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MSF supports India's patent rejection on Hep C drug

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Last Wednesday's decision paves the way for increased access to more affordable sofosbuvir in India and other countries who choose to implement legal flexibilities available under international law to increase access to the drug.

However, existing patents on sofosbuvir in South Africa could block access to the cheaper generic versions that will become available due to the ruling.

The government should therefore urgently finalize the national intellectual property policy to allow South Africa to better protect access to medicines.

Hepatitis C is a curable disease that affects over 185 million people and leads to nearly half a million deaths worldwide each year. As many as one million people in South Africa may be infected with hepatitis C virus (HCV).

Sofosbuvir has fewer side effects, is easier for patients to take, and has higher cure rates than existing treatments.

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However, sofosbuvir is not yet registered or available in South Africa, and existing patent barriers could hinder the country from looking for multiple generic sources of the drug in order to get the most affordable prices.

Pharmaceutical company Gilead sparked a global outcry by setting sofosbuvir's price at $1,000 (R 11, 600) per pill in the United States.

The $84,000 (R 9,74, 439) price tag for a 12-week course of treatment means many US patients are excluded from receiving sofosbuvir.

The UK's National Health Service have delayed sofosbuvir's introduction due to its high price of Â£35,000 (R 6,14,907) per 12-week course.

Even in countries like Egypt with a high burden of Hepatitis C, where Gilead has offered a discount, the lowest price per course rings up at $900 (R 10, 440).

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Rejection of the patent in India will allow generic manufacturers that have not already signed restrictive licensing agreements with Gilead to produce sofosbuvir at much lower prices than currently available.

Research conducted by Dr Andrew Hill at the University of Liverpool, for example, suggests that sofosbuvir can be profitably produced for as little as $102 (R1,182) per 12 week course.