



**Statement by India delivered by Shri Ramesh Abhishek, Secretary, Department of Industrial Policy and Promotion, Government of India on the occasion of 58th Series of the Meetings of the General Assembly of WIPO on 24<sup>th</sup> September 2018.**

Mr. Chair,

At the outset, the delegation of India would like express its condolences on the sad demise of the President of Vietnam, a country with which India has strong historical ties. Indian would also like to congratulate you on your election as the Chair to steer the proceedings of the WIPO General Assembly for the 2018/ 2019 biennium. We are confident that under your able stewardship, this Assembly will be able to make substantial progress on several pending issues.

2. We also compliment Director General of WIPO, Mr. Francis Gurry, and the Chief of Staff and ADG, Mr. Naresh Prasad, for their sincere, meticulous and tireless efforts in the preparation for this Assembly as well as for the comprehensive report on the progress of WIPO's activities contributing towards implementation of the Development Agenda.

3. India commends the effective and valuable role played by Indonesia as the coordinator of the Asia-Pacific Group as the Regional Coordinator.

4. We congratulate WIPO in reaching closer to the goal of the Medium-Term Strategic Plan of having 12 WIPO treaties each with more than 100 contracting parties, and wish them success in the future.

Mr. Chair,

5. At the outset, we would like to draw the attention of the WIPO towards the various recommendations made by the United Nations Secretary-General's High-Level Panel on Access to Medicines as some of the recommendations are directed at the Organization. We appreciate the well-meaning recommendations of the Panel, the

most important being the right of WTO Members to make full use of the flexibilities provided under the TRIPS Agreement as confirmed by the Doha Declaration on the TRIPS Agreement and Public Health. We would also like to specifically highlight the recommendation of the Panel to apply rigorous definitions of invention and patentability to curtail evergreening and ensure that patents are only awarded when genuine innovation has occurred. In this regard, we would like to point out that the Indian Patent Law has sufficient safeguards to prevent evergreening. The Report has clearly brought out that provisions like evergreening, data exclusivity and patent linkage are beyond TRIPS. We look forward to a detailed discussion on this Report in the SCP.

Mr. Chair,

6. World Intellectual Property Organisation or WIPO, as the principal norm setting body in the field of Intellectual Property in the world, has a much bigger role to play to spearhead international norm-setting and policy guidelines and ensure effective, balanced and development-oriented implementation of the global IP system. The Indian IP system maintains a fine balance between private rights through IPRs on one hand, and rights of the society as public interest on the other hand.

7. In an ever-evolving global landscape, Intellectual Property (IP) is quickly becoming the cornerstone for safeguarding and strengthening the socio-economic interests of every nation and for stimulating innovation, creativity and technological advancement. IP is at the very root of innovation that enables countries to meet future challenges and allows industries to be differentiated and stand out amidst their peers.

8. In this scenario, there is a rising need to create and spread awareness amongst the masses and industry about the need to recognize, protect, promote, commercialise and enforce intellectual property rights (IPRs). Thus, a strong and equitable IPR regime, ably supported by an equally strong and substantive enforcement mechanism, is of utmost importance.

9. India has a well-established legislative, administrative and judicial framework to safeguard Intellectual Property Rights, which meets its international obligations while utilizing the flexibilities provided in the international regime to address its developmental concerns.

10. Even as India has had a TRIPS compliant, robust and equitable and dynamic IPR regime, the Government of India has taken several efforts in recent years to stimulate a dynamic, vibrant and balanced Intellectual Property Rights system in India. This has helped foster creativity and innovation, thereby promoting entrepreneurship and enhancing social, economic and cultural development.

11. Since the adoption of the National IPR Policy in 2016, there has been considerable reduction in pendency of IP applications and increase in disposal and examination due to large-scale augmentation of manpower in Indian IP offices. For instance, the swiftest patent granted has been in just 113 days from the date of filing of the request for examination, which includes the time taken by the applicant to amend their patent application pursuant to the First Examination Report. Patent filings, especially domestic filings, have been on the increase. Disposal of patent applications has increased sharply by 58% in FY 2017-18 vis-à-vis FY 2016-17, while examination of patent applications in 2017-18 has almost quadrupled as compared to 2015-16.

12. Pendency in Trademark examination has also been stratospherically brought down from the erstwhile 13 months to just 1 month. Disposal of trademark applications has increased by 91%, and that of copyright applications by almost 9 times in FY 2017-18 vis-à-vis FY 2016-17. Trademark filings increased by 35% (approx.) in 2017-18 as compared to 2014-15, while Trademark Registration has recorded an increase of almost 5 times in 2017-18 vis-à-vis 2015-16.

13. Furthermore, there have been wide spread and far reaching amendments in the Patents Rules, 2003 and the Trademarks Rules, 2002 to re-engineer and streamline IP processes in India, making them more user-friendly. Special benefits, like expedited examination and fee rebate, are now made available to startups.

14. The 'Make in India' programme of the Government of India has given a fillip to manufacturing in India. The 'Startup India' mission has unleashed entrepreneurial energy among start-ups, as young and bright minds are raring to move ahead. Giving a spur to IPRs of startups, the Government of India has launched a Scheme for facilitating Start-ups Intellectual Property Protection (also called SIPP Scheme), for supporting startups from the stage of filing to final disposal of the IP applications for patents, trademarks and designs.

15. To promote ease of doing business, we have been successful in introducing video-conferencing for hearings, digitising IP Offices, automatic issuance of electronic certificates for patents, trademarks and copyrights, mobile alerts and fully functional Online filing system for patents and trademarks. The system has been so enabled that a patent agent sitting anywhere in the world, for instance, in Geneva, can attend the hearing through video conferencing and the inventor sitting anywhere in the world can join in and participate in the proceedings being conducted at a patent office in Chennai, India.

16. Recognising the importance of creating IP awareness and strengthening enforcement mechanisms, we have also launched a nation-wide IPR awareness campaign in educational institutions and industry, including over the social media. IPR Awareness programs have been conducted in over a 100 schools till now, reaching over 10,000 students. IPR awareness programs were conducted using satellite communication for schools in rural India. More

Moreover, content on IPRs has been successfully included in school curriculum to deepen the spread of IP awareness amongst students. We have also established various Technology and Innovation Support Centers (TISCs) in collaboration with WIPO across India.

17. That apart, we have also undertaken enforcement training programmes for the enforcement authorities, especially the Police on a large scale. To date, over 32 training programs have been conducted for police officials across various states. We have also curated and launched a specialized IPR Enforcement Toolkit for Police. Pursuant to an advisory issued by the Ministry of Home Affairs, all State Police Academies have incorporated IPRs in their training curriculum for both new and in-service police officers. In collaboration with our domain registrar NIXI, 80 infringing websites have been pulled down on the basis of incomplete KYC (also referred to as WHOIS). Customs authorities and the judiciary are also being sensitized on IPRs.

18. India looks forward to cooperate and work together on the issue of blocking of rogue or copyright infringing websites, which predominantly host pirated content. For instance, the Internet Corporation for Assigned Names and Numbers (ICANN) can work with domain registrars to ensure this.

19. Recognising the importance of positive messaging, the industry has joined hands with the Government to create an Anti-Piracy video campaign, with leading film stars like Shri Amitabh Bachchan recording video messages on the menace of piracy. Playing these short films in cinema halls and on TV screens will spread the message of anti-piracy far and wide, especially influencing the new generation. India has also come out with an Intellectual Property Rights Mascot, namely "IP Nani", for creating a series of animated videos on Intellectual Property Rights for children.

20. India has a very strong creative industry and copyright legislative regime, and has recently approved accession to the WIPO Copyright Treaty (WCT) and the WIPO Phonograms and Performances Treaty (WPPT), paving way for better collaboration globally on IP, including between Collective Management Organisations.

21. It is heartening to note that the 'Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled' has come into force. As you know, India was the first country to ratify the Marrakesh Treaty. We need to work together to actualise the benefits to the underserved sections of the society.

22. We have established the Rajiv Gandhi National Institute of Intellectual Property Management (RGNIIIPM), a national centre of excellence exclusively for training, management, research and education in the field of Intellectual Property Rights.

23. India has further improved its ranking compared to last year in the recent Global Innovation Index Report brought out by WIPO. India has witnessed a phenomenal jump of 24 places in the rankings since 2015, and this showcases the importance of innovation in the fastest growing major economy in the world.

Mr. Chair,

24. India is home to some of the most vibrant and diverse Geographical Indications in the world with over 322 GIs registered, including foreign GIs. We have launched a campaign for creating awareness on GIs, which we feel can be an important vehicle for the upliftment of our rural farmers and artisans.

Mr. Chair,

25. One of the principle roles of WIPO is towards formulation of a normative framework in the global IP system. India believes that there is a need for accelerating progress in this regard on the front of Genetic Resources, Traditional Knowledge and Folklore. The Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore has made some good progress in its last three sessions; however, a lot of the good work on Genetic Resources was undone by an unfortunate turn of events towards the end of the 36<sup>th</sup> session of the IGC. India strongly believes, that as members, it is our moral responsibility to respect the methodology adopted by the Chair in a meeting, once it has been agreed upon by consensus. Any legal instrument on GR, TK and TCE should factor in the principles of disclosure of source, prior informed consent and equitable access and benefit sharing based on mutually agreed terms. We are positive that the IGC will make forward progress in its next three sessions.

26. The Traditional Knowledge Digital Library is a pioneering initiative of the Government of India to prevent misappropriation of the country's traditional medicinal knowledge. India is hopeful that member states will extend support to India's proposal for Traditional Knowledge Digital Library (TKDL) being incorporated as a part of the PCT minimum documentation. We look forward to working to address the concerns of other member-nations in this regard.

27. Another major issue that needs the attention of the member states is the impasse over the decision on opening of WIPO External Offices. India is one of the proponents for hosting an External Office of WIPO in its national capacity. I would like to assure Member States that opening of an EO in India will only strengthen the IP ecosystem globally, by ushering in innovative thinking and focus on IP in the hitherto unserved region (in so far as the WIPO External Offices are concerned) of South Asia. Delegation of India would like to seek the support of all member states to give serious consideration to our proposal.

28. On the Design Law Treaty, we support the incorporation of “technical assistance” as an article in the text and provision for disclosure of source of origin in applications for design. We hope for an early finalization of the DLT.

29. On the proposed treaty for the protection of broadcasting organizations, we look forward to working with other member states to determine a way forward. However, we believe that the text based negotiations still need to continue to further build consensus on certain fundamental issues.

30. One of the most important developments in recent years has been adoption of the WIPO Development Agenda correlating WIPO’s work with the realization of the Sustainable Development Goals. The CDIP has been doing valuable work to further WIPO’s development agenda which has a bearing on the developmental aspects of the agenda in all other WIPO committees. We look forward to more result-oriented discussions in CDIP in the future sessions.

Mr. Chair,

31. We would like to refer to the proposal on ‘Designation of Designated or Elected Offices’ in the document PCT/WG/11/7 submitted during the 11<sup>th</sup> Session of the PCT Working Group. This proposal was not supported by the Patent Cooperation Treaty itself and pursuant to discussions, consensus was not arrived at to proceed with this proposal. India is strongly opposed to proposals that attempt to supplant the rights of a Contracting State to determine substantive conditions of patentability interfering with its sovereign rights.

Mr. Chair,

32. India would like to appreciate the commendable work done by the Comptroller and Auditor General of India as the outgoing External Auditor of WIPO. The Comptroller and Auditor General of India as an External Auditor has a rich experience in undertaking audit of various international organizations and

has received worldwide praise. It maintains the highest degree of professional standards, competence and trustworthiness in its work. India would also like to congratulate the National Audit Office of the United Kingdom for its election as the next External Auditor of WIPO.

33. India looks forward to productive and result-oriented discussions in this session of the WIPO General Assembly and is committed to actively participate in the deliberations.

Thank You.