

PROVIDING HEALTHCARE THROUGH APPROPRIATE PATENT SYSTEM IN INDIA

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Abstract

India recognized the product patent for pharmaceutical products from 2005, which created a lot of controversies surrounding accessibility and affordability of medicines. Indian government accepted Product patents from prospective effect rather than retrospective effect. In addition, a number of safeguards were also mentioned that restrict frivolous patents. Inclusion of section 3(d) in the amended Patent Act assures that the provisions of Patent system are not misused by pharmaceutical companies. In India around 80 % of population incurs Out-of-pocket expenditure on healthcare, which is very high compared to certain developed countries. In addition less than 5% of population is covered by health insurance. Even health insurance premium has to be paid by individuals. Public health expenditure on healthcare is very low. The cost of medicine occupies a major share in overall healthcare cost borne by patients. A few measures are proposed in this article to balance incentives for innovation and access to affordable medicines.

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