

RP can import patented drugs under new law

The government can force the importation of patented drugs and medicines under the Cheaper Medicine Act, the Intellectual Property Rights Office of the Philippines (IP Philippines) said.

According to the law, the director general of IP Philippines may issue a special compulsory license for the importation of patented drugs and medicines under the TRIPS Agreement upon the filing of a petition and written recommendation of the secretary of the Department of Health (DOH).

Under the same section, no court, except the Supreme Court of the Philippines, shall issue any temporary restraining order or preliminary injunction or such other provisional remedies that will prevent the grant of a special compulsory license.

IP Philippines recently held a public consultation on the crafting of the Implementing Rules and Regulations (IRR) of provisions under the Cheaper and Quality Medicine Bill (RA 9502) amending 10 sections of the Intellectual Property Code (RA 8293).

IP Philippines director general Adrian S. Cristobal Jr., together with the IP Philippine task force, presented the amended provisions to various sectors for comments and clarification.

"This session is limited to the provisions under the RA 9502 which amended the IP Code. Other bureaus or agencies attached to the Department of Trade and Industry (DTI) and Department of Health (DOH) will be undertaking

its own process," Cristobal said.

"Eventually, all agencies concerned will coordinate, compare and reconcile, if needed, the different rules, until the final IRR are completed," Cristobal said.

RA 9502 mandates the IP Philippines, in coordination with DOH and the Bureau of Food and Drugs (BFAD), to issue and promulgate the IRR within 120 days after its enactment to effectively implement the provisions of RA 9502 that relate to RA 8293.