

# The Other Side of Indian Patents Act

India's generic pesticides and pharma products are exported to over 130 countries. They earn valuable trade surplus.

For robust growth, this industry requires to introduce off patent products , a.k.a generics at affordable prices regularly.

Non introduction of patented products in India ( an unacceptable practice under Patents Act) emerges as the biggest growth barrier to our export oriented generic industry.

Denial of market access to patented invention in our domestic market is rampant. Remains unchecked.

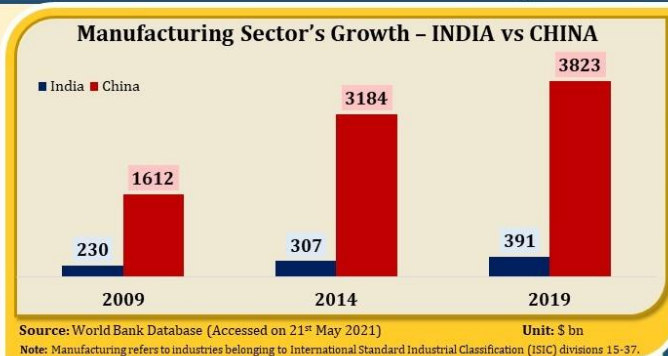
Our Patent Act is very potent and well drafted. But its implementation is pathetic. It inadvertently aids abuse of patent rights leading to a neo- economic colonialism.

China has strong measures to arrest the IPR abuses against the domestic industry and society.

## Poor implementation of Patents Act; A major drag in India's manufacturing sector.



- ❑ Generic pharmaceuticals and agrochemicals are among the trade surplus sectors in India's international trade. Est. trade surplus in 2020-21 is ~ \$20 bn.
- ❑ Section 83 of **Indian Patents Act** expressly states: *patents are granted to secure they are worked on a commercial scale without undue delay in a manner conducive to our social and economic welfare.*
- ❑ Poor implementation and monitoring of Section 83 of the Patents Act is a major drag for these two sectors driven by generic products.
- ❑ In agrochemicals, many product patents granted to foreign companies (mainly EU) are not "worked" in India till the end of the patent term (20 years).
- ❑ Failure to work the patent in India leads to "denial of market access" to patented invention in India. This contravenes the Patents Act as well as Competition Act. It adversely affects launch of generic products.
- ❑ **The Challenge** : How to force the patentees to "work" the patents in India to benefit our society/industry/economy?
- ❑ A simple Google search would tell how China maximizes the benefits to domestic industry from the patent system.



**CCFI has already submitted a white paper to the authorities regarding this.**