

## Cases of pharma companies might vs developing countries rights

The right to live and avail the basic necessities to sustain and restore health is basic for any human being. The Thailand Government's bold decision to issue compulsory license in November 2006 for the antiretroviral drug Efavirenz, used in the treatment of AIDS, which is patented and marketed by Merck, an MNC pharmaceutical company, has taken several pharmaceutical MNCs by surprise. The Thailand Government has further issued compulsory license for Abbott's antiretroviral Kaletra (Lopinavir/Ritonavir) and Sanofi Aventis's anti-coagulant Plavix (Clopidogrel). MNC pharmaceutical companies and their lobbying association PhRMA (Pharmaceutical Research and Manufacturers of America) have strongly opposed the compulsory license issued for Efavirenz, whereas NGOs have welcomed the move. Following Thailand, in May 2007 Brazil had issued the compulsory license for Efavirenz. The treatment using Efavirenz, which is marketed by Abbott under the brand name Stocrin, costs US\$ 41 a month in Thailand, while the generic version by Indian generic firms would cost roughly half (US\$ 22). The Thailand government would pay Abbott a royalty<sup>1</sup> of 0.5%. Merck and Abbott have severely criticized the move by the Thailand Government. The provi-

sion to issue a compulsory license under certain circumstances is enshrined in the TRIPS agreement and thus the move by the Thailand Government to issue a compulsory license is in compliance with TRIPS requirements. Following issuance of compulsory license, Abbot threatened the Thailand Government to withdraw registration of seven new products, including the new heat-stabilized version of Kaletra, which it markets under the brand name Aluvia and further indicated that it would not file for new product registrations in Thailand<sup>2</sup>. This shows the monopoly rights of pharma MNCs, who do not care for the well-being of patients, and put patents before patients. Another example is that of Novartis, which filed for a patent for its product Glivec (imatinib), used to treat chronic myeloid leukaemia, a type of cancer. Section 3(d) of the Indian Patent Act<sup>3</sup>, which was amended in 2005 to make it TRIPS-compliant, states that patents cannot be given for new uses of known substances unless there is enhancement in the property of the product over the existing product or therapy. Rather than contesting for the patent, Novartis challenged the Indian Patent Act! Novartis sells Glivec at the rate of Rs 120,000, which is roughly US\$ 2500, per patient per month in India, whereas generic ver-

sions of the drug by Indian manufacturers are available at a price of about Rs 8000 (US\$ 175) per patient per month. This clearly indicates that MNCs impose their might to deprive poor patients in developing countries of their rights to healthy living. The case of Thailand and Brazil has clearly shown that the patients' rights to basic healthcare are more important than the monopolistic rights of patents.

1. <http://www.ictsd.org/weekly/06-12-13/story2.htm> accessed on 29 May 2007.
2. <http://www.twinside.org.sg/title2/health.info/twninfohealth087.htm>
3. [http://www.ipindia.nic.in/ipr/patent/patent\\_2005.pdf](http://www.ipindia.nic.in/ipr/patent/patent_2005.pdf) accessed on 4 April 2007.

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## Mythology and geology

The Ram Sethu controversy over the Sethusamudram project highlights a poor public understanding of the mysteries of geology.

During the last ice age spanning about 2.5 million years and lasting till 18,000 years back, sea water was locked up in glaciers and ice sheets. This lowered the shore lines and many land bridges were exposed, facilitating man virtually walking across many islands and even continents. Man surely came on this planet prior to the ice age. Howsoever small and miniscule such land bridges now look with sea levels rising about 130 m in the last 18,000 years, these underwater geomorphic features are quite massive and sometimes comprise coral reefs and at

other times are merely landforms comprising several rock types.

It serves no purpose to ridicule any faith as lacking scientific temper. Superstitions and mythological tales are an integral part of all religions, with no exceptions. Politicians who know the truth, are being unfair to Mother Earth and concepts of geoethics.

Let us talk more about mysteries and landforms of Mother Earth in this triennium of the International Year of Mother Earth and take earth sciences closer to society rather than push society into ignorance and negative competition. About 191 countries of the world, through a UNO resolution, have requested the International Union of Geological Sci-

ences (IUGS) to initiate the website: [www.esfs.org](http://www.esfs.org) meant to inculcate a better appreciation of grandeur and heritage of our planet. Let there be healthier competition among our leaders in aggressive earth and environment outreach, rather than misinterpret and politicize the nature of landforms.

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