



Note on E-Pharmacies in India

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Safir Anand comments on the transforming scenario of E-Pharmacies in India- "The Firm has been involved in advising on the legality of business by E-Pharmacies in India. The issue becomes relevant given that :

- a) The norms for operations of E-Pharmacies are not in place or are not clearly defined;
- b) There are issues on counterfeiting and control over the nature of the medicines;
- c) India itself is not such a developed market for dispensation of drugs so that wrongful consumption of drugs on the net can have dire consequences.
- d) There are many categories of drugs that can only be dispensed against the written prescription and there can be fatal consequences of wrongful consumption.

The issue relating to E-Pharmacies has met with resistance from the Delhi High Court which has stayed the operations of E-Pharmacies. This issue was also supported by a single judge of the Madras High Court who also stayed E-Pharmacies.

Since then the order of the single judge of Madras High Court has been undone by the Divisional Bench.

Consequently, as it now stands, E-Pharmacies are a grey area and the law on their operations and the norms within which they will be regulated is yet to be firmed down.

At the same time, from the perspective of trademark law, there is ample reason to consider the liability of an E-Pharmacy for wrong dispensation of medicines as well as any issues relating to counterfeiting or look-alike medicines..."

