

Extreme TB: No licence to heal

Advanced patented medicines used to treat Drug Resistant Tuberculosis (DR-TB) are available to only about 1,000 patients out of the tens of thousands who need it, because the innovator-manufacturers are not ready to licence Indian drug-makers who can sell them at affordable prices.

- Bedaquiline and Delamanid, the new-generation drugs, are recommended by the World Health Organisation (WHO) for DR-TB patients.
- It is five years since Bedaquiline became available, but India has fewer than 1,000 patients on it. Only 81 patients have access to Delamanid, according to the Union Health Ministry.
- Nearly 1.3 lakh DR-TB patients need treatment but the Health Ministry has only 10,000 doses of Bedaquiline and 400 doses of Delamanid, obtained as 'donations' from Janssen (US) and Otsuka Pharmaceuticals (Japan), the respective manufacturers.

Compulsory Licensing:

- In line with TRIPS agreement Of WTO, Sec 84 of Indian Patents Act provides for compulsory licensing after three years of expiry of date of grant of patent under following conditions
 - that the reasonable requirements of the public with respect to the patented invention have not been satisfied, or
 - that the patented invention is not available to the public at a reasonably affordable price, or
 - that the patented invention is not worked in the territory of India.