

Speech of Mr. Dilip Sinha Permanent Representative of the Government of India to the United Nations Offices in Geneva on the occasion of the General Assemblies of WIPO

Madam President,

We thank you for your sagacious stewardship of the General Assembly. We are confident that you will competently steer the deliberations during the course of the next ten days. WE also congratulate Mr. Francis Gurry on his reelection.

Madam President,

It is recognized that the 21st century belongs to the era of the knowledge economy and the role of the intellect. Any country's ability to translate knowledge into innovation and then commercialize it will determine its future. Therefore, issues of generation, evaluation, protection and exploitation of IP have become critically important all over the world. Policymakers around the world are laying great emphasis on creating a robust IPR regime and an ecosystem that encourages innovation.

Madam President, in keeping with this a number of initiatives has been implemented by the Government of India and the Intellectual Property Office. I am pleased to announce that the Indian Patent office has started functioning as an International Searching and Preliminary Examining Authority in October 2013. Further, the office is spearheading efforts to improve transparency in IP administration by introducing several dynamic utilities for patent and trademarks applications. The latest such dynamic utility shows the 'Stock and Flow' of all patent

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applications at the various locations of the Indian Patent Office on a real time basis. With this development, the entire functioning of the Indian IP office is open to the world.

The new Government has quickly moved towards taking new steps to strengthen the IPR regime in India. In August 2014 we received an approval for creation of 1033 posts in the Intellectual Property Office in addition to an endorsement for further upgradation of IT facilities and infrastructure at an overall project cost of \$500 million. Action Plan for implementing a drive to reduce pendency in Patent and Trademarks applications has also been approved.

We recognize the importance of IPR for the development of the economy and are committed to ensure due protection and encouragement to intellectual property. Considering that 80% of the patent filing in India is by non-nationals, the challenge before the country is to scale up the process of IP creation and increase commercialization of the technology that is developed. India, therefore, proposes to prepare a National Intellectual Property Rights Policy in the next six months with a view to promote national interest.

Madam President, we believe that it is now time to gradually expand the network of external offices in order to further develop the global IP system. We expect more and more Indians to take recourse to filing international applications through the PCT system and we believe our users will significantly benefit from the services to be provided by an external office. We stand ready to work with WIPO in exploring the feasibility of placing an external office in India to better serve its significant number of users. India will provide all the necessary

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logistic assistance including the built up space and other infrastructure to house the External Office within the premises of the Indian Intellectual Property office.

We are deeply concerned with unilateral pressures being put by countries with a view to seek compliance for extra territorial application of laws. Such pressures are not tenable under international agreements, and its application with the view to seek amendments in laws is inappropriate. Amendments in laws are a normal process in response to domestic needs in any country. The present international regime allows policy space to countries to evolve a regime that best suits its condition. This policy space is a sine qua non for sustainable development of the country.

We are also disturbed about the manner in which IPR negotiations are being brought into the bilateral and regional trading agreements and other plurilateral processes. With the stated objective of seeking protection and enforcement of IP rights beyond the provision of TRIPS, an attempt is being made to inexorably enhance IP related norms. Such activism beyond current international legal obligations significantly undermines the multilateral process as well as its institution.

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

- India supports the finalisation of International legal instrument for effective protection for Traditional Knowledge, Traditional Cultural Expressions and Genetic Resources by 2015. The new norm setting that is being sought to be achieved in the IGC would be an important step

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towards addressing misappropriation of the knowledge of traditional healers and alternative systems of medicine from being granted patents and other IP rights. We feel that the texts are now mature; we need to have the political will to move ahead and take the negotiations to its logical conclusion.

India supports treaty on protection of broadcasting organisations based on ‘the signal based approach in traditional sense’ consistent with the mandate of 2007 General Assembly. However, the issue of ‘rights based approach’ to protect broadcasting organizations and also inclusion of any elements of webcasting and simulcasting needs further thought and discussion.

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.