses have affordable access to medicine. A good affordable Insurance coverage, (both Government and private) available to all Indians belonging to various socio-economic strata to avail the above measures will help address the key issues of both access and affordability of medicines for all, in a holistic way.

### **Effective Healthcare Delivery Lies in Enabling Policies**

Attack on the patent system is not really a defense of the patient or the poor, but on the contrary such attacks help diverting attention from the core healthcare issues, which include various components of a healthcare system, healthcare infrastructure and healthcare financing. Health of our nation will depend on how well these key issues are being addressed by the policy and decision makers of our country. Our country cannot afford to ignore that Intellectual Property Rights is one of the keys to prosperity of the great nation of ours. All efforts should be made in a sustained manner to encourage, protect and reward innovations in all fields under a robust Patent Act for inclusive growth of our country.

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