

**GOVERNMENT OF INDIA
COMMERCE AND INDUSTRY
LOK SABHA**

UNSTARRED QUESTION NO:635
ANSWERED ON:09.07.2004
. INTELLECTUAL PROPERTY RIGHTS
Rao Shri Sambasiva Rayapati

Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

- (a) whether United States of America has once again put India on the priority watch list of its 301 provision of the trade law over inadequate protection of intellectual property rights;
- (b) if so, whether India's amendment of patent has become effective from May, 2003 but has been termed as inadequate; and
- (c) if so, the main reasons for the same and what steps Government is contemplating to further improve its patent laws?

Answer

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY [SHRI E.V.K.S. ELANGO VAN]

(a) : India has been retained in the Priority Watch List of the United States Trade Representative (USTR) alongwith 14 other trading partners of the United States.

(b) & (c) : Yes, Sir. According to the Special 301 Report, the Indian Patent Law is inadequate as it exempts protection to biotechnological inventions, methods for agriculture and horticulture, processes for the treatment of humans, animals or plants and substances prepared by chemical processes.

Indian Intellectual Property Laws are fully TRIPS (Trade Related Aspects of Intellectual Property Rights) compliant. The existing law effectively balances and calibrates intellectual property protection with public health, national security and public interest concerns. However, India is required to amend the Patents Act by 1st January, 2005 to provide for product patent for inventions in the fields of food, chemicals and pharmaceuticals in terms of India's obligation under the TRIPS Agreement.