



PHARMACEUTICALS EXPORT PROMOTION COUNCIL

(Set up by Ministry of Commerce, Govt. of India)

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Kenya sees cure in Indian generics now

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NEW DELHI: The Kenyan health ministry has conceded that the country should not have passed the anti-counterfeit law last year and said it would try and make changes to ensure that imports of legitimate generics were not affected.

This marks an important victory in India's sustained efforts in Africa to counter propaganda by multinational pharma companies against cheap generic drugs.

"The Kenyan health ministry has revealed at the recent WHO health assembly that the anti-counterfeit legislation passed by the country was pushed by its industry ministry and it had no clue about its ramifications," a commerce department official told ET, adding that it said that it will try to make changes to ensure that generics are not affected. The government now plans to focus on countries such as Uganda, Nigeria, Zambia and Malawai that are planning similar anti-counterfeit legislation. Generics are copies of drugs that do not have patent protection in India, allowing any manufacturer to produce them. The competition among manufacturers helps bring down prices substantially. India is one of the world's largest producers of generics with yearly exports of an estimated Rs 30,000 crore, a sixth of which goes to Africa.

Kenya's anti-counterfeit law could render genuine generics imported from countries like India illegal if a company holding a patent to the formulation in any country files a complaint.

This could happen despite the fact that the drug is off-patent in the exporting countries. Kenya now seems to have realised that the legislation could hamper access to cheap life saving drugs for its population. The international intellectual property agreement (Trips) under the WTO allows exports of generics to countries with insufficient production capacities on public health grounds even if patents are held by companies in other parts of the world.

The commerce department had earlier written to the Kenyan government pointing out the downsides of the anti-counterfeit legislation and had also held several meetings at the official level on the issue. Indian officials have also met government representatives from other countries that are planning similar legislation including Uganda, Nigeria and Tanzania to sensitise them about the importance of generics for the poor.

"We have to intensify our efforts in such countries," the official said.

One of the reasons behind anti-counterfeit legislation being considered in a number of African countries is an attempt by global pharma companies to create confusion between counterfeits (genuine drugs that are made in violation of patents) and fake or spurious drugs that are harmful, the official said.

Generics eat into the profits of large pharma companies holding patents to those medicines in the Western countries as they can't make inroads into poor countries that prefer to buy the cheap yet effective copies of the original drugs.