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Intellectual Property In India: Novartis Sees Patent Protections To Be In Patients' Best Interests (Part 3 of 3)

Ultimately, Novartis' lawsuit and the Mashelkar Commission's findings have inflamed political and economic factions over what is in India's "national interest" - maintaining access to low-cost drugs for India's poor, or creating a foreign investment-friendly environment in India by bringing its intellectual property infrastructure on par with other nations.

"Our point was going beyond Gleevec," Novartis' head of corporate research Paul Herrling acknowledged. "In essence we say that India is an important country. It's an emerging market. It would not be in the interest of patients or of companies to have in India this kind of weakening of patent protection."

The significance of Novartis' legal battle has even drawn criticism from members of Congress. House Committee on Oversight & Government Reform Chairman Henry Waxman, D-Calif., issued a letter Feb. 13 to Novartis CEO Daniel Vasella, in which the congressman requested Novartis "reconsider [its] challenge of public health safeguards in India's patent law."

"Novartis ... should respect countries' rights to take measures that balance the protection of innovation and the promotion of public health," Waxman wrote.

Currently, there is no Gleevec market for Novartis in India since 99 percent of patients taking the drug in India receive it for free under the company's access program. However, eyeing the 140 million people in India's upper and middle class bracket growing at over 4 percent per year, Novartis and other pharma companies are particularly interested in clearing potential hurdles that may hinder their access to this emerging market.

According to Novartis, limiting patents will not improve access to drugs for the poor. "People really misunderstand the role of patents in this access issue," Herrling said.

Novartis has started several access programs for drugs critical to the developing world. In the case of the malaria drug **Coartem** (artemether-lumefantrine), Novartis provides 62 million pills at cost and does not enforce its patent for the drug in many developing nations. Additionally, the Novartis Institute for Tropical Diseases in Singapore is a nonprofit drug discovery institute for the developing world, which works with non-government organizations to improve access to drugs for the poor.

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