

DAFTAR PUSTAKA

Sumber Literatur

- Ahn, H., *Second Generation Patents in Pharmaceutical Innovation*, Nomos, Germany, 2014.
- Altenburg, T., *Industrial Policy in Developing Countries: Overview and Lessons from Seven Country Cases*, German Development Institute, Bonn, 2011.
- Banerjee, R., 'The Success of, and Response to, India's Law against Patent Layering,' *Harvard International Law Journal*, vol. 54, May 2013, pp. 204-232.
- Basheer, S., 'India's Tryst with TRIPS: The Patent (Amendment) Act, 2005,' *The Indian Journal of Law and Technology*, vol. 1, 2005, pp. 15-46.
- Bennet, W.J., 'Indian Pharmaceutical Patent Law and the Effects of Novartis Ag v. Union of India,' *Washington University Global Studies Law Review*, vol. 13, no. 3, 2014, pp. 535-557.
- Bhargava, A., & Kalantri, S.P., 'The Crisis in Access to Essential Medicines in India: Key Issues which Call for Action,' *Indian Journal of Medical Ethics*, vol. X, no. 2, April-June, 2013, pp. 86-95.
- Bird, R.C. & Jain, S.C., 'The Continuing Challenge of Global Intellectual Property Rights' dalam R.C. Bird & S.C. Jain (ed.), *The Global Challenge of Intellectual Property Rights*, Edward Elgar, Cheltenham, 2008.
- Boldrin, M. & Levine, D.K., *Against Intellectual Monopoly*, Cambridge University Press, Cambridge, 2008.
- Bouchard, R.A., *Patently Innovative: How Pharmaceutical Firms Use Emerging Patent Law to Extend Monopolies on Blockbuster Drugs*, Woodhead Publishing, Cambridge, 2012.
- Center for Strategic Studies and Debates, *Brazil's Patent Reform: Innovation Towards National Competitiveness*, Brasilia, 2013.
- Descheemaeker, S., 'India, Pharmacy of the Developing World – IP, Trade and Access to Medicine,' *Jura Falconis*, vol. 49, no. 3, 2012-2013, pp. 543-570.
- Du, D., 'Novartis Ag v. Union of India: "Evergreening," Trips, and "Enhanced Efficacy" Under Section 3(d),' *Journal of Intellectual Property Law*, vol. 21, no. 2, April 2014, pp. 223-263.
- Dwivedi, G., Hallihosur, S. & Rangan, L., 'Evergreening: A Deceptive Device in Patents Rights,' *Technology in Society*, vol. 32, 2010, pp. 324-330.
- Gabble, R. & Kohler, J.C., 'To patent or not to patent? The case of Novartis' cancer drug Glivec in India,' *Globalization and Health*, vol. 10, no. 3, 2014, pp.1-6.

- Gopakumar, K.M., 'What should we learn from the Novartis judgment?,' *Third World Resurgence*, No. 273, May 2013, pp. 17-21.
- Granstrand, O. & Tietze, F., 'IP Strategies and Policies for and against Evergreening,' *Centre for Technology Management working paper series*, no. 1, 2015, pp. 1-36.
- Greene, W., 'The Emergence of India's Pharmaceutical Industry and Implications for the U.S. Generic Drug Market,' *U.S. International Trade Commission*, May 2007.
- Guennif, S. & Ramani, S., *Catching up in pharmaceuticals: a comparative study of India and Brazil*, United Nations University – Maastricht Economic and Social Research and Training Centre on Innovation and Technology, Maastricht, 2010.
- Hemphill, C.S & Sampat, B.N., 'Evergreening, patent challenges, and effective market life in pharmaceuticals,' *Journal of Health Economics*, vol. 31, 2012, pp. 327-339.
- Hill, J.E., 'Changes to Intellectual Property Policy in South Africa: Putting a Stop to Evergreening?,' *Expert Opinion on Therapeutic Patents*, vol. 24, no. 8, 2014, pp. 839-843.
- IBEF, *Pharmaceuticals*, March 2015.
- Kaur, I.N. & Singh, N., *China, India and Industrial Policy for Inclusive Growth*, University of California, Santa Cruz, October 2013.
- Khan, M.H., 'The Political Economy of Inclusive Growth,' dalam L. de Mello & M.A. Dutz (ed.), *Promoting Inclusive Growth: Challenges and Policies*, OECD Publishing, Paris, 2012.
- Krueger, A.O., 'The Political Economy of the Rent-Seeking Society,' *The American Economic Review*, vol. 63, no. 3, June 1974, pp. 291-303.
- Kumar, A. & Nanda, A., 'Ever-greening in Pharmaceuticals: Strategies, Consequences and Provisions for Prevention in USA, EU, India and Other Countries,' *Pharmaceutical Regulatory Affairs*, vol. 6, no. 1, 2017, pp. 1-6.
- Lee, L.L., 'Trials and TRIPS-ulations: Indian Patent Law and Novartis AG v. Union of India,' *Berkeley Technology Law Journal*, vol. 23, no. 1, January 2008, pp. 281-313.
- Maiti, R., Bhatia, V., Padhy, B.M. & Hota, D., 'Essential Medicines: An Indian Perspective,' *Indian Journal of Community Medicine*, vol. 40, no. 4, October-Desember 2015, pp. 223-232.
- Muzaka, V., *The Politics of Intellectual Property Rights and Access to Medicines*, Palgrave Macmillan, Hampshire, 2011.
- Osakwe, O. & Rizvi, S.A.A., *Social Aspects of Drug Discovery, Development and Commercialization*, Academic Press, London, 2016.

Pharmexcil, *India's Export of Drugs, Pharmaceuticals & Fine Chemicals for Financial Year April 2014-March 2015*.

PricewaterhouseCoopers, *Global pharma looks to India: Prospects for growth*, 2010.

Ramanna, A., *Interest Groups and Patent Reform in India*, Indira Gandhi Institute of Development Research (IGIDR), India, January 2004, pp. 1-18.

Sampat, B.N. & Shadlen, K.C., 'TRIPS Implementation and Secondary Pharmaceutical Patenting in Brazil and India,' *Studies in Comparative International Development*, vol. 50, no. 2, 2015, pp. 228-257.

Smith, S.C., *Industrial Policy in Developing Countries: Rconsidering the Real Sources of Export-Led Growth*, Economy Policy Institute, Washington DC, 1991.

Sterckx, S., 'Patents and Access to Drugs in Developing Countries: An Ethical Analysis,' *Developing World Bioethics*, vol. 4, no. 1, 2004, pp. 58-75.

Tellez, V.M., *Patent Reform in India: The Campaign to Protect Public Health*, dapat diakses di <http://www.ipngos.org/NGO%20Briefings/Patents%20Act%20amendment.pdf>, diakses pada 7 Desember 2017.

Thambisetty, S., 'Novartis v Union of India and the Person Skilled in the Art: A Missed Opportunity,' *LSE Law, Society and Economy Working Paper*, vol. 2, 2014, pp.1-19.

Tornvall, M., *The Use and Abuse of Patents – Evergreening in the Pharmaceutical Sector*, Graduate Thesis Faculty of Law: Lund University, 2013.

Turrill, Z.L., 'Finding the Patent Balance: The Novartis Glivec Case and The TRIPS Compliance of India's Section 3(d) Efficacy Standard,' *Georgetown Journal of International Law*, vol. 44, 2013, pp. 1555-1588.

Vernaz, N., et.al., 'Patented Drug Extension Strategies on Healthcare Spending: A Cost-Evaluation Analysis,' *PLOS Medicine*, vol. 10, no. 6, June 2013, pp. 1-11.

WTO & WHO, *WTO Agreements & Public Health: A joint study by the WHO and the WTO Secretariat*, WTO/WHO, 2002.

Sumber Pemerintah

Government of India – Ministry of Law and Justice (Legislative Department), *The Constitution of India*, New Delhi, 9 November 2015.

Sumber Daring

'Approved Drug Products with Therapeutic Equivalence Evaluations (Orange Book),' *U.S. Food & Drug Administration* (daring),

<<https://www.fda.gov/drugs/informationondrugs/ucm129662.htm>> , diakses pada 20 Juli 2017.

‘Data for Lower middle income, India,’ *The World Bank* (daring), <<https://data.worldbank.org/?locations=XN-IN>>, diakses pada 15 Agustus 2017.

‘Drugs & Pharmaceutical Research,’ *Department of Science and Technology* (daring), <<http://dst.gov.in/drugs-pharmaceutical-research>>, diakses pada 11 September 2017.

‘GDP per capita (current US\$),’ *The World Bank* (daring), <<https://data.worldbank.org/indicator/NY.GDP.PCAP.CD>>, diakses pada 30 Agustus 2017.

‘Generic Drug Facts,’ *U.S. Food & Drug Administration* (daring), <<https://www.fda.gov/drugs/resourcesforyou/consumers/buyingusingmedicinesafely/understandinggenericdrugs/ucm167991.htm>>, diakses pada 12 Juli 2017

‘Indian Pharmaceutical Industry,’ *IBEF* (daring), July 2017, <<https://www.ibef.org/industry/pharmaceutical-india.aspx>>, diakses pada 28 Juli 2017.

‘National List of Essential Medicines of India,’ <<http://pharmaceuticals.gov.in/sites/default/files/NLEM.pdf>>, diakses pada 22 September 2017.

‘Pradhan Mantri Hartiya Janaushadhi Pariyojana – Quality Medicines Available At Affordable Prices For All,’ *india.gov.in* (daring), <<https://india.gov.in/spotlight/pradhan-mantri-bhartiya-janaushadhi-pariyojana>>, diakses pada 20 September 2017.

‘Taking pains,’ *The Economist* (daring), 8 September 2012, <<http://www.economist.com/node/21562226>> , diakses pada 16 September 2017

‘The Glivec Story,’ *CPAA* (daring), <<http://www.cpaaindia.org/theglivecstory.htm>>, diakses pada 10 Desember 2017.

‘The Most Expensive Drugs Sold in India,’ *The Economic Times* (daring), 16 September 2014, <<http://epaperbeta.timesofindia.com/Article.aspx?eid=31818&articlexml=The-Most-Expensive-Drugs-Sold-in-India-16092014007024#>> , diakses pada 8 September 2017.

‘Understanding Over-the-Counter Medicines,’ *U.S. Food & Drug Administration* (daring), <<https://www.fda.gov/drugs/resourcesforyou/consumers/buyingusingmedicinesafely/understandingover-the-countermedicines/>>, diakses pada 13 Juli 2017.

‘Understanding the WTO: The Agreements – Intellectual Property: Protection and Enforcement,’ *World Trade Organization* (daring), <

https://www.wto.org/english/thewto_e/whatis_e/tif_e/agrm7_e.htm>, diakses pada 10 Desember 2016.

‘WTO and the TRIPS Agreement,’ *World Health Organization* (daring), <http://www.who.int/medicines/areas/policy/wto_trips/en/>, diakses pada 12 Juli 2017.

Alexius, ‘Rising Costs and Inequitable Access: How Evergreening Inflates Prescription Drug Costs,’ *Emory University* (daring), 3 February 2014, <<https://scholarblogs.emory.edu/sick/2014/02/03/evergreen/>>, diakses pada 5 September 2017.

Anderson, R., ‘Pharmaceutical industry gets high on fat profits,’ *BBC* (daring), 6 November 2014, <<http://www.bbc.com/news/business-28212223>>, diakses pada 23 Juli 2017.

Baker, B., ‘Op-Ed: What Patent Reform in Brazil and South Africa Can Mean,’ *Health Gap* (daring), 20 November 2013, <http://www.healthgap.org/op_ed_what_patent_reform_in_brazil_and_south_africa_can_mean>, diakses pada 7 Desember 2017.

Bhagwati, J.N., ‘Patents and the Poor: Including Intellectual Property Protection in WTO Rules Has Harmed the Developing World,’ *Council on Foreign Relations* (daring), 17 September 2002, <<http://www.cfr.org/intellectual-property/patents-poor-including-intellectual-property-protection-wto-rules-has-harmed-developing-world/p4847>>, diakses pada 25 Oktober 2016.

Boseley, S., ‘Novartis denied cancer drug patent in landmark Indian case,’ *The Guardian* (daring), 1 April 2013, <<https://www.theguardian.com/world/2013/apr/01/novartis-denied-cancer-drug-patent-india>>, diakses pada 20 Juli 2017.

Dandekar, V., ‘India rejects Swiss drug maker Roche Patent claims on Valcyte again,’ *The Economic Times* (daring), 24 July 2015, <<http://economictimes.indiatimes.com/industry/healthcare/biotech/pharmaceuticals/india-rejects-swiss-drug-maker-roche-patent-claims-on-valcyte-again/articleshow/48195632.cms>>, diakses pada 16 September 2017

Dezzani, L., ‘Top 10 Pharmaceutical Companies 2017,’ *igeahub* (daring), 14 March 2017, <<https://igeahub.com/2017/03/14/top-10-pharmaceutical-companies-2017/>> diakses pada 17 Agustus 2017.

Grover, A., ‘Novartis case: Supreme Court’s historic decision on Section 3(d),’ *The Times of India* (daring), 2 April 2013, <<http://timesofindia.indiatimes.com/india/Novartis-case-Supreme-Courts-historic-decision-on-Section-3d/articleshow/19334256.cms>>, diakses pada 21 Agustus 2017.



- Homhuan, A. & Bell, V., 'Allow Case-by-Case Patent "Evergreening" of Pharmaceuticals,' *Tilleke & Gibbins* (daring), 3 October 2014, <<http://www.tilleke.com/resources/allow-case-case-patent-%E2%80%9Cevergreening%E2%80%9D-pharmaceuticals>>, diakses pada 21 November 2017.
- IANIS, 'Government to ask doctors to prescribe generic medicines,' *The Times of India* (daring), 29 July 2016, <<http://timesofindia.indiatimes.com/life-style/health-fitness/health-news/Government-to-ask-doctors-to-prescribe-generic-medicines/articleshow/53451050.cms>>, diakses pada 5 Maret 2017.
- Intellectual Property Appellate Board, <<http://ipabindia.org/>>, diakses pada 3 Agustus 2017.
- Intellectual Property India, *The Patents Act, 1970 (Amandemen 2005)*, <<http://www.wipo.int/edocs/lexdocs/laws/en/in/in065en.pdf>>, diakses pada 19 Juni 2017.
- Jawadekar, M., 'India: Emerging Hub of Pharmaceutical R&D,' *Elsevier* (daring), 7 November 2016, <<https://pharma.elsevier.com/pharma-rd/india-emerging-hub-pharmaceutical-rd/>>, diakses pada 10 September 2017.
- Kamiike, A. & Sato, T., *The TRIPs Agreement and the Pharmaceutical Industry: The Indian Experience*, <http://src-h.slav.hokudai.ac.jp/rp/publications/no11/11-07_Kamiike&Sato.pdf>, diakses pada 23 Juli 2017.
- Krishna, R.J. & Whalen, J., 'Novartis Loses Glivec Patent Battle in India,' *The Wall Street Journal* (daring), 1 April 2013, <<https://www.wsj.com/articles/SB10001424127887323296504578395672582230106>>, diakses pada 18 Juni 2017.
- Levine, B., 'The Truth About Generic Vs. Brand-Name Medications,' *Huffington Post* (daring), 22 February 2015, <http://www.huffingtonpost.com/2015/02/22/generic-prescriptions_n_6730194.html>, diakses pada 22 Juni 2017.
- Lyn, T.E., 'China changes patent law in fight for cheaper drugs,' *Reuters* (daring), 8 June 2012, <<https://www.reuters.com/article/us-china-medicines-patents/china-changes-patent-law-in-fight-for-cheaper-drugs-idUSBRE8570TY20120608>>, diakses pada 7 Desember 2017.
- Prasad, R., 'India rejects patent claims on two HIV/AIDS drugs,' *The Hindu* (daring), 17 December 2016, <<http://www.thehindu.com/sci-tech/health/India-rejects-patent-claims-on-two-HIVAIDS-drugs/article16879640.ece>>, diakses pada 16 September 2017.
- PTI, 'Doctors to face action unless they only prescribe generic drugs: MCI,' *The Times of India* (daring), 22 April 2017, <<http://timesofindia.indiatimes.com/india/doctors-to>>

face-action-unless-they-only-prescribe-generic-drugs-mci/articleshow/58314973.cms>,

diakses pada 19 September 2017.

PTI, 'Govt vows to end 'medicine mafia', open 3K Jan Aushadhi stores,' *The Times of India* (daring), 20 February 2017, <<http://timesofindia.indiatimes.com/business/india-business/govt-vows-to-end-medicine-mafia-open-3k-jan-aushadhi-stores/articleshow/57250743.cms>>, diakses pada 19 September 2017.

Sheriff M, K., 'Cheap generic vs costly branded: Issues in picking right drug in India,' *The Indian Express* (daring), 20 April 2017, <<http://indianexpress.com/article/explained/cheap-generic-vs-costly-branded-issues-in-picking-right-drug-in-india-4620165/>>, diakses pada 19 September 2017.

The Associated Press, 'India's top court rejects Novartis cancer drug patent bid,' *CBCnews* (daring), 1 April 2013, <<http://www.cbc.ca/news/world/india-s-top-court-rejects-novartis-cancer-drug-patent-bid-1.1362212>>, diakses pada 21 Agustus 2017.

Ubel, P., 'The True Cost of Low Drug Prices,' *Forbes* (daring), 5 Januari 2015, <<https://www.forbes.com/sites/peterubel/2015/01/05/the-true-cost-of-low-drug-prices/#370376a41e75>> , diakses pada 10 September 2017.

VN, S., 'Indian Supreme Court Rejects Novartis Patent Plea for Cancer Drug Glivec,' *International Business Times* (daring), 1 April 2013, <<http://www.ibtimes.com/indian-supreme-court-rejects-novartis-patent-plea-cancer-drug-glivec-1162207>>, diakses pada 12 Desember 2017.

Weintraub, A., 'Generic Gleeec Will Hurt Novartis – But Save Millions in Health Costs,' *Forbes* (daring), 16 March 2016, <<https://www.forbes.com/sites/arnenweintraub/2016/03/16/generic-gleevec-will-hurt-novartis-but-save-millions-in-health-costs/#25c361fd6603>>, diakses pada 18 Juni 2017

World Trade Organization, *Agreement on Trade-Related Aspects of Intellectual Property Rights*, <https://www.wto.org/english/docs_e/legal_e/27-trips.pdf>, diakses pada 28 Juli 2017.