

**Opening Statement of Mr. Saurabh Chandra, Secretary,
Government of India, New Delhi on the occasion of the 51st
Session of the WIPO General Assembly**

Mr / Madam Chairperson,

Allow me to congratulate you, on your election, as Chair of the General Assembly of WIPO Member States. My delegation assures its full support as you steer the proceedings of this Assembly. We are happy to note, that 2013 has seen the successful conclusion of the Diplomatic Conference, held to finalize the Treaty for Facilitating Access to Published Works, for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled, in Marrakesh in June. We compliment Dr Francis Gurry and his team for the excellent work done by them.

I am happy to inform you that India acceded to the Madrid Protocol on 8th April 2013 and the Protocol has come into force in the country since July 2013. This positive development is an indication of our commitment to create an investor friendly environment by reducing transaction costs for industrial units seeking protection of their trademarks in our country. I am also pleased to announce that International Search/ Preliminary Examining Authority under the Patent Cooperation Treaty (PCT) will be operationalized in India from October 15, 2013. I would like to take this

opportunity to request Member States of WIPO to utilize the facilities offered by the Indian Patents and Trademark Office.

India also proposes to sign the Marrakesh Treaty as soon as our internal proceedings are formalized.

Mr / Madam Chairperson,

India has a well developed legislative, administrative and judicial framework to safeguard Intellectual Property Rights, which meet its international obligations while utilizing the flexibilities provided in the international regime to address its developmental concerns. The Intellectual Property Regime is continuously evolving to meet the needs of a dynamic economy. Accordingly, India has declared 2010-20 as the “Decade of Innovation”. A National Innovation Council has been set up to identify, formulate and implement appropriate policy interventions to stimulate innovation. The India Inclusive Innovation Fund set up with the active cooperation of the Government aims to incentivise innovation. For encouraging and promoting industrial R&D through international cooperation, the Global Innovation and Technology Alliance (GITA) has been established. In order to make India an innovative and creative society, the International Innovation Foundation has been set up for scouting, spanning and sustaining grassroots innovations.

The objective of the TRIPS Agreement was, that protection and enforcement of IP rights should contribute to transfer and dissemination of technology. However, while States are mandated to protect IP, transfer of technology at the industry level is largely ungoverned. It is, therefore, desirable to have a norm setting regime on technology transfer, which will provide some structure and enable better governance of technology transfer between parties. We recommend that WIPO which is a UN agency mandated to promote IP as a means to achieve economic development, include this issue as part of its norm setting agenda.

Increasingly, manufacturing has to become innovation based. To ensure this, high technology patents need to be incentivized. The patent regime should promote concentration on genuine research and development, rather than patent litigation and defensive acquisition of patents.

Looking ahead with respect to the immediate agenda before the General Assembly, India is focused on several outcomes.

- India supports the finalisation of an International legal instrument for effective protection for Traditional Knowledge, Traditional Cultural Expressions and Genetic Resources and seeks convening of Diplomatic Conference in the biennium 2014-2015. We would urge Member States to constructively engage on the issue and to agree on a work programme that

benefits the mandate given to the IGC by the General Assembly in 2009 and 2011.

India hosted an international conference of experts involved in the IGC process in January 2013. Similar initiatives have been taken by other developing countries and this process has proved helpful in identifying the concerns of different sides and deliberating upon them. We feel that this should continue as it adds to the overall negotiation process.

- India also notes the progress made in the Standing Committee on Law of Trademarks, Design and Geographical Indications, in respect of the negotiations on the Design Law Treaty and is ready to engage on the issue with an open mind. We are also of the view that national level flexibilities are essential and should be allowed.

- On the issue of opening of external offices of WIPO, we feel that there should be clear guidelines for setting up such offices. This will ensure transparency in the procedure and final selection. India wishes to reiterate its interest in being considered for setting up of an external office of WIPO. I hope our request is considered positively.

I would like to thank the WIPO Secretariat for the excellent documentation and arrangements for this Assembly. I am confident that the present session will enable intensive deliberations and play a positive role in

guiding WIPO's work. The Indian delegation looks forward to actively participating and contributing to this important work.

Thank You.