HE government is pushing for amendments to the Intellectual Property Code that would allow health authorities to conduct experiments or testing procedures on medicines whose patents are about to expire. Its objective is to reduce local drug prices, the highest in Asia. But standing in the government’s way is a multinational pharmaceutical company that has gone to court to stop the Bureau of Food and Drugs (BfD) and a local company from producing a generic equivalent of its products, sparking public protests and congressional action.

Roberto Pagdanganan, president and chairman of the state-run Philippine International Trading Co. (pritc), said in a recent television interview that amending the Intellectual Property Code would strengthen the government’s parallel importation effort to bring down the cost of medicines and health-care services. The prtc operates a chain of drugstores called “Botika ng Bayan,” which sells licensed drugs for a fraction of their commercial prices. Pagdanganan supports Sen. Manuel Roxas II’s bill that would amend the Intellectual Property Code to promote healthy competition in the pharmaceutical industry. The bill would allow the local production of generic equivalents of drugs after the patents of these drugs have expired.

Patent laws in many countries, including the United States, Canada, and Argentina, allow parallel importation, testing, and experimental work, including importation of samples, required for the registration of generic medicines during the patent period of the original products. Not so in the Philippines, where the Pritc looks over its shoulder because of patent infringement violations that may be covered by the Intellectual Property Code.

He said the prtc has not marketed any unbranded byystery product in the country, and has repeatedly informed Pfizer that the agency has no intention of doing so until Pfizer can prove that it is not infringing on its patents.

Pagdanganan said the government’s plan is to work with the Drug-Related Intellectual Property Rights, or the trps, Agreement, and 2001 DoHa Declaration. He said the prtc has not marketed any unbranded byystery product in the country, and has repeatedly informed Pfizer that the prtc has no intention of doing so until Pfizer can prove that it is not infringing on its patents.

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