

India Firm on Data, Patent Red Lines in Trade Pacts with UK, EU

On govt procurement, India plans to stick to its stance to reserve 25% for MSMEs

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New Delhi: India has communicated its reservations on data, intellectual property and government procurement to the EU and the UK as part of the ongoing trade agreements talks with them.

Officials said India is firm on its red lines on cross border data flows as there is no e-commerce policy at present while any commitments on data exclusivity and patent extensions would impact the manufacturing and distribution of generic medicines. On government procurement, India plans to stick to its stance to continue to reserve 25% for medium and small enterprises.

"The digital space and intellectual property rights are evolving areas. The red lines like data are to be kept away kept away," said an official.

The IPR red line is of data exclusivity which EU is seeking since long, is a provision that would hamper production of cheap generic medicines in the country.

The UK and the EU have sought amendment to India's Patents Act to allow 'evergreening' of patents, especially in pharma. Section 3(d) of the Patents Act prohibits the grant of 'evergreening' patents, which are additional patents for a drug with no therapeutic benefit and serve only to increase the term of patent monopoly

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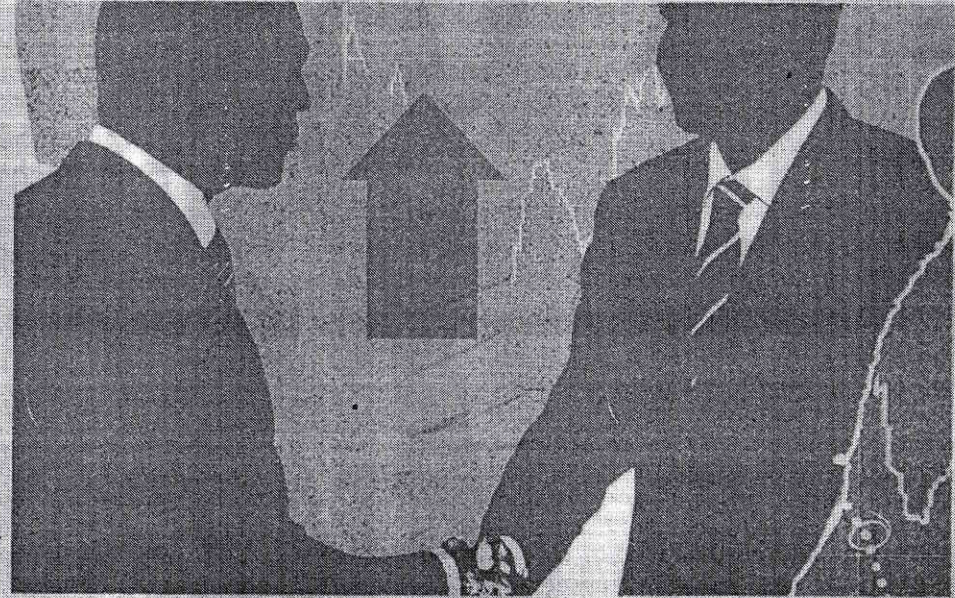
It can't compromise on the comforts given to small and medium enterprises.

Experts said that India needs to be cautious of any commitments in services trade leading to cross-border data flows.

"Even if the UK shows flexibility on

"Patent monopolising is a red line for us and that's clearly conveyed because we want generics while the EU is strong in patented drugs," the official added.

In government procurement, India has stated that



the digital front, India needs to be careful and not cede grounds in the services chapter," said a trade expert.

Similarly, any commitments on digital trade will mark a permanent shift in India's trade policy stance on e-commerce at the World Trade Organisation where it is opposed to any

binding commitments besides having implications for India's security.

India has so far refrained from making any international commitments on digital trade in order to protect its policy space to design national digital sector policies in the future including digital industrialisation.