



Symbiosis Institute of Management Studies Annual Research Conference (SIMSARC13)

To study the problems faced by innovator from conception idea to filling patent in Indian pharmaceutical industry

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Abstract

India's pharmaceutical sector is currently undergoing unprecedented change. India ratified the agreement establishing the World Trade Organization (WTO). This Agreement, inter-alia, contains an Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS) which lays down minimum standards for protection and enforcement of IPR which are required to promote effective and adequate protection of IPR with a view to reducing distortions. Much of this is due to the country's introduction, on January 1, 2005, of a system of product patents; before that, only patents for processes were permitted to be issued. The purpose of this research paper is to study the problems faced by innovator in filling patent in Indian pharmaceutical industry. The paper also includes study of problem related to research and development activities, patent filling process etc.

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Selection and/or peer-review under responsibility of Symbiosis Institute of Management Studies.

Keywords: Amendment; innovation; IPR; Pharma companies

1. Introduction

The introduction of the product patent law in India from January 01, 2005 has been a fundamental change in the Indian pharma industry. The law is expected to put an end to some of the earlier practices followed by Indian

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companies and prompt them to focus on discovery led research to introduce patented molecules. India's entrepreneurial pharmaceutical manufacturers are now beginning to leverage benefits from the introduction of the nation's product patent system on January 1, 2005. Most will be unable to develop the financial muscle necessary to embark on R&D for innovative new products, but their scientific, technical and manufacturing skills, developed under the country's 25-year process patent system, perfectly match the requirements of global drug manufacturers that are increasingly seeking to offshore many research and manufacturing activities previously performed in-house. The lack of patent protection made the Indian market undesirable to the multinational companies that had dominated the market, and while they streamed out. Indian companies carved a niche in both the Indian and world markets with their expertise in reverse-engineering new processes for manufacturing drugs at low costs. Although some of the larger companies have taken baby steps towards drug innovation, the industry as a whole has been following this business model. Patent amendment should be favored for the patent protection India which will in turn India an ideal center for the research and the domestic manufacturers will be benefited but the loopholes in it should be rectified for the all round development.

2. Research Problem and Questions

This problem (questions) can be split into the following questions:

- a) How companies are captivating amended intellectual property act 2005?
- b) What is various research & development and business strategies have been adopted by Indian pharma industry to sustain business after the issuance of patent ordinance in 2005?
- c) Are pharmaceutical companies finding any complicatedness in overall patent filling process?

3. Importance of the Study

In order to be evidence for the Indian Pharma companies in a path that have huge benefits by amended Patent act on the marketing activity in the way that best fit the consumers. This study will be useful for providing factors that mostly affect the Indian pharma companies for patenting the molecule.

4. Objectives of the Study

- To study the impact of intellectual property rights through innovation in pharma drug manufacturing companies.
- To focus on the various strategies adopted by Indian pharma industry to sustain business after the issuance of patent ordinance in 2005.
- To study problems Indian pharma companies are facing in overall patent filling process.

5. Research Limitations

- a) The study was restricted to pharmaceutical industry located around Mumbai and Pune region, lawyers and

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