



PHARMACEUTICALS EXPORT PROMOTION COUNCIL

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Date : 06-07-2010

News / Story reproduced with thanks:- **Fierce pharma**

EU: 'Problematic' patent deals on decline

July 6, 2010 — 9:29am ET | By Tracy Staton

Direct link to the News/Story:-

http://www.fiercepharma.com/story/eu-problematic-patent-deals-decline/2010-07-06?utm_medium=rss&utm_source=rss

Are drugmakers getting the antitrust message in Europe? If a new European Commission survey is any indication, they are. Regulators have sifted through patent settlements from July 2008 to December 2009 and found only nine "potentially problematic" deals between branded drugmakers and would-be generic rivals. That's just 10 percent of the 93 patent settlements concluded during that time frame

By contrast, an earlier probe--the one that prompted the EC's antitrust crackdown in the first place--found one-fifth of patent-settlement deals to be potential problems. "Our report appears to show the sector's increased awareness of the potential competition concerns," Joaquín Almunia, EU competition commissioner said, "but the Commission will remain attentive to ensure that the sale of safe, affordable medicines is not delayed by unfair practices."

European antitrust watchdogs have been on pharma's case for some time now, raiding company offices, collecting documents and generally reproaching the industry for so-called "pay-for-delay" deals between branded drugmakers and generics firms. Regulators have opened two formal inquiries into "problematic" deals, the *Financial Times* reports: One involving France's Servier and another including Denmark's Lundbeck.

Meanwhile, in the U.S., lawmakers have advanced a proposal that would outlaw the "pay-for-delay" deals. Passed by the House last week, the measure now faces consideration in the Senate.