

**GOVERNMENT OF INDIA**  
**MINISTRY OF COMMERCE AND INDUSTRY**  
**RAJYA SABHA**  
**QUESTION NO 21.04.2010**  
**ANSWERED ON**  
**. PATENT OF MEDICINES .**

370

Shri Tapan Kumar Sen

Will the Minister of COMMERCE AND INDUSTRY be pleased to state :-

- (a) whether the Indian Patents Act allows patent of a medicine for more than 20 years;
- (b) if not, whether this condition is maintained in the Free Trade Agreement (FTA) being negotiated with European Union (EU);
- (c) whether customs obligations in some countries have seized exported medicines from India;
- (d) the action Government has taken to protect the export of Indian medicines; and
- (e) whether these obligations are contained in the Free Trade Agreement being negotiated with EU?

**ANSWER**

THE MINISTER OF COMMERCE AND INDUSTRY

(SHRI ANAND SHARMA)

(a)to (e): A statement is laid on the Table of the House.

STATEMENT AS REFERRED TO IN REPLY TO RAJYA SABHA STARRED QUESTION NO. 370 FOR ANSWER ON 21ST APRIL, 2010 REGARDING PATENT OF MEDICINES.

(a): No, Sir.

(b): The issue has been raised by the European Union (EU) for discussion in the preliminary consultation text on Intellectual Property Rights in the Bilateral Trade and Investment Agreement.

(c): Yes, Sir.

(d): Government of India has firmly taken up this matter to protect the export of Indian medicines. India has adopted a multi-pronged strategy in raising the issue at several international fora like World Trade Organisation (WTO) and World Health Organization including bilateral consultations and consultations under Dispute Settlement understanding of WTO with the EU authorities.

(e): The issues raised by the European Union for discussion in the preliminary consultation text on Intellectual Property Rights in the BTIA include proposals for applying border measures for goods in transit.