

India seeks to cancel Roche cancer patent

29 July 2013 | News | By BioSpectrum Bureau



New Delhi: India's health ministry has asked for a cancellation of patent to Roche's breast cancer medicine Trastuzumab, using a rarest-of-the-rare provision in the Indian Patents Act.

The department of industrial policy and promotion (DIPP) had recently turned down a plea for a compulsory licence, or suspension of the patent, to make the medicine more affordable.

While the health ministry suggested that the government use powers under section 66 of the Indian Patents Act to revoke the patent in public interest, the industry department opposed the move to cancel the patent arguing that the firm was already facing post-grant opposition in the patents office.

The Indian government has until date used the provision to revoke patents only twice. In 1994, it cancelled a patent given to a US firm for developing cotton cells by tissue culture while last year it used the power for a medicine made of jamun, lavangpatti and chandan meant to treat diabetes.