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# Anand Sharma accuses U.S. of trade protectionism

## U.S. official Nisha Biswal to discuss the issue with India

Special Correspondent

**NEW DELHI:** Commerce and Industry Minister Anand Sharma, on Tuesday, accused the United States of trade protectionism and of obstructing temporary work visas for skilled Indian professionals.

Addressing a press conference, Mr. Sharma said India's patent law was fully compliant in "letter and spirit" with the World Trade Organisation's The Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS). "India has never deviated, never diluted (its law)," Mr. Sharma said. He said that, driven by lobbyists, the United States is seeking of India "TRIPS-plus" but this is unacceptable.

He was replying to a question on the United States Trade Representative's (USTR's) allegations that India's IPR norms discriminate against American companies, especially in the pharmaceu-



Anand Sharma

tical sector. The U.S. has raised concerns over issuance of a compulsory licence (CL) by India to Hyderabad-based Natco Pharma to manufacture and sell cancer-treatment drug Nexavar at a price over 30 times lower than charged by patent-holder Bayer Corporation. The

USTR has received demands for putting India under the 'Priority Foreign Country' list for intellectual property rights—a classification that could lead to trade sanctions. The visiting U.S. Assistant Secretary for South and Central Asian Affairs Nisha Biswal could meet Indian trade

officials on the issue, the Minister said.

The said CL, said Mr. Sharma, was issued under a flexibility available under the WTO rules and that too not "through an executive order" but rather by following "due process". Mr. Sharma pointed out that the U.S. itself had issued CLs through executive authorities and that there were over 80 such executive issuances worldwide.

Under the Indian Patents Act, a CL can be issued for a drug if the medicine is deemed unaffordable by the government. The CL grants permission to qualified generic drug makers to manufacture the drug. As per WTO norms, a CL allows a company to produce a patented product without the consent of the patent owner.

When asked whether the Commerce Ministry has received any proposal from the Health Ministry to issue a CL for anti-cancer drug 'dasatinib', he said: "So far, not".

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