

**GOVERNMENT OF INDIA
MINISTRY OF COMMERCE & INDUSTRY
DEPARTMENT OF INDUSTRIAL POLICY & PROMOTION**

LOK SABHA

**UNSTARRED QUESTION NO. 2754.
TO BE ANSWERED ON MONDAY, THE 14TH MARCH, 2016.**

INTELLECTUAL PROPERTY INDEX

**2754. ADV. M. UDHAYAKUMAR:
SHRI R. PARTHIPAN:**

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

वाणिज्य एवं उद्योग मंत्री

- (a) whether India has been ranked 37th out of 38 countries with only Venezuela scoring lower in the US Chamber of Commerce Intellectual Property Index and if so, the details thereof;
- (b) whether the Index is compiled on the basis of 30-item criteria critical to innovation including patent, copyright and trademark protection and if so, the details thereof;
- (c) the reasons for lower rank of the country in the Index;
- (d) whether the Index suggests that in India, patent protection remain outside international best practices adding that India does not provide adequate enforcement mechanisms to effectively combat online piracy; and
- (e) if so, the details thereof?

ANSWER

वाणिज्य एवं उद्योग राज्यमंत्री (स्वतंत्र प्रभार)(श्रीमती निर्मला सीतारमण)

**THE MINISTER OF STATE (INDEPENDENT CHARGE)
OF THE MINISTRY OF COMMERCE & INDUSTRY
(SHRIMATI NIRMALA SITHARAMAN)**

- (a): Yes. Details are appended as Annexure-I.
- (b): Yes. The index consists of 30 item criteria covering the areas of copyrights, trademarks, trade secrets, market access enforcement, membership and ratification of international treaties. List of the criteria is appended as Annexure-II. However, innovation is based on several other critical criteria also, but which are not included in the index.
- (c): The US Chamber of Commerce is a business federation representing companies, business associations, state and local chambers in the U.S. and American Chambers of Commerce abroad. The Intellectual Property Index is prepared keeping the interest of its members. It does not provide a composite view. The intellectual property rights indicators used are selective and hence not a true reflection of the state of Intellectual Property Rights Protection and Innovation in India.
- (d) & (e): India has a robust IPR regime which is fully TRIPS compliant. International best practices and Patent protection are as per the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) and the Patent Cooperation Treaty (PCT); India is a signatory to both. Enforcement of IPRs is done under various IPR laws in India.

**ANNEXURE REFERRED TO IN REPLY TO PART (a) OF THE LOK SABHA
UNSTARRED QUESTION NO. 2754 FOR ANSWER ON 14.03.2016.**

Ranking	Country
1	United States
2	United Kingdom
3	Germany
4	France
5	Sweden
6	Singapore
7	Switzerland
8	Australia
9	Japan
10	South Korea
11	Italy
12	New Zealand
13	Israel
14	Poland
15	Canada
16	Taiwan
17	Malaysia
18	Mexico
19	Colombia
20	Russia
21	Chile
22	China
23	UAE
24	Peru
25	Turkey
26	South Africa
27	Ukraine
28	Brunei
29	Brazil
30	Nigeria
31	Argentina
32	Ecuador
33	Indonesia
34	Algeria
35	Vietnam
36	Thailand
37	India
38	Venezuela

ANNEXURE REFERRED TO IN REPLY TO PART (b) OF THE LOK SABHA UNSTARRED QUESTION NO. 2754 FOR ANSWER ON 14.03.2016.

PATENTS, RELATED RIGHTS, AND LIMITATIONS

1. Patent term of protection
2. Patentability requirements
3. Patentability of computer-implemented inventions
4. Pharmaceutical-related patent enforcement and resolution mechanism
5. Legislative criteria and use of compulsory licensing of patented products and technologies
6. Patent term restoration for pharmaceutical products
7. Regulatory data protection term

COPYRIGHTS, RELATED RIGHTS, AND LIMITATIONS

8. Copyrights (and related rights) term of protection
9. Legal measures that provide necessary exclusive rights that prevent infringement of copyrights and related rights (including Web hosting, streaming, and linking)
10. Availability of frameworks that promote cooperative action against online piracy
11. Scope of limitations and exceptions to copyrights and related rights
12. Digital rights management legislation
13. Clear implementation of policies and guidelines requiring proprietary software used on government ICT systems to be licensed software

TRADEMARKS, RELATED RIGHTS, AND LIMITATIONS

14. Trademarks term of protection (renewal periods)
15. Non-discrimination/non-restrictions on the use of brands in packaging of different products
16. Ability of trademark owners to protect their trademarks: requisites for protection
17. Legal measures available that provide necessary exclusive rights to redress unauthorized uses of trademarks
18. Availability of frameworks that promote action against online sale of counterfeit goods

TRADE SECRETS AND MARKET ACCESS

19. Protection of trade secrets
20. Barriers to market access

ENFORCEMENT

21. Physical counterfeiting rates
22. Software piracy rates
23. Civil and procedural remedies
24. Pre-established damages and/or mechanisms for determining the amount of damages generated by infringement
25. Criminal standards including minimum imprisonment and minimum fines
26. Effective border measures

MEMBERSHIP AND RATIFICATION OF INTERNATIONAL TREATIES

27. WIPO Internet Treaties
28. Singapore Treaty on the Law of Trademarks
29. Patent Law Treaty
30. At least one free trade agreement with substantive and/or specific IP provisions such as chapters on IP and separate provisions on IP rights provided it was signed after WTO/TRIPS membership.
