



U.S. Priority Watch List for IPR

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Why in News

India continues to be on the '**Priority Watch List**' of the **United States Trade Representative (USTR)** for lack of adequate **Intellectual Property (IP) rights protection and enforcement**, according to the USTRs **Annual Special 301 Report**.

Key Points

- **Concerns:**

- Copyright laws not incentivising the creation and commercialisation of content.
- An outdated trade secrets framework.
- India **restricted the transparency of information** provided on state-issued pharmaceutical manufacturing licenses.
- India continues to apply **restrictive patentability criteria** to reject pharmaceutical patents.
- Absence of an effective system for protecting against the **unfair means** to obtain marketing approval for **pharmaceuticals and certain agricultural chemical products**.
- India maintains extremely **high customs duties** directed to IP-intensive products such as medical devices, pharmaceuticals, Information and Communications Technology (ICT) products, solar energy equipment, and capital goods.
- India was ranked among the **top five source countries for fake goods** by the **Organization of Economic Development and Cooperation (OECD)** in 2019.
- The **government's 2019 draft Copyright Amendment Rules**, if implemented, would have "severe" consequences for Internet-content rights holders as the proposed rules broadened the scope of compulsory licensing **from radio and television broadcasting to online broadcasting**.
- **Trademarks:** Trademark counterfeiting levels were "problematic" and there were "excessive delays" in obtaining trademarks due to a **lack of examination quality**.

It urged India to join the **Singapore Treaty on the Law of Trademarks**, a treaty that harmonises trademark registration.

- **Progress Noted**

- India had made "**meaningful progress**" to enhance IP protection and enforcement in some areas in 2019 and had acceded to the **World Intellectual Property Organization (WIPO)** Internet Treaties and the **Nice Agreement**.

The Nice Agreement establishes a classification of goods and services for the purposes of registering trademarks and service marks (the Nice Classification).
- **Online IP enforcement:** Online IP enforcement in India has improved but progress is undercut by factors including :
 - Weak enforcement by courts and the police.
 - Lack of familiarity with investigative techniques.
 - No centralised IP enforcement agency.

Special 301 Report

- The Special 301 Report identifies trading partners that **do not adequately or effectively protect and enforce Intellectual Property (IP) rights** or otherwise **deny market access to U.S. innovators and creators that rely on protection of their IP rights**.
- The report is released **annually by the United States Trade Representative (USTR)**.
- Trading partners that currently present the most significant concerns regarding IP rights **are placed on the Priority Watch List or Watch List**. USTR identified **33 countries for these lists in the Special 301 Report**:
 - Algeria, Argentina, Chile, China, India, Indonesia, Russia, Saudi Arabia, Ukraine and Venezuela are on the **Priority Watch List**.
 - Barbados, Bolivia, Brazil, Canada, Colombia, Dominican Republic, Ecuador, Egypt, Guatemala, Kuwait, Lebanon, Mexico, Pakistan, Paraguay, Peru, Romania, Thailand, Trinidad & Tobago, Turkey, Turkmenistan, the United Arab Emirates, Uzbekistan and Vietnam are on the **Watch List**.

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