REVIEW OF MARKETING AUTHORIZATION OF MEDICAL DEVICES IN INDIA

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REVIEW ARTICLE

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ABSTRACT

Marketing authorization of medical devices in India is given under heading "Registration Certificate and it is as per the regulatory processes in other countries. The foreign companies marketing of medical devices require either own office or an agent to receive, store and distribute the devices. The marketing Authorization (Registration Certificate) is considered valid for three years from the date of its issue. Only the Notified Medical Devices, New medical Devices and the devices classified under drug rules require marketing Authorization from DCGI. The other medical devices e.g. Non-notified devices do not require manufacturing, sales, import registration and can be marketed freely.

Keywords: CDSCO, FDA, Medical devices, DCGI.

INTRODUCTION

In India the medical devices are tightly controlled by DCGI through a special division named as Medical Device & Diagnostics Division, Central Drugs Standard Control Organization (CDSCO), Ministry of Health and Family Welfare, .Government of India, FDA Bhavan, ITO, Kotla Road, New Delhi -110002. (1-4)

Marketing authorization of medical devices in India is given under heading "Registration Certificate and it is at par with the regulatory processes in other countries. The foreign companies marketing of medical devices require either own office or an agent to receive, store and distribute the devices.

DEFINITIONS

Followings are important definitions to understand this review adequately.

Table 1: Important definitions for Medical Devices

Sr. No.	Devices	Definition	Examples
1.	**Notified Medical Devices**	Devices which are implanted /navigated inside the body and special high tech devices	Disposable Hypodermic Syringes, Disposable Hypodermic Needles, Disposable Perfusion Sets, In-vitro Diagnostic Devices for HIV, HbsAg and HCV ,Cardiac Stents, Drug Eluting Stents, Catheters, Intra Ocular Lenses , I.V. Cannulae, Bone Cements, Heart Valves ,Scalp Vein Set, Orthopedic Implants, Internal Prosthetic Replacements.
2.	**Devices Classified as Drugs**	--	Blood Grouping Sera, Ligatures, Sutures, Staples, Intra Uterine Devices (Cu-T), Condoms, Tubal Rings, Surgical Dressing, Umbilical Tapes Blood / Blood Component Bags.
3.	**Non-notified medical devices**	These are medical devices used superficially on the	e.g. thermometers, weighing scale, measuring tapes.

		body and does not carry any risk from its application.	
4.	**Ready to use devices**	The devices which can be just unpacked and used	Many of the Notified Devices-
5.	**Devices which are to be assembled before use**	Devices which require pre-assembly or sterilization	Most of the Notified Devices
6.	**A "new" medical device**	It is one which does not have a predicate medical device Registered / approved in India. Here predict device means a device having same indications/ intended use, material of construction and design characteristics	Notified Medical Devices for which predicate devices are not registered in India.

PROCEDURE FOR MARKETING AUTHORIZATION OF MEDICAL DEVICES

Only the Notified Medical Devices, New medical Devices and the devices classified under drug rules require marketing Authorization from DCGI. The other medical devices e.g. Non-notified devices do not require manufacturing, sales, import registration and can be marketed freely

Table 2: The information required for MA of Medical devices

a.	**The covering letter**	It shall be addressed to DCGI and shall contain the following details**:** the Objective of application, Name and address of the site to be registered, Name of the products and Name of the authorized signatory who will be corresponding with DCGI, Detailed Index of the documents attached) Please Note that all the documents as stated in covering letter must be attached with the application. If any document is found missing, the application may refused. The documents shall be notarized PN: Instead of original documents, notarized copies the photocopies of the same are submitted.
b.	**Duly filled up Form 40**	It shall be in official format as described by DCGI. It shall provide information on: Names and Addresses of MA seeker correctly The name & designation of the authorized signatory Name (s) of the device (Name of the device shall be consistent throughout the application) Note: Don't club More than one device as a single device in a single form. The authorized signatory must Stamp and signed this form.
c.	**Executed Copy of TR6 Challan**	TR6 Challan is used of the payment of fees and fines Check that Amount paid through TR6 Challan is not less than prescribed fee. Check that when the registration fee is payable in Indian Rupees it shall be exact USD equivalence. If necessary additional bank verification in terms of USD equivalence shall be submitted.

		Check that Fees are paid in Bank of Baroda & in proper Head of Account. Check that duly cleared TR6 Challan covers all the products which are to be imported. Check that TR6 Challan has a clearance stamp. A fee of one thousand and five hundred US dollars for registration fee for manufacturing premises. A fee of one thousand US dollars [or its equivalent in Indian rupees] or the registration of a single medical device. Further, additional fee at the rate of one thousand US dollars for each additional medical device:
d.	**Power of attorney in favor of person who will be officially representing the marketing authorization holder**	Power of Attorney shall be in standard format recommended by DCGI. It shall be in original. The photocopy is unacceptable. Check that Power of Attorney is co-jointly signed by MA Seeker as well as the Indian Agent. Check that Power of Attorney is apostilled/attested by the Indian Embassy in the country of origin. Check that Power of Attorney indicates the name & designation of the authorized signatory. Check that Power of Attorney does list all the devices proposed to be registered. Check that Name & addresses of Indian Agent/MA seeker is same as that mentioned in other documents,
e.	**Duly filled Schedule D1 and D2 (Plant Master File and Device Master Files)**	Check that information under Schedule D1 and D2 is provided as per prescribed format. Check that Undertaking under Schedule D (I) & D (II) is duly submitted. Check that all the Annexure declared in Schedule D (I) & D (II) are actually present in the application. Check that Schedule D (I) & D (II) are signed & Stamped by the MA seeker and Indian Agent. Check that Schedule D (I) & D (II) indicate the name & designation of the authorized signatory and MA seeker.
f.	**Form 9 and under D&C Act**	Form 9 is a license to import of medical devices.
g.	**ISO 13485 Certificates**	It is required for all notified Devices.
h.	**CE Full Quality Assurance Certificate**	It is necessary for all devices bearing CE mark.
i.	**CE Design Certificate**	It is necessary for all devices bearing CE mark
j.	**Free Sale Certificate as issued by the National Regulatory Authority of the country of origin**	It shall be in English/ or authenticated translated copy shall be provided if it is any language other than English Both legal (If any) and actual manufactures name and address should be stated in the Free Sale Certificate issued by the national Regulatory agency for the purpose of registration of devices in India.
k.	**Detailed Biocompatibility, Stability, Sterilization, Validation reports**	Detailed Biocompatibility, Stability, Sterilization, Validation reports are required for sterile medical Devices.
l.	**Protocol for PMS**	Protocol for Post marketing Surveillance is required for all notified Medical Devices

m.	**Package Inserts**	It is required in standard format
n.	**Labels**	The ISO Symbols are acceptable on labels of registered notified medical devices being imported into India. The MA application shall include colored copy of original label incorporating all details as per below for all the models: Maximum Retail price Bar Code Name of the Legal Manufacturer/Exporter Name and address of Indian Distributor Date of Mfg./Date of Expiry (or statement of shelf life) Batch No. Instructions for storage and use If the label is incomplete the importers of registered notified medical devices shall incorporate the deficient details e.g. like name and address of importer, import License Number on post landing in India at customs warehouse or place approved by the CDSCO prior to release into market.
o.	**Certificate of Analysis Biocompatibility, Stability, Sterilization, Validation reports**	COA is compulsory. Biocompatibility/Sterility reports are required for implants
p.	**Details on vendors/sub vendors/contract manufacturer**	This information is required when a part of manufacturing /packaging activity is outsourced

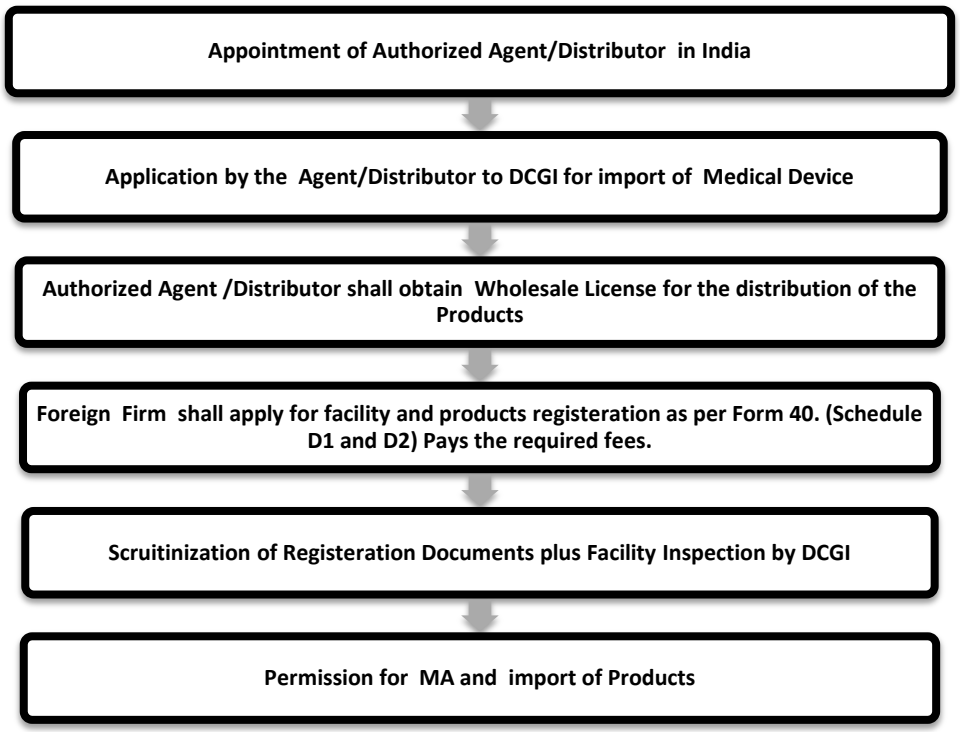

Figure 1: Procedure for marketing Authorization of medical Devices

PN: .The notary should ensure that documents are properly authenticated by signing each Document/page or by providing notarization page (Declaration from notary) having name/number of certificate/documents along with pages e.g. "This part includes certificate X (pages), Certificate Y (pages)" etc. and should be intact (Authorized by notary tamper proof) and stapling or pasting not accepted.

POST APPLICATION PROCEDURES

On receipt of the application at DCGI office it is screened as per checklist available under link: http://cdsco.nic.in/Medical_div/medical_device_division.htm

If the application is complete in all respects and information specified in Schedules D-I and D-II are in order, the licensing authority issues the authorization in Form 41 within nine months from the date of receipt of an application.

The marketing Authorization (Registration Certificate) is considered valid for three years from the date of its issue. Sometimes DCGI may mandate Technical Presentation, on the product to be imported. Such presentation shall be given by an expert or competent Technical Person of the company.

Please Note: The inspection of site for cGMP Compliance is not mandatory for issue of MA. However; if inspection is required the applicant is informed about the same. The inspection is fee based. The standard fee is five Thousand US dollars [or its equivalent in Indian rupees. The fees shall be paid through a Challan in the Bank of Baroda, Kasturba Gandhi Marg, New Delhi-110001 or any other branch or branches of Bank of Baroda, or any other bank, as notified, from time to time, by the Central Government, to be credited under the Head of Account "0210-Medical and Public Health, 04-Public Health, 104-Fees and Fines". Provided that in the case of any direct payment of fees by a manufacturer in the country of origin, the fees shall be paid through Electronic Clearance System (ECS) from any bank in the country of origin to the Bank of Baroda, Kasturba Gandhi Marg, New Delhi, through the Electronic Code of the bank in the Head of Account "0210-Medical and Public Health, 04- Public Health, 104-Fee and Fines" and the original receipt of the said transfer shall be treated as an equivalent to the bank Challan

The Third party/Authorized Consultant are not entertained for follow-up on the registration proceeding. Only either applicant or his authorized regular employee may ask the status of the application if it is beyond the time limit prescribed under Drugs and Cosmetics Act and Rules.

MARKETING AUTHORIZATION OF ADDITIONAL DEVICES

In case marketing authorization for additional devices is required a fresh application along with the necessary documents is required (The same documents as provided for the original application).

If additional products are to be manufactured at the same site, the existing Marketing Authorization certificate is endorsed with the same. The each additional authorization requires fees of 1000 USD.

If the additional products are to be manufactured at different site than fee of 1000 USD per product and Site Registration Fees (1500 USD) is required.

MARKETING AUTHORIZATION OF NEW DEVICES

The new medical devices are referred to the relevant Specialty Medical Device Advisory Committees to comment on safety, effectiveness, essentiality and desirability of proposed Devices. Currently, following Medical Device Advisory Committees are in operation: Cardiovascular Committee, Dental Committee, Ophthalmic Committee, Orthopedic Committee, Reproductive and Urology Committee and Committee for miscellaneous devices. In addition CDSCO maintains "General Expert Pool" to advise the Drugs Controller General of India in matters related to approval of new medical devices and connected clinical trials.

RENEWAL OF MARKETING AUTHO-RIZATION

The Renewal of MA Devices requires the same procedure as that of fresh marketing authorization. The documents required for renewal are is as per follows:

(a)All the documents as per fresh application in the event there is change in product specifications or facility Or

(b)All the documents except Schedule D1 and D2, in case there are no changes in plant or the product.

The application for renewal of Marketing Authorization shall be filed minimum Nine months ahead of the expiry of the current Marketing Authorization (registration certificate).

DUPLICATE COPY OF MA

A fee of three hundred US dollars [or its equivalent in Indian rupees] shall be paid for a duplicate copy of the marketing Authorization (Registration Certificate) if the original is defaced, damaged or lost.

CHANGES/VARIATIONS

Any changes in name and/or address of Indian agent/ Importer or change in Constitution after issue of Registration Certificate/ Import License are required to be communicated to the Licensing Authority immediately in writing and shall submit fresh application as per Rules.

Any changes in name and/or address of legal and/or actual manufacturer or change in constitution after issue of Registration Certificate/ Import License are required to be communicated to the Licensing Authority immediately in writing .Where any such change in the constitution of the firm and/or address takes place, the current Registration Certificate shall be deemed to be valid for a maximum period of three months from the date on which the change has taken place unless, in the meantime, a fresh Registration Certificate has been taken from the Licensing authority in the name of the firm with the changed constitution of the firm and/or changed address of the registered office or factory premises.

The acquisition/merger of one company by another company is considered as change in constitution of the company.

If there is a change in the Indications and/ or Intended use of a registered notified Medical device, the applicant need to submit a fresh application including Power of Attorney incorporating the changed Indications and/ or Intended use of the registered notified medical device. The changes can be executed only after approval letter from DCGI.

On the other hand change in shelf life, change in the method of testing, minor change in manufacturing process not affecting the final product specifications, updating in IFU like warnings, precautions, additional instructions and safety etc., labels and packaging.

However, each change shall be provided proper justification should be provided in writing.

Even any minor technical change in notified devices shall be informed to DCGI and device shall not be implored until CDSCO approves the same. DCGI may take up to 90 working days.

MISCEELOUS PROVISIONS

I.	The plant master file shall declare name of all the equipments, machineries and number of people as on the date of preparation of Plant Master File. In case Plant Master File is not available a Quality Manual as per ISO 13485 be submitted in lieu of the Plant Master file.
II.	The Certificate of Exportability (which reflects that the proposed products may not be freely sold in the country of origin but can be exported), is not acceptable as substitute to Free Sale Certificate.
III.	The form 40 shall declare the site from where final batch is released as actual manufacturing site. (5)
IV.	Both Manufacturer and Indian Agent are not permitted to change their constitution during the review period. However, if this happens the application is declined and fresh application with the change constitution is mandated.
V.	The marketing authorization is readily given for the products duly registered in USA, Europe, Japan, Health Canada or Australia. However, the products which are not

	registered in these countries are considered as new products and registration for such products is given against clinical trials.
VI.	The license in Form10 is necessary for the import of medical devices into India. If there are errors on this form e.g. name of the importing country, name of the products or any other minor errors, the application is refused. (6)
VII.	Rules for veterinary medical devices are same as that of Human medical devices
VIII.	Application for all Re-registration/ issue of certificates shall be made with minimum of 6 months validity. However, if the applicant has a valid reason for not being able to submit the same within stipulated validity, they can provide an undertaking to the CDSCO stating that in case the re-registration/renewal fails, the current certificate will be promptly surrendered. Such instances will be dealt on a case to case basis as per rationale of reason.
IX.	DCGI requires that in case there are any adverse findings with the medical devices in the market the same must be communicated.
X.	Import of notified medical device having residual shelf life less than 60 % for Commercial or testing purpose are not permitted by DCGI.
XI.	It is compulsory that Name of the device in import license in Form 10 matches with the name given in Bill of Lading and commercial invoices and vice versa.
XII.	If import license shows brand name of the device then commercial invoice shall exhibit the same brand name. The substitution of the same even by generic name of the device is not permitted.
XIII.	Marketing authorization and permission for import of medical devices are two different procedures. The permission for import of medical devices is often obtained concurrently.
XIV.	The permission of imports is generally granted within 90 days from the time of application. The import license is issued in Form 10.The license is valid only for 3 years. It shall by renewed well in three months in advance ahead of the expiry .Single license may be issued, in respect of the import of more than one drug or class of drugs manufactured by the same manufacturer to the Importer through which importer can import the products thorough any notified port under Drugs and Cosmetics Act and Rules.

CONCLUSION

The medical devices in India are tightly controlled by DCGI through a special division named as Medical Device & Diagnostics Division, CDSCO, New Delhi –India.

The foreign companies marketing of medical devices require either own office or an agent to receive, store and distribute the devices

The marketing Authorization (Registration Certificate) is considered valid for three years from the date of its issue. Only the Notified Medical Devices, New medical Devices and the devices classified under drug rules require marketing Authorization from DCGI. The other medical devices e.g. Non-notified devices do not require manufacturing, sales, import registration and can be marketed freely.

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CONFLICT OF INTEREST

Author declares that there are no conflict of interest.

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