

Natco v/s Bayer: India's First Compulsory Licence

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Abstract

India took its baby steps towards using compulsory licence as a tool to fulfill its public health policies. The government has a responsibility to ensure a balance between innovator rights and its public health commitments. The working paper takes the case of Natco Pharma Limited, an Indian drug manufacturer and M/s Bayer, a German pharmaceutical company. It analyses the issues and challenges involved in the case. Taking it forward with an analysis of the relevant clauses, the author finds that the decision which was taken as per the provisions of the Indian Patents Act, is also well within the ambit of India's International commitments. By using the tool of compulsory licence, the Government has tried to fulfill its objectives of public health policies. In the war of Patent v/s Patients, the Indian patients have been given a thumb up.

Keywords: Intellectual property rights, Compulsory licence, Pharmaceutical, Public policy, Patents, Rights and obligations

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