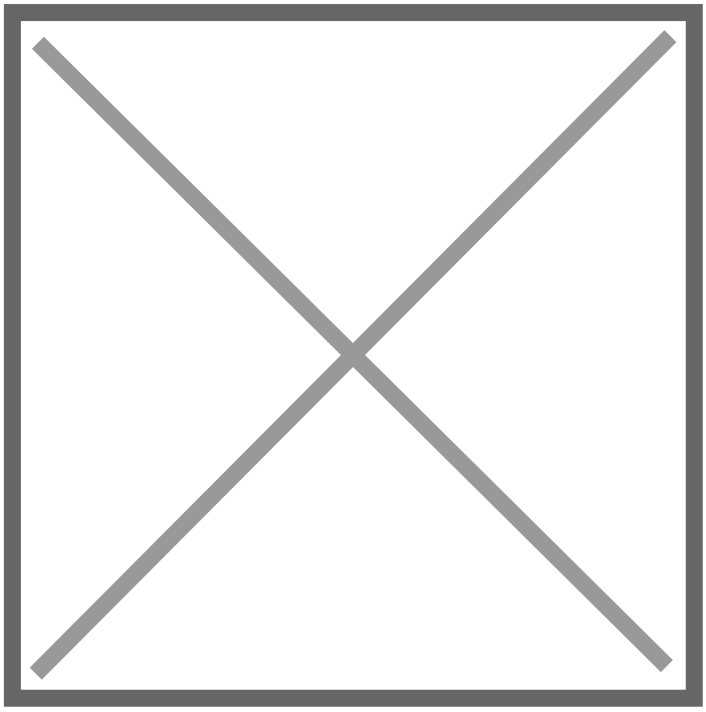
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IPR is a win -win step for biotech industry

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The decade is the 1990s. Companies like Ranbaxy, Wockhardt, Nicholas Piramal, Dr Reddy's Lab with varied interests in pharmaceuticals invest significantly in R&D of biotechnology. The results of which are now being employed commercially in various sectors such as the pharmaceutical, chemicals and food industries. These companies have become the major developers and users of biotechnology. They are the proud patent holders of their products.

It's the IPRs that have made the difference to maximize the returns and to establish monopolistic ownership over the products and technologies, thus allowing them to control their market share.

Benefits

For a developing country like India, IPR regime will provide more strength and support to the intellectual capital as it has a large talent pool, hundreds of top class R&D centers, and rich biodiversity . It is the lack of awareness about the IPR that has pushed India to the era of brain drain. What better proof than the fact that Indian form 15 percent of the scientific community in the US . It is the laws in India have to be strong enough to protect the interests of the scientific world and also the company.

The IPR regime helped the companies to enhance their turnover, increase the market share and to capitalize on the market. For example sales of Wockhardt's new products launched in the last five years have moved up from 32 percent in 2000 to 36 percent in 2001.

The government has formulated schemes to provide financial assistance to educational institutions for IPR study and research. The scheme includes 100 percent financial assistance to organize seminars and workshops and set up resource centers and libraries.

In biotechnolgy, India has tremendous opportunities to offer contract manufacturing and research services. However, foreign companies are slow to move work to India due to the fear that the sensitive data could be misused by various companies to make competing products through alternate routes. Till 2004-end, India will allow process patents on pharma products and intends to switch to globally acceptable product patents from 2005.

Two legal experts Dr Martin J Adelman, Professor of Law and Director, IPR George Washington University and Judge Randal R Rader, United States Court of Appeals for Federal Circuit were in India to brief the industry about the advantages of the patent system. Judge Rader said India was compelled to switch to the product patent systm due to the compulsions of acceptance by the international economic system, international legal system and the international humanitarian system.

Explaining how the international economic system compels India to go for IPR, Judge Rader pointed out that most of the intellectuals working in various countries prefer to work in the US. This was mainly because of the strong protection given to their inventions under the patent laws in the US. The strong economy, high per capita income, high standards of living were

attracting the Indian intellectual capitals towards the US. Looking at these, he maintained that India has to have a strong economy to face competition in the global market.

Explaining the importance of a strong international legal system, he said, India with its strong legal expertise it should not find any problems in the enforcement process.

Prof. Martin Adelman, emphasizing the need for a strong patent regime said India has to do much more about patent protection to its biotech products. By strengthening the patent regime, Prof. Adelman said, Indian scientists and pharmaceutical manufacturers have everything to gain and nothing to lose. He said it was a win-win situation for the people and the country as a whole.

Narayan Kulkarni