

# India won't Discuss IPR Regime with US

Says its rules are  
WTO-compliant & US  
can't impose sanctions  
on its domestic laws

DILASHA SETH  
NEW DELHI

India is likely to stop discussing intellectual property rights (IPRs) issues bilaterally with the United States, toughening its stance against the world's largest economy that has, of late, stepped up scrutiny of India's regime to protect innovation. India will inform the US that issues related to IPR are compliant with the rules of the World Trade Organization (WTO) and, therefore, the United States cannot pressure India or impose unilateral sanctions over its domestic laws. "Government will discuss IPR-related issues only at a multilateral platform and not bilaterally," said a government source. The government has recently turned down a request of the US International Trade Commission (USITC) to meet with 14 government secretaries to examine India's policies in respect of IPR laws and the local sourcing requirement norms in the solar mission case. "These are all pressure tactics; they fear that other developing countries like Indonesia and Brazil will also follow India and

introduce legislation to prevent evergreening of drug patents, like Section 3 (d) of Indian Patents Act (IPA)," the official said. Any dispute related to India's trade policies or patents regime should be addressed only at the WTO, government is of the view, the official said. The USITC had earlier this month held a public hearing concerning a wide range of Indian policies that discriminate against US trade and investment in that country that was extended by half a day.

The USITC is an independent, non-partisan, fact-finding federal agency that is conducting the investigation at the request of the Senate Committee on Finance and the House Committee on Ways and Means. Interestingly, in its brief to the USITC, the committee says: "In preparing its report, we do not expect the commission to make findings regarding the legal merits of any Indian laws or policies."

India has, so far, issued just one compulsory license in March 2012 on Bayer's Nexavar, a liver and kidney cancer drug to generic drug-maker Natco Pharma. "In fact, India's Patent Office rejected in October 2013 a CL petition (for Bristol-Myers' product Desitin, a blood cancer drug) showing that the system is capable of exercising fair decisions," said the official.

Section 84 of the Indian Patents Act is not an administrative matter under the government of India jurisdiction but a quasi legal process with a separate and independent appellate body to adjudicate such cases, the official explained.

The final court of appeal in these cases is the Supreme Court of India. Indian officials say that despite the negative publicity over the business environment and IPR regime in India, some 1,500 pharmaceutical companies or composition patents have been granted to nine foreign firms between 1995 and 2012.

## India-US Battle IPR

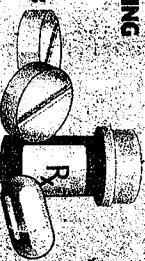
INDIA CLAIMS ITS  
RECORD GOOD

Some 1,500

pharmaceutical compounds  
or composition given  
patents since 1995

IS USITC EXCEEDING  
ITS BRIEF?

USITC is an  
independent, non-  
partisan, fact-finding  
federal agency



Senate Committee on Finance and  
House Committee on Ways and Means  
has asked USITC to investigate Indian  
policies that discriminate against US  
imports and investment for the sake of supporting  
Indian domestic industries, and the effect that those  
barriers have on the US economy and US jobs

In preparing its report, we  
do not expect the  
commission to make findings  
regarding the legal merits of  
any Indian laws or policies



THE COMMITTEE  
Said Seeking Investigation

Regulatory