

**GOVERNMENT OF INDIA  
COMMERCE AND INDUSTRY  
LOK SABHA**

STARRED QUESTION NO:165

ANSWERED ON:15.03.2005

PATENTING OF MEDICINES

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**Will the Minister of COMMERCE AND INDUSTRY be pleased to state:**

- (a) whether a number of medicines available in India which are patented abroad and their patents are still valid;
- (b) the status of these medicines under the new Patent Law;
- (c) whether the Indian companies will have to stop the production of these medicines which are already being manufactured by them; and
- (d) if so, the full details thereabout ?

**Answer**

THE MINISTER OF COMMERCE AND INDUSTRY (SHRI KAMAL NATH)

(a) to (d): Patents are granted under the sovereign prerogative of countries according to their respective Patent Laws and only have territorial effect. Accordingly, the availability of medicines in India which are patented abroad is not affected unless a patent for the same exists in India. As per the new patent regime introduced through the Patents (Amendment) Ordinance, 2004, effective from 1st January, 2005, patent rights to applications for medicines or drugs filed under Section 5(2) of the Patents Act shall accrue only from the date of grant of patent in India. Thus, the Indian manufacturers can continue to manufacture such drugs for which patent protection is not valid in India.