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India seeks new WHO policy for fake drugs- counterfeit can't be an equivalent for fake'

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New Delhi: The government has urged the World Health Organisation (WHO) to address the issue of spurious, substandard drugs through an effective alternative instead of clubbing it as a counterfeit issue. Basically the government has proposed to the WHO that the term 'counterfeit' shouldn't be used as an equivalent of fake or spurious drugs. The term 'counterfeit' instead relates to IP infringement.

The government proposal has been made at the ongoing negotiations at the WHO on anti-counterfeiting at Geneva. The terms of reference have not been approved by any governing body of WHO, the government proposal says.

Additionally the proposal has also raised the question of the conflict of interest in the task force's composition. The civil society has been raising this issue in last few years, raising their decibel in the run upto the meet.

Days before the meet started, a letter signed by over 40 civil society groups urged the WHO to distance itself from the IMPACT, citing the task force's links to pharma industry bodies from the regulated markets and other groups raising issue of conflict of interest. Among the requests India has made to Director General of WHO, it has asked the proposed new programme to deal with the spurious and substandard drugs that, "avoids conflicts of interests, is evidence-based, transparent and member driven".

A similar proposal is being pushed by a group of Latin American countries, which has floated the idea of an intergovernmental working group with participation of member states and secretariat to prevent and control counterfeit medical products from a public health perspective, excluding commercial and intellectual property considerations.

Definition of 'counterfeit trademark goods' in the TRIPS agreement includes trademark violation. IP related violations in case of drugs are currently being confused with spurious or substandard drugs, at times bringing perfectly legitimate generic drugs under the 'counterfeit' umbrella, labeling them illegal. Such actions hamper access to affordable medicines, says the government citing the examples of in transit drug seizures that Indian companies had to face in select European countries, primarily Netherlands.

India, along with Brazil have recently moved to WTO to settle the issue. The discussion on 'counterfeit medical products' which figures in the agenda of World Health Assembly and is likely to come up for discussion either on Wednesday evening or Thursday.

In a related development the union health minister Ghulam Nabi Azad, who is representing India in the meet stated that the Indian vaccines industry is producing high quality vaccines at affordable prices for the domestic and the global market. He added that it is important for the WHO prequalification process to be expedited to further facilitate Indian vaccine manufacturers in playing a vital role in assuring global security of vaccines.

He further emphasised that the WHO needs to steer clear from commercially motivated debates over 'counterfeit' drugs that have only hampered public health by preventing access to good quality low cost generic drugs. "We also need to urgently resolve the deadlock over sharing virus, vaccines and other benefits. We firmly believe that virus sharing and benefit sharing must be on an equal footing," the minister stated.