



Alliance for Fair Trade with India

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AFTI Testifies in Special 301 Hearing on Behalf of U.S. Industries Adversely Impacted by India's IPR Policies and Practices

Recommends USTR Keep India on the Priority Watch List

WASHINGTON, D.C., March 8, 2018 – On behalf of the Alliance for Fair Trade with India (AFTI), Deputy Director Roger Murry today testified during the Special 301 public hearing, highlighting a number of Indian policies and practices that limit the ability of U.S. companies to protect their intellectual property (IP) in India. Based on those ongoing concerns, Murry also called for India to again be placed on the “Priority Watch List” in the Office of the U.S. Trade Representative’s annual Special 301 Report.

“India has not made sufficient reforms to protect IPR holders’ interests with respect to patents, copyright, and trade secrets,” said Murry. Some of the ineffective policies include:

- Costly and time-consuming patent opposition hurdles for patent applicants, and long timelines for receiving patents;
- The lack of an effective system for protecting data generated to obtain marketing approval;
- Major hurdles to patent protections for innovative medicines, such as the application of narrow patentability criteria, Section 3(d) of the India Patents Act, and the possible use of compulsory licensing and patent revocation;
- Pressure to localize manufacturing for industries as diverse as information and communications technology products, medical devices, solar energy equipment, and capital goods;
- Price controls in the fields of medical devices, pharmaceuticals, and agricultural biotechnology that discriminate against products with valuable intellectual property.

AFTI’s testimony also noted areas of progress in 2017 to bolster patent and copyright protections, including a national IPR awareness campaign, progress to reduce longstanding delays in patent and trademark applications, revised guidelines to allow patent protection for computer-related inventions, and more court cases in Delhi and Mumbai allowing injunctive relief.

Murry stated, “We commend each of these actions, but we want to state today very clearly that India must do much more. The Government of India did not address numerous critical and longstanding shortcomings to its IPR regime identified in the 2017 and prior Special 301 Reports, and took several new actions that created significant new intellectual property challenges.”

As laid out in the organization’s comment submission, Murry urged the U.S. and Indian governments to work together to “advance strong intellectual property rights that promote innovation, trade, and investment.”

Read AFTI’s full Special 301 submission for additional details and recommended steps the Modi government should take to address these IP concerns: <http://bit.ly/2BKqMqy>

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The Alliance for Fair Trade with India (AFTI) is committed to supporting U.S. businesses facing longstanding trade and investment barriers in India. For more information, go to AFTIndia.org.