

TRIPS Plus measures outside WTO framework not acceptable: Anand Sharma

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Union commerce and industry minister Anand Sharma has reiterated India's stand that it will not accept any Trips plus decision that is taken outside multilateral framework.

Speaking after the third Annual Intellectual property Awards in New Delhi, the Minister expressed concern over the growing efforts of certain developed countries to enact Anti-Counterfeit Trade Agreement (ACTA) which contain TRIPS Plus provisions relating to enforcement of Intellectual Properties. "We believe that certain provisions in this proposed Agreement are violative of TRIPS and we are firmly against such move which fall outside multi-lateral framework of WTO" he added.

Referring to seizure of Indian generic medicines in EU while in transit to Latin America in October 2008, Sharma said that as a result of India's firm stand, during the recent India-EU Summit, EU informed that the Commission has intensified efforts on finalisation of proposal for revision of Regulation 1383 and hopefully they should be able to complete their international processes shortly.

The minister said that the legislative regime in India which circumscribes the IP rights is a robust one and strikes a balance between the interests of the IP creators and the larger interests of the IP users. This year marks the completion of 15 years of the enforcement of the TRIPS Agreement and the Minister observed that Indian Patent Laws are fully in harmony with the TRIPS Agreement.

He further informed of a major breakthrough at the World Intellectual Property Organization (WIPO) when Member-States of EU agreed to a persistent demand by India for commencing negotiations for creation of international legal instruments for protection of India's generic resources, traditional knowledge, traditional cultural expressions. This has been a result of tireless efforts of almost a decade by Indian negotiators. Referring to the data base of more than 2 lakh formulations in the Traditional Knowledge Digital Library (TKDL) he expressed the hope that this data base which has been created in 5 international languages - English, French, Spanish, German and Japanese will enable search by global patent examiners to prevent misappropriation of our traditional knowledge.

The Minister shared with the gathering that soon sector specific Innovation Councils which will identify specific initiatives and measures which need to be taken in each identified priority sector will be established. We shall shortly be issuing the Terms of Reference and Composition of sectoral Innovation Councils for IPRs. Thrust areas have been identified on which council will give its recommendation.

Applauding the pharmaceutical sector for its entrepreneurship, the Minister said “I feel that we have reached a stage of maturity that our pharmaceutical companies must move away from reverse engineering to discovery of new molecules and drug delivery systems.” He lamented the fact that despite the fact that India has a base of 3 million graduates, 7,00,000 post graduates and 1500 PhDs, we account for just 2 per cent of world’s scientific publications and the sighted scientific publication is around 0.5 per cent. This is a matter of serious concern and requires a concerted policy thrust involving both the public and private sector to set the innovation agenda.

Stressing the challenge of financing innovation, the Minister pointed out huge shortfalls in the field of seed finance. Estimates suggest that cumulative start-up capital provided is around US\$ 25 million which is enough for 75-100 start ups, though we require much more perhaps 600 start up companies every year. There is a need to expand the technology incubators in India. We have something around 100 technology incubators contrasted with 700 in China and 1000 in US. This is a gap that needs to be addressed urgently, the Minister added.