



Country: INDIA

Period of Report:
March 2005

(A) PATENTS - SIGNIFICANT DEVELOPMENTS:

In consonance with TRIPS, India has promulgated the Patents Amendments Ordinance, 2004. This Ordinance will be valid for a period of 6 months, within which time both the houses of the Parliament of India will need to pass a bill to confirm the amendment. The Patents Amendments Ordinance will be debated during the Winter Session of the Parliament.

Highlights:

1. The Ordinance removes the bar on patentability of pharmaceuticals and agro-chemicals from January 1, 2005.
2. Ever-greening of patents based on mere new uses have been prohibited.
3. It also provides for pre and post grant opposition to patents. The pre-grant opposition can be filed anytime after the publication of the patent application but before a patent is granted.
4. Now, as per the current amendments, the Ordinance clarifies that software having (i) Technical application of computer programs to industry; and (ii) combination of computer program with the hardware - can be patented if they otherwise fulfill the test of patentability.
5. A new provision has been inserted to provide for grant of license to manufacture and export the patented product to any country having insufficient or no manufacturing capacity in the pharmaceutical sector to address public health problems, provided a compulsory license has been granted in that country. The amendment seeks to implement the agreement on Para 6 of Doha Declaration on TRIPS and public health.


(B) The agenda for patent office modernisation has been made which includes simplification of rules and procedures, preparation of manual for patent office procedure, establishment of 'virtual' patent offices, development of information technology strategic plan and development of modified patent examination procedure. The objective of this agenda is to ensure decentralisation of activities, computerisation of patent procedures, networking of offices, improving search facilities and human resources development. [Refer http://www.financialexpress.com/fe_full_story.php?content_id=74524]


(C) The dot-in (.IN) domain name was launched on February 16, 2005 by the National Internet Exchange (NIXI). The dot.in registry had a 'sunrise period' of until 90 days to enable registered trademark owners, registered companies and owners of intellectual property having a legitimate interest in protecting their brand to secure registration of their domain names. About 75,000 registrations took place in just five days. There are reports of widespread cyber squatting and of concern is that .IN Dispute Resolution Policy (INDRP) is not in place as of now. INDRP is being formulated in line with internationally accepted guidelines and the relevant provisions of the Indian IT Act 2000 and will be published shortly.

(D) The Committee on Sub-ordinate legislation, Rajya Sabha has invited suggestions on possible amendments for The Designs Rules, 2001.

(E) The Committee on Sub-ordinate legislation, Rajya Sabha has invited suggestions on possible amendments for The Geographical Indications of Goods (Registration & Protection) Rules, 2002.

(F) International Intellectual Property Alliance (IIPA) in its report to United States Trade Representative (USTR) in the 2005 Special 301 review of copyright piracy and market access problems has retained India on the **Priority Watch List**.

	<p>Country: PAKISTAN</p>	<p>Period of Report: March 2005</p>
<p>SIGNIFICANT DEVELOPMENTS:</p> <ol style="list-style-type: none"> 1. Pakistan has refused to accept the inclusion of the Intellectual Property Rights issue in the proposed draft for a bilateral investment treaty (BIT) between the US and Pakistan. [Refer http://www.dailytimes.com.pk/default.asp?page=story_2-3-2005_pg5_1] 2. International Intellectual Property Alliance (IIPA) has recommended to USTR in the 2005 Special 301 review of copyright piracy and market access problems that Pakistan be designated as one of the Priority Foreign Country. 		

	<p>Country: BANGLADESH</p>	<p>Period of Report: March 2005</p>
<p>SIGNIFICANT DEVELOPMENTS:</p> <ol style="list-style-type: none"> 1. International Intellectual Property Alliance (IIPA) has in its report to USTR in the 2005 Special 301 review of copyright piracy and market access problems put Bangladesh in the list of Special Mention countries owing to the alarming piracy levels in Bangladesh. 2. The draft of the Trade and Investment Framework Agreement (TIFA) between Bangladesh and the United States of America have been finalised and is expected to be signed by April this year. The areas proposed to be included include implementation of intellectual property rights (IPR). 		