

# UK FTA: Leaked draft IP chapter shows stringent patent rule

SHREYA NANDI

New Delhi, 2 November

**N**egotiations for a trade deal between India and the UK have run into fresh controversy, after the proposals under a leaked chapter of the deal on intellectual property (IP) are believed to put access to affordable, lifesaving generic medicines from India at risk.

According to the draft IP chapter put out by an international trade portal bilaterals.org, the UK is seeking continuous extension of patent period and rights through small tweaks in the drug, known as evergreening.

This may prevent patents from expiring, impacting cheaper drug availability and its production by Indian generic drug manufacturers.

The draft has also proposed to prohibit pre-grant oppositions, which means India will not be able to stop challenges to weak/ invalid patents until after they have been granted.

According to international,

## Indian envoy calls on Braverman, discusses migration and security

Cooperation on migration and security issues was on the agenda at a meeting between UK Home Secretary Suella Braverman and Indian High Commissioner Vikram Doraiswami in London. The envoy called on the Cabinet minister on Tuesday to discuss the India-UK security partnership and to "make progress" under the India-UK Migration and Mobility Partnership. The meeting follows Braverman's controversial remarks last month that referenced the MMP as not working very well in tackling illegal immigration and visa overstayers from India.



PTI

medical humanitarian organisation Doctors Without Borders/ Médecins Sans Frontières (MSF), the leaked chapter contains "harmful" provisions and goes beyond what is required by international trade rules through the World Trade Organization's on Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement.

Going beyond the provisions of the TRIPS agreement may

require India to change its national IP and drug approval laws which may lead to monopolies in medicine as well as threaten production, supply and export of affordable generic medicines from India. MSF has called on the UK and Indian governments to remove these proposals from the UK-India FTA negotiation.

"For example, next year, the basic patent on one of the most

expensive TB drugs, Delamanid, is set to expire, but measures contained in the FTA will delay the availability of more affordable generic Delamanid by several years," Leena Menghaney, South Asia Head, MSF's Access Campaign, said.

Government officials told Business Standard that the draft that was being circulated is not the final one, and the FTA negotiations between the two nations were still on.

Even in the past, India's discussions on IPR have been a contentious issue in FTA negotiations with countries such as Japan and trade blocs such as the European Union.

"India has been seeking to make the existing patent regime softer in order to make drugs and vaccine more accessible. (With not much progress at the WTO on the TRIPS waiver issue), India is now facing pressure of a 'TRIPS Plus' patent law through these FTAs," Biswajit Dhar, professor of economics at the Jawaharlal Nehru University said.