

India objects efforts of developed nations to undermine flexibilities in TRIPS at WIPO

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India has taken strong objection to the efforts being made by the developed nations through the World Intellectual Property Organization (WIPO) to undermine the flexibilities available under TRIPS by stretching the definition of counterfeiting.

Addressing the 47th Series of Meetings of the Assemblies of the WIPO in Geneva, leader of the Indian delegation said that apart from preventing the flow of affordable and genuine generic drugs to the poor in the developing world, such efforts would also adversely affect the perception of legitimacy of the global IP framework.

Before the start of the WIPO Assembly on September 22, the developing countries, including India, had earlier expressed concern on the larger agenda of the organisation, controlled by US, EU and Japan, on pushing a patent harmonization agenda. South Centre, an intergovernmental organization of developing countries, had said that any efforts to promote the establishment of a globally harmonized system of patent administration network will fundamentally affect the way in which substantive decisions about granting patents are taken by national offices in developing countries.

At the WIPO Assembly, the Indian delegation said that in the past few years, India has taken a number of initiatives to develop an IP regime, which is vibrant, modern and dovetails with our developmental needs. India is strongly committed to the Development Agenda of WIPO as a positive step towards realization of the mandate of WIPO as a specialized UN agency which supports the socio-economic development of its Member States.

"We hope that such an approach would also enable examination of the impact that the project has had on achieving the spirit behind a particular recommendation and thereby facilitate further interventions in the area. We would like to see greater focus on innovation promotion and IP wealth creation in developing countries through technical assistance and capacity building with special attention to SMEs" the delegation said.

One of the most important agenda items to be discussed in the present General Assembly is the extension of the term and agreed mandate of the Inter-Governmental Committee on IP, Genetic Resources, Traditional Knowledge, and Folklore for the next biennium. The delegation is strongly committed to an extension of the term of the IGC for the next biennium and believes that it is time to take forward meaningfully, the extensive and valuable work done by WIPO in the last nine years, by mandating the IGC to undertake text based negotiations with the objective of developing a legally binding international instrument on Genetic Resources, Traditional Knowledge and Folklore, within a clearly defined timeframe. India calls upon Member States to display the

necessary political will to take this process forward.

"In this context, I may add that efforts to undermine the flexibilities available under TRIPS by stretching the definition of counterfeiting to prevent the flow of affordable and genuine generic drugs to the poor in the developing world would adversely affect the perception of legitimacy of the global IP framework", the Indian delegation said.