Science & Technology · GS - III

“India's efforts to prevent evergreening of pharmaceutical patents reflect the need to balance intellectual property protection with public health priorities.”

EXAM YEAR	PAPER	SUBJECT
DAILY PRACTICE 16/10/2026	GS - III	Science & Technology

MARKS	WORD LIMIT
10	~150 words

Answer Hint

Evergreening, Section 3(d) of the Patents Act, 1970, TRIPS Agreement, affordable generic medicines, access to healthcare, pharmaceutical innovation, public health, intellectual property rights.

Model Answer

Introduction

Evergreening refers to attempts by pharmaceutical companies to extend market exclusivity through follow-on patents on existing drugs. India's patent framework seeks to prevent unjustified extensions while protecting genuine pharmaceutical innovation.

Main Body

Significance of preventing evergreening

1. Affordable healthcare: Timely generic competition can reduce medicine prices and improve access for economically weaker sections.
2. Public health: Affordable medicines are particularly important for treating chronic diseases and ensuring equitable healthcare.

3. Domestic industry: India's generic pharmaceutical sector supports medicine availability in domestic and international markets.
4. Legal safeguards: Section 3(d) of the Patents Act, 1970, restricts patents on certain new forms of known substances unless enhanced efficacy is demonstrated.

Challenges and way forward

1. Ensure consistent, transparent and scientifically sound patent examination.
2. Protect genuine innovations that offer significant therapeutic benefits.
3. Strengthen research and development in the domestic pharmaceutical industry.
4. Maintain compliance with international obligations, including the TRIPS Agreement.

Conclusion

India must maintain a balanced patent regime that rewards genuine innovation without allowing unjustified extensions of monopoly. Such an approach can support pharmaceutical research, affordable generic medicines and the constitutional objective of improving public health.

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