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Pharma COS Penalised for copying drug design

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FAST REMEDY

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IN WHAT could come as a lesson for copycat pharma companies, drugs and equipment of a patenting firm were destroyed and the firm was found guilty of infringing a design patent. The company had copied a D-shaped, blue-coloured tablet patented by Ahmedabad-based Trokkaa Pharmaceuticals that fought and won the country's first drug design patent lawsuit. It is probably for the first time that the court has granted relief to an innovator firm in the pharma sphere.

According to patent & trademarks attorney VJ Trivedi: "It is for the first time that a court has given destruction and sealing order for cases relating to design patent infringement of a pharma company."

Trokkaa, a Rs 105-crore pharma company, got its drug pain management drug 'Dynamar' patented for its shape (D-shaped) and colour (blue) in 2001. The tablet is a generic drug with a mix of diclofenac sodium and paracetamol. The company found a knock-off company Pro Laboratories, producing a look-alike drug, and filed a design infringement suit against it in 2008.

While Indian pharma industry has witnessed a number of cases related to violation of patent and intellectual property rights on drug molecules and trade names, Trokkaa case is the first.

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After the company approached the city civil court, it assigned a court commissioner for the confiscation of the stocks, products, dies & punches, packaging materials, foils etc from the company. The pain management drug market size in India is approximately Rs 2,000 crore.

Dynamar comes under non-steroid, anti-inflammatory drugs (NSAIDs) category of the pain management segment and the market size of this category is about Rs 1,362 crore. Diclofenac, in isolation, has a combined market that includes tablets and injectables would be about Rs 223 crore.

The company is now pursuing the similar procedure against Uni-Sule, a drugmaking company based in Sonapat, Haryana.

Armed with the Gujarat High Court judgement, Trokkaa filed civil suit against four other copycat companies — Pro Laboratories, Endo Labs, Healthcare, Aps Pharma and Uni-Sule — who were producing similar looking pain management drugs. The Dynamar lookalikes had even sounding brand names like Doopar, Dhaconer, Zenipus, and Dama-

