

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

STARRED QUESTION NO:359
ANSWERED ON:20.03.2015
INTELLECTUAL PROPERTY RIGHTS
Singh Shri Dushyant;Tharoor Dr. Shashi

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

- (a) whether India is a signatory to the Trade related aspects of Intellectual Property Rights (IPR) and if so, the details thereof;
- (b) whether the Government had also set up a working group on IPR with the United States (US) and if so, the terms of reference thereof along with the progress made thereby;
- (c) whether the issue of IPR has also been raised during the recent visit of President of US to India, if so, the details thereof indicating the discussions held and decisions arrived at indicating changes agreed to on IPR issue;
- (d) the impact of proposed changes in the IPR regime on the Indian Drug Industry along with the corrective measures taken by the Government in this regard;
- (e) whether the Government has taken note of the abysmal ranking of India in International Intellectual Property (IP) Index of 2015 and if so, the details thereof along with the reaction of the Government thereto; and
- (f) whether the Government also plans to ratify any of the major international IP treaties referred to in the said index, if so, the details thereof and if not, the reasons therefor?

Answer

THE MINISTER OF STATE (INDEPENDENT CHARGE) OF THE MINISTRY OF COMMERCE AND INDUSTRY
(SHRIMATI NIRMALA SITHARAMAN)

(a) to (f): A statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO THE LOK SABHA STARRED QUESTION NO. 359 FOR ANSWER ON 20.03.2015

(a): India is a signatory to the Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement since 1994. This Agreement obligated the country to strengthen the regime for protecting Intellectual Property Rights (IPRs) in accordance with its provisions. Accordingly, the Patents Act, 1970, the Copyright Act, 1957 and the Trade Marks Act, 1999 were amended to make them TRIPS compliant. Further, as required by the said agreement, the Geographical Indications of Goods (Registrations and Protection) Act 1999, the Designs Act 2000, the Semiconductor Integrated Circuits Layout Design Act, 2000 and the Protection of Plant Varieties and Farmers Rights Act, 2001 have been enacted.

(b): A focus group on Innovation and Creativity had existed as part of the India-US Trade Policy Forum since 2010. The terms of reference of the said Group includes consulting each other no less than twice a year on "Improving intellectual property rights protection and enforcement, enhancing awareness of intellectual property rights, fostering innovation and creativity and increasing collaboration between U.S and Indian innovators. The Focus Group on Innovation and Creativity has been re-christened as 'the High Level Intellectual Property Working Group' in the Joint Statement issued after the bilateral summit held in September, 2014.

After issuance of the Joint Statement in September, 2014; the India US Trade Policy Forum was held on 25th November 2014, which was the eighth Ministerial level meeting. Among other issues of bilateral interest, Intellectual Property Rights issues were also discussed. As part of the engagement envisaged in the work plan of the High Level Working Group on IP, a Digital Video Conference between India and the US on IPR issues was held on 14th January 2015. The broad issues discussed during the meeting related to the procedure that would be followed in finalizing the IPR policy, misappropriation of traditional knowledge in trans-boundary situations, capacity building in copyrights and exchange of information.

(c): On the occasion of the last visit of President of USA to India, the Leaders of the two countries recognised the importance of constructive bilateral engagement on IPRs and looked forward to further engagement. The Joint Statement issued on 25th January, 2015 mentioned that :

"Recognizing the progress made in constructive engagement on Intellectual Property under the last round of the India-U.S. Trade Policy Forum held in November, 2014, the Leaders also looked forward to enhancing engagement on Intellectual Property Rights in 2015 under the High Level Working Group on Intellectual Property, to the mutual benefit of both the countries".

(d): At present, there is no proposal under consideration of the Government for any change in the existing IPR regime of India. Hence, the question of impact of proposed changes in the IPR regime on the Indian Drug Industry does not arise.

(e): The Global Intellectual Property Centre (GIPC), which is an affiliate of the U.S. Chamber of Commerce, has published the third edition of GIPC International IP Index Report in February, 2015. In the said report, IP environment in 30 countries have been studied and India has been given the 2nd last rank with the score of 7.23 in scale of 30. As the report has been published by an affiliate of a private body of the USA, the Government of India need not react in the matter.

(f): There is no proposal under consideration of the Government to ratify any of the major International IP Treaties referred to in the International Intellectual Property Index.