**There is something wrong with our Patent Laws**

The 31st July 2019 edition of The Star newspaper carried a full page “Warning” taken out by Messrs. Bustaman, the solicitors for Biotropics Msia Bhd, stating that Biotropics is the sole licensee of the Patent over *the bioactive components of extracts of the roots of the plant Eurycoma longifolia (otherwise known as “Tongkat Ali”)!* The “Warning” goes on to state that that any person or firm engaged in producing, manufacturing, importing or selling the patented product is infringing the exclusive rights granted by the Patent, and is liable on conviction to a fine of RM 15,000 and/or a jail sentence of two years! The “warning” ends ominously stating “*TAKE NOTICE that legal proceedings may be initiated against anyone infringing the aforementioned Patent including those assisting or facilitating such infringement. . . .*”

The PSM is shocked that existing Patent Laws in Malaysia can be so easily misused to create monopolies for well-connected companies that allow them to claim exclusive rights over the production and sale of a product like Tongkat Ali which has been used for its medicinal properties for centuries. Biotropics’ “Warning” refers to Tongkat Ali extracts as its “invention” – but surely that is not true! The local population of Malaysia has recognized the medicinal properties of Tongkat Ali and have been utilizing it for health enhancement for ages. This is clearly another case of “Fencing up the Commons”, using in this instance, Malaysian Patent Laws.

According to the “Warning”, from now on, any person or company preparing and selling Tongkat Ali extracts will have to get the permission of Biotropics and pay a royalty!

The PSM understands that Biotropics now has the technology to separate the extracts of Tongkat Ali and produce products with defined concentrations of these extracts. We have no objection to Biometrics marketing its combination of purified extracts as a superior and safer version of Tongkat Ali and competing for market share with the traditional producers who probably use “cruder” methods of production. Let the Malaysian public decide whether it is worth it to buy the more expensive, purified version from Biotropics or to keep to their traditional suppliers. That would be the Free Market at work – in a way beneficial to the public!

Why have we set up legislation that allows powerful commercial interests to create monopolies out of products already known to the local population and charge us exorbitant prices for something they did not discover or create? Something is obviously wrong with our application process for Patents. Clearly, it can be abused.

The PSM calls upon the Government of Malaysia to look into this anomaly in Patent Legislation and put a stop to further “fencing up of the commons”. The PSM also calls upon the traditional manufacturers of Tongkat Ali to come together to argue their case by meeting with relevant government agencies and if necessary, filing a legal challenge to Biotropics. Consumer groups in the country should also get together to oppose this absurdity by supporting the traditional producers. The theft of our traditional knowledge must not go unchallenged!

Jeyakumar Devaraj

Chairman, PSM

5/8/2019