

India Opposes Pharma Piracy Pact by 10 Nations

No Sweet Pill

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India has strongly opposed an anti-counterfeiting trade agreement by a small group of countries including the US, Switzerland, Canada and Japan recently, which it feels will be used to stop the country's generic drug exports.

New Delhi has said the agreement is at the behest of the multinational companies that fear competition from cheaper drugs produced in India.

China, Brazil, Bangladesh, Thailand and Ecuador, too, backed India's concern that the anti-counterfeiting trade agreement, or ACTA, goes beyond Trips — the multilateral agreement on intellectual property.

The ACTA was signed by ten WTO countries including Australia, Canada, Korea, Mexico, New Zealand, Japan, Morocco, Singapore, the US and Switzerland in October last year to check global

trade of counterfeit goods and pirated copyright protected works through stricter enforcement laws.

The EU and its 22 member states, signed the plurilateral pact in January this year, but key countries including Germany, Poland and the Netherlands have refused to join the treaty on the ground that it breached freedom of speech and privacy.

The EU can ratify the agreement only when all its constituent states are on board. The agreement, which intends to improve "the enforcement of intellectual property rights" in participating countries by setting international standards over how copyright infringement are dealt with has also been criticised for providing for 'criminal' enforcement and seizures.

India said ACTA can undermine the Trips Agreement, which has safeguards to ensure that legitimate trade in generics between two countries cannot be hampered even if it passes through a third country that has stricter domestic intel-

lectual property regime. Citing cases of seizures by customs at European ports of generic medicines being exported by India to other developing countries, India said the ACTA would legitimise such acts.

"In the recent cases of seizures, the EU had to release the shipments and admit that it was in the wrong as the move violated Trips Agreement. But with ACTA in place, there would be a risk of legitimising such seizures," a government official told ET. Brazil said one-size fits all was not advisable as each country had a different IPR situation. India said ACTA would inhibit South-South trade and added that there were also concerns about digital freedom and fundamental hostility towards consumers.

WTO members are already signatories to international patent regime Trips that has in place regulations to ensure patent protection. India moved from a process patent regime to a stricter product patent regime in 2006 in line with its commitment under Trips.

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