

# India's patent position unlikely to improve in US Special 301 report

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Notwithstanding the recent bonhomie of sorts between Prime Minister Narendra Modi and US President Barack Obama, India's status as 'Priority Watch List' country for having an alleged weak intellectual property rights (IPR) and patents regime is unlikely to see any improvement in the US' 2015 Special 301 Report.

The 2015 Special 301 Report is likely to be released on April 30. It is an annual review of the state of IPR protection and enforcement of America's trading partners, which is issued by the Office of the US Trade Representative (USTR).

"The chances of improvement in India's designation in the (Special 301) report looks bleak this year. It will not be worse either, is what we hope considering some of the measures the government has undertaken," a senior official told *Business Standard*.

In Special 301 Report, the US designates certain countries under two categories — Priority Foreign Country and Priority Watch List — for IPR violators

and offenders. The first designation is meant for countries which are worst offenders and might face trade sanctions.

India has been designated as Priority Foreign Country only once in 1994. It had been consistently featuring poorly in this report since 1989 for having a weak IPR regime.

At present, the USTR's office is accepting public submissions

to be used in conducting the 2015 Special 301 review of the IPR practices of other countries. Apparently, this year, submissions have not seen "much appreciation" of the measures undertaken by the BJP-led government, sources said.

The submissions have been made by US trade and industry associations, companies and business chambers. According

to Pharmaceutical Research and Manufacturers of America (PhRMA), although India and US have set up a separate dialogue on IPR and market access, there are still a number of concern areas.

In the last Special 301 Report, the US had kept 10 countries in the 'priority watch list' — Algeria, Argentina, Chile, China, India, Indonesia, Pakistan, Russia, Thailand and Venezuela.

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