

SC judge recuses from hearing Novartis IP claim case

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A Supreme Court judge on Tuesday recused himself from hearing a patent row involving Swiss pharma giant Novartis AG, following newspaper reports that the judge had participated in two international conferences on Intellectual Property (IP) Rights whose organising body includes Novartis among others.

"List these matters before a Bench of which one of us (Hon'ble Mr. Justice Dalveer Bhandari) is not a member," the order of the bench said.

Justice Dalveer Bhandari, hearing the patent row refused to hear the case after reports were published in the media that activists have demanded his recusal from the case as he had already expressed his opinion in a paper he wrote in one of the international conferences he attended.

The media report also said that the activists had written a letter to the government in this regard.

Senior Advocate TR Andhijarujina one of the counsel for Novartis in the case today expressed his shock and displeasure over the media reports before the Court. Referring a newspaper report, Andhijarujina said, "It is a most improper attempt to influence the Court."

Novartis AG had approached the Apex Court challenging the order of Intellectual Property Appellate Board of Chennai board, which denied a patent appeal of the company on the ground that patents cannot be allotted for minor improvements to known drugs.

The appellate board had upheld the government's denial of patent to Novartis's blood cancer drug Glivec.

The case is being closely watched as it deals with the legal interpretation of the patent law in India.

According to the Indian patent law, patents cannot be granted for mere improvements on a known substance if it does not result in substantial improvement in efficacy.

Novartis had earlier approached the Comptroller General of Patent and Design to patent Glivec. However, patent board denied the application based several grounds under the Indian Patent Law. It was against this order that Novartis had approached the appellate board.

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