

# The Issue: Same Trademark, Different Drug

## The Issue

Pharmaceutical trademarks used in one country for a product may represent a different active ingredient in another country.

A United States patient taking DILACOR (diltiazem) had a prescription refilled while traveling in Serbia. DILACOR in Serbia is digoxin, and the patient experienced life-threatening cardiac problems. This information was initially published by the Institute for Safe Medication Practices: <http://www.ismp.org/newsletters/acutecare/articles/20050127.asp>

This issue is so widespread and potentially dangerous that the FDA issued a public health advisory on January 2006 describing 18 exact trademarks and 105 similar trademarks.

To view this list please visit:

<http://www.fda.gov/Drugs/DrugSafety/PostmarketDrugSafetyInformationforPatientsandProviders/DrugSafetyInformationforHealthcareProfessionals/PublicHealthAdvisories/ucm173134.htm>

Consumers who fill prescriptions abroad, either when traveling or when shopping at foreign internet pharmacies, need to take caution because foreign drugs may use identical or very similar brand names for products with different active ingredients.

## Examples of same drug trademarks with different ingredients in the US and Europe

Trademark	Active Ingredient(s), purpose and manufacturer in US	Active Ingredient(s), purpose and manufacturer in Europe
DILACOR®	diltiazem angina, hypertension (Watson Laboratories)	digoxin ( <b>Serbia</b> ) congestive heart failure, arrhythmia (Zdravlje)
FLOMAX®	tamsulosin benign prostatic hyperplasia (Boehringer Ingelheim)	morniflumate ( <b>Italy</b> ) inflammation, pain, fever (Chiesi)
NORPRAMIN®	desipramine depression (Sanofi Aventis)	omeprazole ( <b>Spain</b> ) peptic ulcer, GERD (CEPA)
VIVELLE®	estradiol estrogen deficiency, menopausal disorders, osteoporosis (Novartis)	ethinyl estradiol, norgestimate ( <b>Austria</b> ) acne, tri-phasic, oral contraceptive (Janssen-Cilag)
SOMINEX®	diphenhydramine insomnia (Prestige Brands)	promethazine ( <b>United Kingdom</b> ) insomnia (Thornton & Ross)

## Awareness

No international regulatory system exists to ensure that new trademarks are sufficiently different from those existing elsewhere in the world:

- Patient Safety Risk: Avoidable adverse drug events arising from overseas travel, drug importation and Internet prescription reporting
- Trademark Risk: Potential misuse of your trademarks and its good will in other countries

## Prevention

Med-ERRS can provide trademark safety testing and screening that can help you avoid duplicate use of drug trademarks you are filing and managing.

### About Med-ERRS®

Med-ERRS is an independent organization that works with pharmaceutical and healthcare industry professionals who specialize in trademark development, trademark law, regulatory affairs and drug safety. Our expertise is in evaluating trademarks for safety during the pre-market phase, for the purpose of reducing the risk of medication errors. We accomplish this by assessing the potential for look-alike and sound-alike confusability of trademark candidates with other drug products, medical terms and abbreviations encountered in the healthcare setting.

