

# Critical Analysis of the Role of Indian Patent Law in Progress of Indian Generic Pharmaceutical Industry

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**Abstract:** *Indian pharmaceutical industry has grown significantly in last six decades mainly because of weak patent law that allowed pharmaceutical industry to reverse engineer patented molecules. After Independence, the Indian pharmaceutical industry was completely dominated by multinational companies (MNCs) and drug price in India was among the highest in the world. In 1970, the Indian parliament passed the Indian Patents Act 1970 with provisions to allow only process patents for pharmaceutical molecules and new chemical entities (NCEs). The Indian Patent Act 1970 was the main reason for the fast and continuous growth of the Indian pharmaceutical industry which until 2005 engaged in generic product development; hence there was no significant activity in patenting in India. In 2005, the Indian Patent Act was amended to include a 'product patent' regime to make Indian patent law compliant with TRIPS. This shifted the Indian pharmaceutical industry's focus from generic products to research-based 'NCEs' and 'novel drug delivery products.' The post TRIPS era saw vigorous activity in patenting in India.*

**Keywords:** Patents, Intellectual property rights, Indian Patent law, pharmaceutical Industry.

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