

New Delhi declaration on the patent regime as proposed in the Draft Final Act of the Uruguay Round of GATT negotiations

Over September 2-4, 1993 at New Delhi, some 175 senior jurists, scientists, academicians, political leaders and representatives of non-Governmental organization and industry, participated in the three-day International Conference on Patent Regime as proposed in the Uruguay Round of GATT negotiations. The conference was jointly organized by ALIFAR (the Latin American Pharmaceutical Association), the Indian Drug Manufacturers Association (IDMA), the Canadian Drug Manufacturers Association (CDMA) and the (Indian) National Working Group on Patent Laws. Delegates came from Argentina, Venezuela, Canada, Italy, Bangladesh and other countries and from different parts of India. Messages were also received from representatives of other countries expressing their solidarity with the cause.

The participants deliberated on the inimical impact of the patent regime as proposed in the Draft Final Act of the Uruguay Round of GATT negotiations on people, industry and science & technology world-wide and unanimously adopted the following declaration:

1. *Reaffirmed* that every state has the sovereign and inalienable right to choose its economic system as well as its legal, social, cultural and political system in accordance with the democratically expressed will of its people.

2. *Recalling* that patent right granted by a State is in the nature of a privilege and not an absolute private right, and that

- i) In formulating its national patent laws each country must continue to exercise its unequivocal sovereign right to protect public health and nutrition, and to promote the public interest in sectors of vital importance to their socio-economic and technological development.
- ii) GATT is not the appropriate forum for discussing matters related to intellectual property rights which pertain to the World Intellectual Property Organization (WIPO).
- iii) The proposals contained [in] the Draft Final Act in regard to the patent regime are unacceptable because they do not strike the right balance between the private and the public good. In particular, the following principles must be respected:

- (a) Governments must reject the proposals to impose a monopolistic patent regime.
- (b) Coverage of patentable subject matter should remain as a right of a sovereign state which should be allowed to legislate its laws in accordance with its own impera-

tives of development. The proposal to extend patents to any life form, should be rejected.

- (c) Importation of the patented product should not be considered as 'Working of the Patent' in the country of patent grant. The right to import should not be allowed an exclusive right of the patentee. Setting up of domestic production facilities should only be considered as fulfilling the requirement of 'working'. 'Working' thus defined must be an integral part of the new global regime.
- (d) Statutory endorsement of 'Licence of Right' and other forms of automatic licensing, must be included as an instrument to ensure either the development of local manufacturing and technology involving a patented product/process, or the commercial availability of patented products, at the lowest possible price. Calculation of royalty for use of patents by domestic companies for commercial purpose should be based on the lowest price.
- (e) The transitional arrangement provided in the TRIPS proposals should not include

any provision for granting 'exclusive marketing right'. Similarly, the arrangement provided for receiving product patent applications immediately after coming into force

of the Uruguay Round Agreement should be totally excluded. Retroactive pipelines must be rejected.

(f) The provisions of cross-retaliation between sectors pro-

posed in the Draft Final Act is against GATT discipline and should be rejected. Further, any unilateral action of retaliation should be explicitly prohibited.

News from IUCAA

After its dedication on 28 December 1992 (see *Current Science*, 1993, 64, 551), the tempo of activities of the Inter-University Centre for Astronomy and Astrophysics has picked up. The Centre conducted its first Refresher Course in A&A for college and university teachers in May this year. A regional school on introductory astronomy was held in Thiruvanthapuram in March and a research workshop on pulsars at IUCAA in Pune in February.

As in previous years, a Vacation Students Programme was held during June-July when selected postgraduate students from their penultimate year were given introductory pre-research projects and a few lectures over a six-week period, after which those interested were interviewed for an advance

offer of research scholarship at IUCAA. This is one of the ways tried in a few research institutions for attracting students to areas in pure science.

At the other end of the spectrum, IUCAA has introduced several programmes directed at secondary school-children. On the National Science Day (February 28) there was a science quiz and several other programmes in which about 125 schoolchildren participated. In the summer vacation about 80 children each spent a week at IUCAA interacting with the academic and scientific members through projects that would give them glimpses of A&A. Since July, every second Saturday of the month there are lecture-demonstrations for them. This has caught on and in the September programme the

new 500-seater auditorium was overflowing.

The completion of the auditorium was just in time for the first major international meeting to be held on the campus. The Sixth Asian Pacific Regional Meeting of the International Astronomical Union was jointly hosted by IUCAA and the National Centre for Radio Astrophysics during August 16-20. Over a hundred overseas participants and nearly double that number from India participated. The academic programme and the local arrangements were appreciated by the visitors. The Indian Academy of Sciences will publish the proceedings of the Meeting.

Jayant V. Narlikar, IUCAA, Pune.

At what price – sore throat?

A symposium on streptococcal infection, rheumatic fever and rheumatic heart disease was held on 25 July 1993 at Sree Chitra Tirunal Institute for Medical Sciences and Technology, Thiruvananthapuram. The symposium focused on the problems in laboratory diagnosis, recent advances in management and the inadequacy of control measures. M. S. Valiathan (SCTIMST, Thiruvananthapuram) inaugurated the symposium and pointed out that research in rheumatic fever and rheumatic heart disease was hampered by the presence of an animal model.

In his presidential address, George Jacob highlighted the magnitude of the problem of rheumatic fever and rheu-

matic heart disease in India and other developing countries. The prevalence is about 100/100,000 population and each year 6/1000 children are newly affected. About 30-40% of the hospital admissions in a cardiology unit consists of rheumatic heart disease. He also drew attention to the virtual disappearance of rheumatic fever among affluent populations in the West, which is one of the dramatic events of recent medical history. This is attributed not to the magic of penicillin, but to better living conditions and clean environment. Indeed, overcrowding with poor ventilation perpetuates cross infections. But K. N. Brahmadattan (Christian Medical College, Vellore) struck a

warning note – there has been a resurgence of rheumatic fever in USA with an outbreak in Utah, Ohio and Hawaii. He also spoke about a new entity – streptococcal toxic shock syndrome and also about streptococcal G infections in post-renal transplant patients. Toxic shock syndrome is believed to be related to streptococcal pyrogenic exotoxin-A which has 50% amino acid homology with staphylococcal enterotoxin-B.

N Sathy (Medical College Hospital, Thiruvananthapuram) touched upon the pitfalls in the diagnosis of rheumatic fever and discussed various conditions which can mimic rheumatic fever. The participants felt that