

What They Are Saying about India's Weak IP Regime under Prime Minister Modi

"The simple reality is that while India's failure to provide adequate and effective intellectual property protection disadvantages U.S. industry, it also harms India by stifling its own economic development and advancement. Resolution of these issues would bolster U.S. investment into India to the benefit of the Indian economy, making trade and investment a key pillar within the revitalized bilateral relationship."

- [Alliance for Fair Trade with India, 2015 Special 301 Submission, February 2015](#)

"Reflecting the legacy of previous governments, India's overall environment for intellectual property remains poor, notwithstanding important signals that India may take steps to enhance its IP-related competitiveness."

- [U.S. Chamber's Global Intellectual Property Center \(GIPC\), 2015 Special 301 Submission, February 2015](#)

"India's policies and practices are already harming India's global image as an investment climate for advanced manufacturing. Indeed, India tumbled 11 places in the World Economic Forum's latest Global Competitiveness Index, falling from 60th to 71st place, and ranks a disappointing 76th out of 143 on the Global Innovation Index."

- [National Association of Manufacturers, 2015 Special 301 Submission, February 2015](#)

"India is an important market to biotechnology companies and patents on key products result in sales of hundreds of millions of dollars. However, difficulty in obtaining and enforcing intellectual property rights in India remains a barrier to biotechnology companies. BIO is encouraged by the new willingness to engage all stakeholders by the new government but uncertainty remains."

- [Biotechnology Industry Organization, 2015 Special 301 Submission, February 2015](#)

"[India's policies] have not only threatened to diminish the country's ability to innovate and attract investment but they also unfairly disadvantage American businesses... [W]e are hopeful that the Government in New Delhi will depart from these concerning policies."

- [National Foreign Trade Council, 2015 Special 301 Submission, February 2015](#)

"India has implemented a number of negative policies that are inconsistent with the new Government's goals of fostering a spirit of innovation, entrepreneurship, and R&D growth, including inadequate IP protection and enforcement. Further, there have been a number of negative policies that create market access barriers, including proposed further implementation of price controls, high import duties, and ambiguous clinical trials regulations. These policies are not likely to expand access and, in most cases, may even limit Indian patient access to innovative medicines."

- [Pharmaceutical Research and Manufacturers of America, 2015 Special 301 Submission, February 2015](#)

"ASCAP is very concerned with inadequate enforcement of public performance rights of U.S. musical works in India, particularly with particular regard to performances in TV and radio broadcasting. India has the 14th largest recorded music industry in the world, worth US \$146.5 million in 2012. However, revenues collected in India for composers, authors and publishers of musical works are much lower than they should be, and

there are continuing structural and legal problems preventing the effective management and licensing of copyrighted works.”

- [American Society of Composers, Authors and Publishers \(ASCAP\), 2015 Special 301 Submission, February 2015](#)

“[India’s cable and satellite TV] market’s fundamental commercial relationships have in the past been structured on the assumption that intellectual property rights were not being and would not be adequately protected. This has been a problem plaguing virtually all participants in the value chain: Indian and foreign content producers, large cable distributors, and government tax collectors.”

- [Cable & Satellite Broadcasting Association of Asia, 2015 Special 301 Submission, February 2015](#)

“Rights-holders from across a variety of sectors, including consumer electronics, apparel and footwear, pharmaceuticals, and petro-chemicals continue to see significant levels of counterfeit products in the market. Likewise, rights-holders report a range of concerns with regard to other forms of intellectual property protection ranging from patent infringement, trade secret theft, and high levels of both online and hard goods copyright piracy.”

- [International AntiCounterfeiting Coalition, 2015 Special 301 Submission, February 2015](#)

“[C]opyright piracy, regulatory barriers, and market access barriers inhibit the continued growth of domestic and foreign copyright stakeholders in India. Pirate online services undermine not only the local Indian market but also the vast potential export market for the Indian creative industries.”

- [International Intellectual Property Alliance, 2015 Special 301 Submission, February 2015](#)

“In order for India to best attract foreign investment and maintain the supply chain necessary to build the desired [domestic semiconductor] fabs, it must work toward creating a competitive intellectual property regime that does not discriminate between foreign and domestic IP.”

- [Semiconductor Industry Association, 2015 Special 301 Submission, February 2015](#)

“Although the IP environment in India has improved slightly, several opportunities exist for the Modi administration to make further enhancements, particularly by amending patentability requirements, renouncing the use of compulsory licenses as a commercial tool, and strengthening the copyright framework to address online and physical piracy.”

- [GIPC International IP Index \(Third Edition\), February 2015](#)