

ABSTRAKSI

Kehadiran TRIPS memungkinkan kemunculan praktek *evergreening* yang banyak dilakukan oleh perusahaan multinasional dan cenderung bersifat monopolistik. *Evergreening* merupakan strategi yang sering digunakan dalam industri farmasi untuk memperpanjang masa perlindungan paten obat merek demi menghindari kompetisi dalam pasar. Praktek ini menempatkan negara berkembang pada posisi yang merugikan karena ketergantungannya terhadap obat generik. *Evergreening* dapat menghambat pertumbuhan industri farmasi negara berkembang dan mempersulit akses masyarakat terhadap obat-obatan serta memperbesar ketimpangan dalam persaingan industri farmasi yang didominasi oleh perusahaan multinasional negara-negara maju. Sebagai negara berkembang dan penghasil obat generik terbesar di dunia, perlawanan India terhadap *evergreening* menjadi terobosan dalam industri farmasi yang ditunjukkan melalui kemenangan India dalam sengketanya dengan Novartis atas obat Glivec. India mengeluarkan kebijakan yang cenderung agresif melalui amandemen *Indian Patents Act* tahun 2005 dan kampanye penggunaan obat generik untuk melawan *evergreening* sekaligus untuk melindungi industri farmasi domestik dan posisi India dalam industri farmasi global serta akses kesehatan masyarakatnya.

Kata kunci: *evergreening*, India, perusahaan multinasional, industri farmasi, *inclusive industrial policy*

ABSTRACT

The emergence of TRIPS made it possible for evergreening to occur, which is often exercised by multinational corporations and tend to be monopolistic. Evergreening is a strategy, frequently implemented in pharmaceutical industry, to lengthen the patent protection of branded drugs so that the patent holder could avoid competition on the market. This practice places developing countries in an unfavorable position due to their dependence on generic drugs. Evergreening could halt their pharmaceutical industry's development and hamper access on medicines, as well as widen the gap in the industry's competition as it is already dominated by multinational corporations from developed countries. As a developing country and one of the biggest producers of generic drugs in the world, India's fight on evergreening is making a headway in pharmaceutical industry which is shown by their win on a long hard-fought dispute with Novartis over Glivec. India issued a relatively aggressive policy through the amandement of Indian Patents Act 2005 and the campaign of generic drugs to battle evergreening as well as to protect its domestic industry and India's position within the global pharmaceutical industry along with people's access on drugs.

Keywords: *evergreening, India, multinational corporations, pharmaceutical industry, inclusive industrial policy*