



# Evergreening of patent

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**Context:** High Court refused to grant **interim injunction** to **Novo Nordisk** against **Dr. Reddy's Laboratories (DRL)** over alleged infringement of semaglutide-related patents.

## About Semaglutide

- **Active Pharmaceutical Ingredient (API)** used for **Type-2 diabetes** and **obesity** treatment.
- Marketed by Novo Nordisk as **Ozempic** (diabetes) and **Wegovy** (weight loss).
- API = the component that produces the intended **therapeutic effect**.

## Why the Injunction Was Denied?

- Court observed that Novo Nordisk's additional patents involved **minor variations** of semaglutide.
- These variations may constitute **evergreening**, hence not eligible for strong interim protection.

## Evergreening of Patents

- Strategy to **extend patent monopoly** beyond the 20-year term by:
- New forms, salts, polymorphs
- New dosages or delivery systems
- Minor modifications **without improved therapeutic efficacy**

## Legal Provisions in India

### Section 3(d) – Patents Act, 1970

- Bars patents on **new forms/derivatives** of known substances **unless** they show **enhanced therapeutic efficacy**.
- Designed to **prevent evergreening**.

## Patentability Requirements

- Must satisfy:
- **Novelty**
- **Inventive step**
- **Industrial applicability**
- Minor or obvious changes do **not** qualify.

## TRIPS & Doha Declaration

- India remains **TRIPS-compliant**.
- Uses **Doha Declaration flexibilities** to safeguard **public health** and ensure access to **affordable generics**.