



INTERNATIONAL ASSOCIATION OF SCIENTIFIC, TECHNICAL & MEDICAL PUBLISHERS

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European Commission
DG Trade

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**STM submission
EU IPR survey 2010 on IPR protection and
enforcement in third countries**

INDIA

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How do you globally assess the IPR situation in this country?

**Effectiveness of current IPR (protection and enforcement)
situation in this country (from 0 = very poor to 10 = excellent)**

2

**Extent to which IPR protection and enforcement has improved in
this country in the last two years (5 = no change; less than 5 =
worsening; more than 5 = improving)**

4

**In a few words, what do you consider as the main WEAKNESSES of the
country concerned regarding IPR PROTECTION? (legislation and
procedures for the registration of IP rights, including oppositions, etc.)**

- Not yet fully implemented the WIPO internet treaties into national law; current draft Bill is insufficient to fully implement these treaties into Indian law.
- Publishers make academic textbooks and STM materials and journals available at very favourable rates in India. Unfortunately, this commitment of publishers to the Indian market leads to India being among the main sources for illegal re-exports to other countries. Re-exports from India undermine markets in South-East Asia, in Africa (especially South Africa and Nigeria), and find their way even back into Europe and into North America.
- Widespread piracy of academic textbooks, STM materials, scholarly journals, trade books etc. continues to harm the publishing industry
- Copy shops near universities and unauthorised digitised books distributed by students through websites. Sometimes these sites are even administered by university officials

In a few words, what do you consider as the main WEAKNESSES of the country concerned regarding IPR ENFORCEMENT? (legislation, deterrence of the sanctions, customs measures, speed, lack of trained officials, fear of retaliation, corruption, lack of awareness or of political will, etc.)

- Enforcement is still not effective despite some progress in 2009
- Very few ex officio raids are being conducted even though this possibility exists
- Enforcement action initiated by rightsholders are long during and burdensome due to delays within the court system
- There is insufficient manpower/personnel resources within the enforcement authorities in order to efficiently conduct enforcement actions

In a few words, what do you consider as the main STRENGTHS (and/or recent positive improvements) of the country concerned regarding IPR PROTECTION?

- The courts have continued to uphold rights holders' ability to prevent the export of India-only editions of textbooks to markets for which they were not intended.

In a few words, what do you consider as the main STRENGTHS (and/or recent positive improvements) of the country concerned regarding IPR ENFORCEMENT?

- Some good efforts are reported while preventing export of South Asian editions to neighbouring and international markets
- Some good co-operation are known from smaller city areas such as Jabalpur and Gwalior but less in the major metropolitan areas (including Delhi, Mumbai, Kolkata)

Which degree of PRIORITY do you think should be given by the EU to the country concerned? (0 = lowest priority; 3 = highest priority)

3