

Media Coverage

Economic Times - 5th August 2008

Court Upholds Design Patent of Troikaa's Generic Painkiller High court Order to Throw Look-alike Drugs off Shelves

Pharma companies building blockbuster brands of generic drugs can rest easy. In a landmark judgement, Gujarat High Court has upheld the design patent of an Ahmedabad based company that will prevent look-alike versions from flooding the market.

Ahmedabad based Troikaa Pharma got its pain-relief medicine Dynapar patented for its D-shaped, blue-coloured tablet. The medicine has a mix of Diclofenac sodium and paracetamol and is a generic pain management drug.

Troikaa had patented the tablet design and registered the brand name. While the shape and colour of the tablet was patented in 2001 the brand name was registered in 1992 with an exclusive right for 10 years. The company renewed the rights for another 10 years in 2004.

However, a similar drug combination was launched by a few companies, including Himachal based Pro Laboratories. Pro manufactured the same combination, Diclofenac sodium and paracetamol, with a similar colour and shape as that of Troikaa's Dynapar.

The market size of the pain management drugs in India is around Rs.2,000 crore. Dynapar comes under non-steroid, anti-inflammatory drugs (NSAIDS) category of the pain management segment and 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 Rs.223 crore. Thus, while the market was lucrative, a product which was similar-looking to the existing popular brand would ensure instant success for any company. Troikaa filed a suite against Pro Laboratories for design and trademark infringement, in 2007.

"Taking into consideration the entire facts and circumstances of the case, the court is of the view that the plaintiff (Troikaa) has made out a prima facie case so as to enable this court to grant interim relief during the pendency of the suit or in any case, till the plaintiff enjoys registration of its design," the court said. An upbeat Troikaa is now mulling action against other pharma companies that are producing copycat versions.

"The company might file lawsuit against another 2 to 3 pharma companies involved in making the copycat version of Troikaa's D-shaped drug", said Jatin Trivedi, patents and trademark attorney for Troikaa Pharma.
