

Cipla turns heat on Wockhardt

Contests patent application for Nadifloxacin along with Hyderabad's Hetero

CH UNNIKISHNAN
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In the first instance of pre-grant opposition, Cipla and the Hyderabad-based Hetero Drugs have contested a patent application filed by Wockhardt for nadifloxacin — an anti-bacterial drug. Wockhardt now enjoys an exclusive marketing right (EMR) for this product, which was granted in 2003. The market for this product was expected to grow to Rs 100 crore in a

couple of years from the existing Rs 25 crore if more players were allowed to produce the drug, an industry analyst said.

Cipla Joint Managing Director Amar Lulla confirmed that the company had filed a pre-grant opposition with the patents office in Mumbai where Wockhardt had filed its patent application. He pointed out that since the drug was a pre-1995 invention, it did not qualify for a product patent in India.

Sreenivas Reddy, direc-

tor (marketing), Hetero Drugs, also confirmed that the company had challenged the patent application of Wockhardt. "The applicant cannot claim a product patent for nadifloxacin as the molecule was originally invented by the Japanese company, Otsuka Pharma," he said.

A senior official of the patents office in Mumbai said the arguments of the two companies were being examined. Wockhardt executives declined to comment.

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What the law says

- Companies can patent products as well as processes
- Inventions done before 1995 cannot be patented
- Request for a patent can be challenged before grant



Cipla

Reddy said Wockhardt was eligible only for a process patent for the particular technology that the company had developed for manufacturing this existing molecule and could not claim the product patent on this drug. Wockhardt has been granted a five year EMR for this antibacterial drug brand Nadoxin (nadifloxacin) by the Indian Controller General of Patents and Trademarks two years ago. It was the first domestic pharmaceutical company to receive permission for EMR.