

# India's intellectual property regime goes under US lens

**NEW YORK:** The US on Tuesday launched a review of India's Intellectual Property Regime, in which the focus is to measure the engagement that New Delhi has pursued in terms of intellectual property.

The USTR's 'Out-of-Cycle' (OCR) Review follows the 2014 Special 301 Report that came out in April, in which the US Trade Representative (USTR) had placed India on the 'Priority Watch List'.

It had noted that it would conduct an OCR of India focusing in particular on assessing progress made in establishing and building effective, meaningful, and constructive engagement with the government of India on IPR issues of concern.

"Specifically, the out-of-cycle review is focused on engagement, what type of engagement has India pursued in terms of intellectual property," a USTR official said.



The move comes soon after Prime Minister Narendra Modi made a high profile to the US last month.

The official said that from the US government side, there has been "a good deal" of engagement, including three trips since July to India one of which was specifically focused on Intellectual Property.

The official added that in the joint statement released following Prime Minister Modi and President Barack Obama's

meeting also had a reference to intellectual property.

"Agreeing on the need to foster innovation in a manner that promotes economic growth and job creation, the leaders committed to establish an annual high-level Intellectual Property (IP) Working Group with appropriate decision-making and technical-level meetings as part of the TPF," the joint statement had said.

The official added that while the USTR is aware that India is pursuing a new IP policy and there is certainly "some track record" for engagement, "we need this engagement to reach to substantive results. And that is what this out-of-cycle review is going to measure."

The Obama administration had been strongly critical of India's investment climate and IPR laws, especially in the pharmaceutical and solar sectors.

The US industry had raised the matter of India's rejection of patents for Bristol-Myers Squibb's Sprycel and Novartis

AG's Glivec.

India has always maintained that its IPR regime is fully compliant with WTO norms and it would drag the US to the global trade body if any adverse unilateral step is taken against the country in IPR-related matters.

The USTR official said the review would measure what type of engagements have the public and stakeholders been seeing and it will be an "opportunity for the Indian government themselves to provide an input through the federal register notice process."

"Unlike other out of cycle reviews, this one is really focused on just on trying to build that engagement between India and the US on IP," she added.

The start of the review would give an opportunity for the public to provide an input on what they have seen in terms of engagement on IPR by the Indian government and would be open for open for three weeks.

PTI

Patent