

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

UNSTARRED QUESTION NO:2419
ANSWERED ON:09.08.2010
EXPORT OF PHARMACEUTICAL GOODS
Patil Shri A.T. Nana

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

- (a) whether the pharmaceutical goods exported by Indian pharmaceutical companies have been recently seized mid way by European ports;
- (b) if so, the details thereof alongwith the reasons therefor;
- (c) whether the USA, Japan, Canada and many developed countries of EU are working for setting up new international norms regarding Intellectual Property Rights under Anti Counterfeiting Trade Agreement (ACTA);
- (d) if so, the details thereof alongwith the reasons therefor; and
- (e) the corrective action being taken by the Government so far?

Answer

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY(SHRI JYOTIRADITYA M. SCINDIA)

(a) & (b): Some consignments of Indian generic drugs exported from India to countries in Latin America and Africa have been detained/seized by Custom authorities of European Commission, particularly of the Government of Netherlands, on the grounds that these pharmaceutical products were patented in Europe and therefore infringed the rights of the patent holders in Europe. The matter has been taken up at diplomatic level with EC Trade Commissioner through Embassy of India, Brussels, clearly bringing out that since there was no patent protection available to the products in India or in the destination countries and these were not being diverted to the European markets, there was no patent violation.

(c) to (e): Anti-Counterfeiting Trade Agreement (ACTA) is a Plurilateral draft Agreement largely between the developed countries such as the EU, the USA, Japan, Australia, Canada, Korea, etc. The draft ACTA, officially released by EU in April 2010, seeks to set up higher standards for enforcement measures for the protection of intellectual property rights than what is envisaged under the TRIPS Agreement of WTO. On the request from Indian delegation, ACTA was included as an agenda item for the TRIPS Council meeting held on 8-9 June, 2010. In the meeting, India pointed out that higher levels of protection as proposed under ACTA are likely to disturb the balance of rights and obligations of TRIPS and could constrain flexibilities and policy space for developing countries particularly in areas such as public health, Transfer of Technology, socio-economic development, promotion of innovation and access to knowledge. A number of like-minded countries such as China, Peru, Cuba, Bolivia, Egypt, South Africa, Brazil, Nigeria, Angola, Mauritius on behalf of ACP countries supported India.