

WORLD TRADE ORGANIZATION

RESTRICTED

WT/DS50/2

22 July 1996

(96-2865)

Original: English

INDIA - PATENT PROTECTION FOR PHARMACEUTICAL AND AGRICULTURAL CHEMICAL PRODUCTS

Request to Join Consultations

Communication from the European Communities

The following communication, dated 10 July 1996, from the Permanent Delegation of the European Commission to the Permanent Mission of India, the Permanent Mission of the United States and to the Dispute Settlement Body, is circulated in accordance with Article 4.11 of the DSU.

Pursuant to the procedures laid down in Article 4.11 of the Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU), the European Communities and their Member States wish to be included in the consultations under Article 64.1 of the Agreement on Trade-Related Aspects of Intellectual Property Rights in conjunction with Article XXII:1 of GATT 1994 requested by the United States by a communication circulated to WTO Members on 9 July 1996 (Doc. no WT/DS50/1 and IP/D/5). these consultations concern the absence in the Republic of India of either legislation permitting patent protection for pharmaceutical and agricultural chemical products or legislation setting up a system to permit the filing of applications for pharmaceutical and agricultural chemical product patents and a system to grant exclusive marketing rights in such products.

The European pharmaceutical and agro-chemical industry has important export interests in the Indian market. The actual amount of these interests is, at this stage, difficult to evaluate because the Republic of India does not provide for either patent protection or the above-mentioned filing and marketing systems.