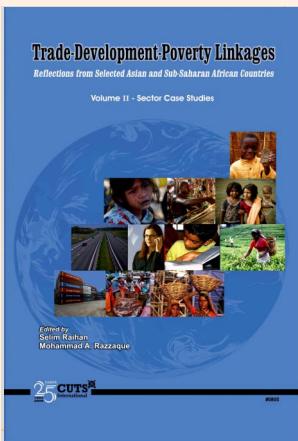


CUTS LATEST PUBLICATIONS

TRADE AND DEVELOPMENT



Trade-Development-Poverty Linkages: *Reflections from Selected Asian and Sub-Saharan African Countries* Volume II Sector Case Studies

With the support of the Department for International Development (DFID), UK and the Ministry of Foreign Affairs (MINBUZA), The Netherlands, CUTS International has implemented a project, 'Linkages between Trade, Development and Poverty Reduction' (TDP) over a period of four years (from January 2005 to December 2008). The project includes several countries in Eastern and Southern Africa, South and Southeast Asia, and Europe, covering developing land-locked states, island states and big emerging economies as well as developed countries.

This is the second volume published in the series. The sectoral case studies of this volume provide an insight into the effects produced by trade liberalisation in select sectors in project countries. The sectoral studies conducted in the 13 TDP countries identify the factors that need to accompany trade openness for it to become an engine of economic development and poverty alleviation. The findings reflect the need for fair and balanced rules in the multilateral trading system for ensuring sustainable and inclusive development in the countries of the South.

This Research Report can be viewed at:
<http://www.cuts-citee.org/pdf/TDPBook-Volume-II.pdf>



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April 2009

TRADE AND DEVELOPMENT

BRIEFING PAPER

Patent Rights on Goods in Transit: A Threat to Access Affordable Medicines

Introduction
A. The number of international trade documents has increased exponentially over the last two decades due to increasing flows of trade. Trade in pharmaceutical products is no exception. As such, there is a growing concern about how intellectual property rights (IPRs) are applied to pharmaceutical products in transit. In this paper, we will examine the role that IPRs play in pharmaceutical products in transit, the potential impact of IPRs on access to medicines, and the need for countries to take action to ensure that the use of IPRs does not threaten the availability of affordable medicines.

Recent Developments
In recent times, Dutch customs authorities have seized large quantities of pharmaceutical products in transit. This has led to significant media attention, particularly in India, where the Indian government has expressed concerns about the impact of these seizures on access to medicines. In response, the Indian government has taken steps to address these concerns, including amending its customs legislation and regulations, and applying for a temporary injunction against the seizure of pharmaceutical products in transit.

Conclusion
In conclusion, while IPRs are important for protecting innovation and investment in pharmaceutical products, they must also be used in a way that respects the right to health and access to affordable medicines. It is essential that countries work together to ensure that the use of IPRs does not threaten the availability of affordable medicines, and that the right to health and access to affordable medicines is protected.

How to Cite: *CUTS International*, Patent Rights on Goods in Transit: A Threat to Access Affordable Medicines, CUTS Briefing Paper No. 4000, CUTS, Jaipur, India, January 2009.

Source: The World Bank, *Trade and Development Understanding* (DSU) to sort their differences with the European Union (EU).

In this case, what needs to be specifically made clear is whether the EC Regulation No 1383/2003 goes beyond the obligations required under the Trade Related Aspects of Intellectual Property Rights (TRIPs) Agreement in relation to customs authorities as set out in Article 51 of the TRIPs Agreement? Unless clarified, the provisions in the Regulation would pose a serious threat on Indian companies, most of which use the EU route to transport pharmaceutical products to markets where the patent is not recognised or the product is off-patent.

This Briefing Paper can be viewed at: <http://www.cuts-citee.org/pdf/BP09-WTO-03.pdf>

Patent Rights on Goods in Transit: A Threat to Access Affordable Medicines

(CITEE No 4/2009)

There is neither any precedent laid down nor any clear and explicit provision in the multilateral trading system which a country could rely upon to counteract when situations like this emerge. There is a need to clarify whether countries should be free to aggressively enforce patent and other intellectual property claims against goods in transit, or should goods in transit be protected when they are clearly intended to markets where their use is legitimate? The recent developments may pave the way to have this clarity if the affected countries approach the Dispute Settlement

Understanding (DSU) to sort their differences with the European Union (EU).

In this case, what needs to be specifically made clear is whether the EC Regulation No 1383/2003 goes beyond the obligations required under the Trade Related Aspects of Intellectual Property Rights (TRIPs) Agreement in relation to customs authorities as set out in Article 51 of the TRIPs Agreement? Unless clarified, the provisions in the Regulation would pose a serious threat on Indian companies, most of which use the EU route to transport pharmaceutical products to markets where the patent is not recognised or the product is off-patent.

This Briefing Paper can be viewed at: <http://www.cuts-citee.org/pdf/BP09-WTO-03.pdf>

TRADE AND DEVELOPMENT

BRIEFING PAPER

Trade and Climate Change

Introduction
The issue of climate change has gained significant attention in recent years, both in terms of its environmental impacts and its economic implications. The discussion on climate change has shifted from a focus on mitigation to adaptation, as the world has become increasingly concerned about the high risks posed by climate change. The World Trade Organization (WTO) has played a key role in addressing climate change issues, particularly through its negotiations on climate change and its impact on trade.

Trade and Climate Change: A Comparative Perspective
Climate change is a complex issue that requires a coordinated global effort to address. The WTO has been instrumental in facilitating international cooperation on climate change, particularly through its negotiations on climate change and its impact on trade.

Trade and Climate Change: A Comparative Perspective
Climate change is a complex issue that requires a coordinated global effort to address. The WTO has been instrumental in facilitating international cooperation on climate change, particularly through its negotiations on climate change and its impact on trade.

Conclusion
In conclusion, the relationship between climate change and trade is complex and multifaceted. While the WTO has played a key role in addressing climate change issues, more needs to be done to ensure that the world's economies are able to adapt to the challenges posed by climate change.

How to Cite: *CUTS International*, Trade and Climate Change, CUTS Briefing Paper No. 4001, CUTS, Jaipur, India, January 2009.

Source: The World Bank, *Trade and Development*

Trade and Climate Change

(CITEE No 5/2009)

Climate change, or global warming as it is often referred to, is undeniably one of the biggest challenges of the 21st century. It is about sustainable economic growth, the kind of world we want future generations to inherit. The task that lies ahead is daunting: we might very well have to rethink how our economies work and subsequently introduce new pricing mechanisms and market incentives to reflect the true environmental costs of economic activities. Moreover, the need for co-ordination of policies at the supranational level is becoming increasingly evident.

This briefing paper tries to sketch the relationship between climate change and trade in a concise, yet accessible, manner around four interrelated questions:

- What are the similarities and differences between trade and international climate agreements?
- How does trade liberalisation impact climate change?
- In what ways could both be mutually beneficial?
- How could trade and climate change mitigation efforts come in conflict?

This Briefing Paper can be viewed at: <http://www.cuts-citee.org/pdf/BP09-WTO-04.pdf>

India 2006 National Environment Policy: *Not a Paradigm Shift*

According to the Environmental Performance Index report 2008 published by Yale University in the US, India ranks 120 among 149 nations with a paltry score of 60.3 on a scale of 100. The index rates the objective environmental health of the country at 62.6 and ecosystem vitality at 58.0. India has performed poorly in comparison to other developing nations like Vietnam (rank-76), Indonesia (rank-102), Tunisia (rank-60), Gabon (rank-64) and China (rank-105). This is despite of a new environmental policy, "India 2006 National Environment Policy", which has been in operation since the last two years. The National Environment Policy (NEP), does little to the cause of environmental protection.

however appears to have done little to the cause of environmental protection.

This Viewpoint Paper can be viewed at:
<http://www.cuts-citee.org/pdf/VP0109.pdf>

COMPETITION & INVESTMENT

Informal Sector and Competition: A Comprehensive Agenda for Research and Action

(CCIER No 1/2009)

The existence of the informal sector has both positive and negative implications for the level of competition in the economy. The positive influences emanate from the fact that informal firms are usually small and, therefore, individually less likely to be the source of dominance than formal firms. Negative implications can arise in myriad ways: unmonitored price collusion and dominance by some informal sector firms, affecting other informal sector firms; formal sector being

subjected to unfair competition by the informal sector, in the form of lower prices, facilitated by tax avoidance, hard-to-catch product adulteration and even physical obstruction; and, lastly, formal sector firms employing anti-competitive practices, such as predatory pricing, to eliminate informal competition.

The paper recommends that the decision to formalise the informal sector should be based on a cost-benefit analysis. It goes on to elaborate various methods of formalisation: reduction in the number of procedures/clearances involved or time involved in registration of firms in the formal sector, extent of corruption that determines the magnitude of bribery involved in the same process; and reduction of disincentives such as high tax rates, coupled with enhancement of incentives such as credit leveraging and entrepreneurial assistance/training provided by the government to the formal sector.

This Discussion Paper can be viewed at:
http://www.cuts-ccier.org/pdf/Informal_Sector_Competition.pdf

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