

Globally and in India, the biotech industry has been championing the cause of affordable drugs through innovation. And the biotech industry has always projected the image of a patient-friendly sector striving to help patients in need all over the world. And this image has earned the industry a high public profile.

So, is the compulsory licensing of Nexavar a bad idea? After all, the Indian government has only used an option available to it under the global trade provisions. If governments such as India can't use these provisions to increase availability of a key medical product, what is the use of such a facility, ask many health activists.

There is a fear that India may set a trend and the Nexavar decision will be followed by more such compulsory licensing of other drugs patented in the country since 2005. There is no evidence to show that such a trend may be set. After all, this is the first case of compulsory licensing by the country after adopting the new intellectual property regime.

It will certainly help if India's health administrators explain the rationale for the decision on Nexavar and also present the plight of these 29,000 liver cancer patients in the country that convinced the government to take such a decision. Such a step will certainly help calm the industry and also provide some clues to the future decisions on several applications for compulsory licensing pending with Indian Patent office. The biotech industry should demand a position paper on Nexavar and compulsory licensing from the government immediately.

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