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Venus Remedies wins legal battle against French firm over intravenous paracetamol patent

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Venus Remedies challenged the Indian patent by the French pharmaceutical giant SCR Pharmatop in 2011 after prompted by an attempted drug patent linkage by the patentee before the drug regulator of India



Venus Remedies won a 10-year long legal battle that challenged patent claimed by French pharmaceutical firm SCR Pharmatop for producing the intravenous paracetamol solution in India.

In a decision dated June 4, 2021, the Indian Patent Office decided in favour of Venus Remedies and upheld its decision for revocation of the Indian patent because the process lacked any inventive step that made it superior to other existing solutions.

Venus' opposition was intended to remove any Indian patent hurdle in manufacturing intravenous paracetamol solution in India. As intravenous paracetamol plays a critical role in managing inflammation and fever, hence the revocation of this patent is an encouraging development for the healthcare sector in the country reeling under the current pandemic.

Sharing the development with the key stakeholders of the company, Saransh Chaudhary, President, Global Critical Care, Venus Remedies said, "We are committed to finding and developing the best solutions for global health challenges the biggest part of which is bridging the gap between people and robust healthcare facilities. Our endeavour here was to make sure that critical drugs such as intravenous paracetamol are available in our country to be manufactured generically and accessible at economical prices for the general public, particularly during these difficult times."

VRL filed the post-grant opposition against the SCR Pharmatop's intravenous paracetamol patent back in 2011 before Indian Patent Office on several grounds such as lack of novelty and lack of inventive steps, among others. During the case, Patent Office first revoked the patent in 2018 observing that the claims made by SCR Pharmatop are obvious to an ordinary person skilled in the art, however, the company moved their plea to Delhi High Court and Intellectual Property Appellate Board (IPAB).

IPAB directed the Patent Office to again hear the matter and after hearing and written submissions from both parties the Indian Patent Office gave its final decision on June 4, 2021, maintaining the revocation order of Patent no.238164, dated December 24 2018.