What the Controller Got Wrong

Thought Leadership • August 16, 2012

Pravin Anand and Aditya Gupta explain the errors the Controller General of Patents made in granting a compulsory licensing order to Bayer. The affordability of pharmaceuticals has been at the centre of the patent debate in India, with courts, industry stakeholders, academics and the media regularly commenting on the comparative price of drugs marketed by innovators and generics. This debate has reignited with India issuing its first compulsory licensing order in the post TRIPS era. The order has had wide ramifications for the Indian pharmaceutical industry, with the generic companies engaging in so called pricing wars. It has received attention the world over with comments from governmental agencies, industry stakeholders and the media. *This article was published in IP Focus 2012.* Read more

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