



## PHARMACEUTICALS EXPORT PROMOTION COUNCIL

(Set up by Ministry of Commerce, Govt. of India)

COPY

Date : 12-06-2010

News / Story reproduced with thanks:- **Business Standard**

### India protests regional pact on intellectual property rights

Joe C Mathew / New Delhi June 12, 2010, 1:02 IST

Direct link to the News/Story:-

<http://www.business-standard.com/india/news/india-protests-regional-pactintellectual-property-rights/397972/>

India has protested against the Anti Counterfeit Trade Agreement (ACTA) being negotiated by the United States, the European Union and other countries on the grounds that it will strengthen the holders of intellectual property rights (IPR) beyond reasonable measure.

During a two-day meeting of the TRIPS Council in Geneva that ended on June 9, it urged the World Trade Organization's (WTO's) Council for Trade-Related Aspects of Intellectual Property Rights (TRIPS) to initiate serious deliberations over the impact of IPR negotiations among member countries as part of regional trade agreements.

The Indian delegation was highly critical about ACTA being negotiated by countries like the US, Japan, the European Union (EU), Switzerland, Canada, Australia, New Zealand, and South Korea. According to an official who was part of the delegation, India had made it clear in the meeting that WTO cannot remain silent on such developments.

The Indian participants said that the ACTA text "shows a general shift in the locus of enforcement which enhances the power of IPRs holders beyond reasonable measure".

"ACTA option would mandate that each party provides enforcement for the full range of IPRs infringement actions 'at the border' of an importing country. This would permit IPRs holders to assert infringement and demand seizure of goods before customs administrative authorities, instead of initiating their claims in domestic courts," the Indian statement said.

The draft ACTA proposed to shift the negotiated balance of the TRIPS Agreement in favour of IPR holders by shifting the enforcement forum towards customs administrative authorities and away from the civil courts, it stated.

The Indian delegation said that IPR negotiations in regional trade agreements (RTAs) and plurilateral processes like ACTA completely bypass the existing multilateral processes.

Pointing out that members can limit the benefits of further trade liberalisation to partners in regional trade agreements, India stated that any TRIPS-plus protection secured by one trading partner via an RTA or a plurilateral agreement would automatically and unconditionally turn applicable to all other WTO members. "Therefore, it is even more important to discuss IPR dimensions of regional and plurilateral initiatives in this Council so that they do not undermine TRIPS Agreement," the delegation clarified.