

**GOVERNMENT OF INDIA
COMMERCE AND INDUSTRY
LOK SABHA**

UNSTARRED QUESTION NO:3814
ANSWERED ON:13.12.2002
REPORT OF COMMISSION ON IPR
VINAY KUMAR SORAKE

Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

- (a) whether the Government have examined the report presented by the Commission on Intellectual Property Rights to the British Government on the impact of an international IPR regime;
- (b) if so, the comments of the Commission in respect of developing countries like India; and
- (c) the reaction of the Indian Government thereon?

Answer

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (DR. RAMAN SINGH)

(a) to (c) : The Commission on Intellectual Property Rights was set up by the British Government with a view to consider (a) how national intellectual property regimes could best be designed to benefit developing countries within the context of international agreements, including the agreement on Trade Related Aspects of Intellectual Property; (b) how the international framework of rules and agreements might be improved and developed; and (c) the broader policy framework needed to complement intellectual property regimes. Since the Commission was set up by the British Government, as such its Report has been submitted to the British Government on September 12, 2002.

It is, however, noted that the Report basically seeks to integrate intellectual property rights and development policy and, inter-alia, emphasises the need for adequate safeguards for developing countries. It is further noted that the main safeguards suggested in the Report in respect of patent regime relate to : compulsory licensing; parallel imports; Government use of patent; exclusion of diagnostic, therapeutic and surgical methods from patentability; exclusion of new uses of known products from patentability; Bolar provision; prohibition of patent protection on plants and animals including genes and genetically modified plants and animals; and an obligation to disclose the geographical source of the genetic resources used in invention in the patent applications. The Patents Act, 1970 as amended by the Patents (Amendment) Act, 2002 substantially provides for these safeguards along with provisions which, in sum, enable an appropriate, timely and efficient response to national and public interest requirements/concerns.