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ETHICAL BRANDING AND MARKETING (ROUTLEDGE ADVANCES IN MANAGEMENT AND BUSIN...

for the government to override the company's patent so other manufacturers could assure supply of generic versions of Cipro at reasonable prices. Bayer's Cipro was protected for a period of 20 years by the Trade-Related Aspects of Intellectual Property Rights (TRIPS), but the agreement allows governments to override intellectual property rights during national health emergencies or unfair pricing (Fidler, 2002; *Lancet*, 2001). The Canadian government, under pressure from the Canadian generic-drug maker Apotex and public anxiety, went further. The government announced that it "will override Bayer's patent on Cipro and invite generic drug manufacturers to produce close to a million tablets" (Holmes, 2001, p. 9) because it wanted to build a stockpile of drugs adequate to treat 100,000 people (Harmon & Pearoct, 2001; cf., Pesik, Gorman, & Williams, 2002).

The drug industry accused the Canadian government and Apotex of "opportunistic behavior," since no anthrax case had appeared in Canada (Stewart, Denny, & Clark, 2001). The outcry did not

hold back BristolMyers Squibb, Johnson & Johnson, GlaxoSmithKline, Abbott, and other drug manufactures from offering to supply free medication to the government to treat anthrax, linking it to gaining formal FDA approval of anti-anthrax medicine (Charatan, 2001; Wechsler, 2001). This was a shrewd strategic move because it would allow them to gain entry and market share of a lucrative market, while improving their public image.

In addition, some accused Bayer of having created a monopoly for Cipro by signing an agreement in 1997 to pay Barr Laboratories an estimated \$30 million a year to hold off production of generic Cipro, and paying Barr Laboratories and two other generic-drug makers a total of \$200 million to abandon efforts to bring generic Cipro to market. The pressure mounted when it was revealed that 78 Indian-based pharmaceutical companies could produce generic Cipro for about 10 cents a tablet, as opposed to Bayer's \$1.77 wholesale price before the September 11th attacks (Charatan, 2001; Herper, 2001; and Mokhiber & Weissman, 2001).



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