

Joint Open Letter Calling Novartis to cease seemingly endless legal process in India

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Health Action International (HAI) Europe, in collaboration with Berne Declaration, HAI Africa, HAI Asia Pacific, Third World Network and Knowledge Ecology International, have urged the pharmaceutical company Novartis to put an end to its five year legal actions in India regarding the patenting of the anticancer drug Glivec. The NGOs also called on the Swiss company to refrain from attempting to influence the Indian government over laws and policies that would hinder access to medicine.

In a joint *Open Letter* sent last Tuesday to Novartis' President, Dr. Vasella, the signatories voiced their concern regarding Novartis' persistent legal actions in regards to the patent application for Glivec (Gleevec in the USA), a vital medicine in treating relatively rare forms of leukaemia and gastro-intestinal tumors.

Despite three consecutive patent refusals pronounced by the Indian justice authorities since 2006, the pharmaceutical giant, through an appeal to the Supreme Court in August 2009, is insistant in its attempt to challenge the Indian Patent Law. The *Open Letter* strongly urges Novartis to drop this pending case. Domestic NGOs have organised simultaneous protest events throughout India, and will remain mobilised until the next hearing of the Glivec case at the Supreme Court scheduled for 19 April this year.

The *Open Letter* also urges Novartis to abstain from lobbying the Indian government for more stringent intellectual property regulation. This would have major negative impact on access to medicines for disadvantaged patients and would undermine competition with generic equivalent medicines. These particular issues are currently being negotiated in the framework of bilateral free-trade agreements between India and the European Union, and the European Free Trade Association.

The *Open Letter* follows a public call made by Patrick Durisch, health programme Coordinator of Bern Declaration, a HAI Europe member organisation, during the Annual General Meeting of Novartis' shareholders last Tuesday. Durisch underlined the negative consequences of this judicial saga:

"The stakes go far beyond the granting of the patent for this anticancer drug. This action aims at weakening a public health safeguard clause – section 3(d) of the Indian Patents Act – which limits the multiplication of abusive or useless patents on an already-known substance", said Mr Durisch. *"Without this disposition, access to affordable medicines would be threatened in most developing countries, since India is one of the primary suppliers of generic medicines worldwide, in particular in the field of HIV/AIDS."*

The complete version of the Open Letter is available [here](#)

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PRESS RELEASE

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Health Action International (HAI) is an independent, global network, working to increase access to essential medicines and improve their rational use through research excellence and evidence-based advocacy.