

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

UNSTARRED QUESTION NO:6956
ANSWERED ON:08.05.2015
INTELLECTUAL PROPERTY SYSTEM
Sundaram Shri P.R.

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

- (a) whether United States has declared India's intellectual property system inadequate placing our country on the US special 301 watch list;
- (b) if so, the details thereof;
- (c) the impact of such move on country's patent laws; and
- (d) the action taken by the Government in this regard?

Answer

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

- (a): Yes.
- (b): India continues to be placed on the Priority Watch List under the US Special 301 on account of USA's assessment of Indian IPR protection being inadequate.
- (c): The Special 301 Report issued by the United States under their Trade Act of 1974 is a unilateral measure to create pressure on countries to enhance IPR protection beyond the TRIPS agreement. Under the WTO regime, any dispute between two countries needs to be referred to the Dispute Settlement Body of the WTO and unilateral actions are not tenable under this regime. Special 301 which is an extra territorial application of the domestic law of a country is inconsistent with the established norms of the WTO.
- (d): In view of (c) above, no action need to be taken by the Government.