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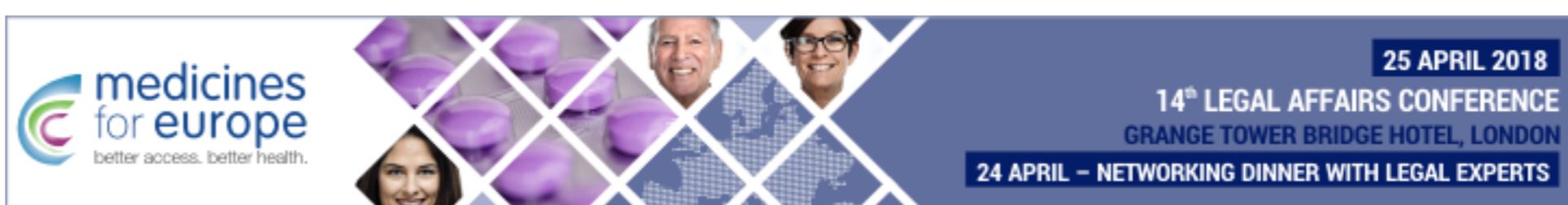
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In Memoriam: Dilip Shah (1941-2019)

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Contributed to IP-Watch by Prof. Frederick Abbott (February 23, 2019)

Dilip Shah passed away suddenly and without foreshadowing on February 22, 2019. The loss is greatest for his immediate family, especially his wife Smita. Warmest thoughts and condolences go out to the family.

It is hard to overstate Dilip's importance in advancing India's position as pharmacy of the developing world. He first became known to many working outside India toward enhanced access to medicines around the year 2000. Concerns were rising as the effects of the TRIPS Agreement began to manifest themselves, and various developing country delegations, NGOs and inter-governmental organizations convened in Geneva and the surrounding area to consider ways and means to ameliorate the impact. Dilip arrived on behalf of the Indian Pharmaceutical Alliance that was newly-formed to represent the interests of a key group of Indian pharmaceutical producers that would face increasing obstacles from the barriers being erected.



D G Shah

Dilip made his case with facts, usually accompanied by a detailed PowerPoint, illustrating the extent to which India and countries in the developing world (before the era of "emerging markets") relied on the availability of low-cost high-quality generics supplied by Indian manufacturers. He had come from the originator industry, and he very well understood the changes that were going to impact the Indian generics producers as the product market transitioned to one fenced-off by patents and other forms of market exclusivity. He recognized that access-oriented NGOs and the Indian producers shared common interests. The NGOs had demonstrated capacity to influence the policies of governments and multilateral organizations, and they were natural allies for India's generics industry.

During the course of 20 years or so, I worked with Dilip on many projects in and outside of India, and I regarded him as a great and trusted friend.

Dilip had an encyclopedic knowledge of the Indian pharmaceutical industry and the Indian health sector. Whether the issue was local production of APIs, the details of India's price control system, the organizational structure of India's state health-care systems, or plans for the next round of trade negotiations, he knew the details, and was typically involved in the planning process as an advocate. India is an extraordinarily complex country on many levels, and its "method of operation" is opaque. It is not easy to understand the decision-making structure — certainly "less easy" for those from outside. For those interested in the Indian pharmaceutical industry and the healthcare system more generally, Dilip was the best-informed one-person guide.

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It seemed as though Dilip was personally acquainted with pretty much everyone even tangentially involved in the pharmaceutical sector. Whether it was the Minister of Commerce, or someone on the administrative staff of a local office in Hyderabad, they knew Dilip. Dilip was well acquainted with India's domestic media, and its personalities. And, though he was involved in high-level policy "battles" with various groups and factions within India, he was universally respected.

Dilip was passionately committed to the twin causes of promoting fair access to medicines around the world, and to the success of the local Indian pharmaceutical industry. I do not have special insight into what sparked his passion for equitable access, though I suspect it was grounded in a spiritual dimension. Dilip's unique knowledge of India's pharmaceutical industry would have made him a particularly valuable asset to a multinational originator company seeking to advance its interests in India. Dilip chose to pursue what he thought was right and fair.



Dilip Shah (right) and Fred Abbott in 2017 at an experts group workshop in Florida on Global Pharmaceutical Regulation.

The world has changed a great deal since the mid-1990s, including in terms of the structure of industry, the interests of governments, the balance of power and so forth. India no longer sits alone as major producer of quality low-cost generics, and the internal structure of Indian industry has undergone major change through foreign acquisitions and mergers. Dilip was as familiar with these transformations as anyone. He was pragmatic in adjusting his approach to issues as older options were taken off the table and new ones needed to be opened up. He was not mired in the past. Up until his passing, he remained at the leading edge of policy development.

It is a common human frailty to imagine that any single person is "irreplaceable", and it is probably true that there is someone in India who will take on Dilip's role and be good at what she or he does. But, in his historical epoch, Dilip was one-of-a-kind. India as a nation must be justifiably proud of his contributions to the world at large.

It is hard for me to think of India without Dilip Shah. A bright light is out.

Frederick Abbott is the Edward Ball Eminent Scholar Professor, Florida State University College of Law, USA.

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Intellectual Property Watch may be reached at info@ip-watch.org.



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