A Step into the Unknown: India's First Compulsory Licence

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Archana Shanker considers the implications of the grant of a compulsory licence for the very first time in the Indian patent system. The licence was granted to Natco Pharma, a generic drug company, for sorafenib tosylate, a life-extending drug developed, patented and launched by Bayer Corporation. This drug is sold under the trade name of Nexavar and is used for the treatment of advanced-stage kidney and liver cancer. The Controller General of Patents has set a benchmark in this landmark decision by invoking Section 84(1), a crucial provision of the Indian Patents Act which allows any person interested to file an application for grant of compulsory licence on a patent at any time from three years after grant on various grounds mentioned in the Indian Patents Act. *This article was published in Life Sciences Intellectual Property Review 2012.* To continue reading, please contact us at email@anandandanand.com

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