Alliance for Fair Trade with India

Ms. Susan Wilson
Director for Intellectual Property and Innovation
Office of the U.S. Trade Representative
600 17th Street, N.W.
Washington, D.C. 20508

Dear Ms. Wilson:

The Alliance for Fair Trade with India ("AFTI") was launched in June 2013 in support of increased action to address the barriers to trade and investment U.S. companies are facing in India, including the erosion of intellectual property rights ("IPR"), and to serve as a mechanism for engaging with U.S. policymakers on such issues. AFTI's diverse membership is comprised of organizations representing a range of U.S. industries adversely impacted by India's IPR policies and practices. In light of this mandate, AFTI submits to the Office of the U.S. Trade Representative ("USTR") this report which calls on USTR, under Section 182 of the Trade Act of 1974, to again place India on its Priority Watch List, and to conduct another Out-of-Cycle Review ("OCR") of India's IPR regime.

AFTI and it members have been encouraged by recent episodes of government-to-government engagement between the United States and India, including the restarting of the U.S.-India Trade Policy Forum after a four-year hiatus. In September 2014, President Obama and Prime Minister Narendra Modi set the ambitious goal of quintupling bilateral trade. To be meaningful, however, such engagement and the associated bilateral dialogues must result in substantive progress on issues that continue to disadvantage U.S. industry. As outlined herein, our members continue to encounter a range of policies and practices in India that serve to deny them adequate and effective protection of their IPR. These include:

- India's failure to provide an adequate structure to protect confidential test and other data;
- Burdensome testing and safety requirements on information and communication technology products;
- The use and threatened use of compulsory licensing on biopharmaceutical and other products as a tool of industrial policy;
- Measures in Indian law that add an onerous and unnecessary additional criterion for the patentability of medicines; and
- Weaknesses in the Indian copyright system that harm U.S. and Indian creators alike.

When he took office, Prime Minister Modi promisingly declared India "open for business," and committed to incentivize investment and "give the world a favorable opportunity" to trade with India. While our membership has been encouraged by such rhetoric, and by the warming in relations between the United States and India, we still believe that these

developments must translate into concrete action on the substantive concerns highlighted in this submission. 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.

The Out-of-Cycle Review in 2014 focused exclusively on the "quality of engagement" with the Indian government. AFTI believes strongly that an Out-of-Cycle Review in 2015 focused on substance and the steps that have been taken – or that have not been taken – to address existing problems is not only warranted, but necessary. Only in this way can USTR benchmark progress, if any, toward resolving longstanding U.S. concerns. To that end, we have included below in our submission recommendations on steps that the Modi government can take to help address those concerns.

We thank you for our continued work on these issues of vital importance to U.S. industry.

The Alliance for Fair Trade with India

I. Forced Transfer of Technology

A. No Protection of Regulatory Test Data

AFTI and its members are troubled by the fact that the Modi government's recently published Draft IPR Policy sets out as an area of study "[p]rotection of undisclosed information," but intentionally excludes "data exclusivity" as an area for future policy development.[1] Regulatory data protection, or data exclusivity, is an important protection mandated by TRIPS Article 39.3. India's ongoing failure to ensure that there is not unfair commercial use of an innovator's time- and resource-intensive regulatory data by a follow-on manufacturer for a fixed term is inconsistent with this obligation. Moreover, it strongly disadvantages innovative foreign companies, as valuable test data submitted by innovator companies to regulatory authorities can be used by companies producing generics as a basis for the approval of their products.

As early as 2000,[2] and every year thereafter, USTR's Special 301 Report has noted that India has failed to implement TRIPS-compliant regulations to protect trade secrets, confidential test and other data. India's TRIPS Article 39 obligations to protect trade secrets and confidential information, including test data, are rooted in Article 10*bis* of the Paris Convention for the Protection of Industrial Property, which assures nationals of signatory countries that they will receive effective protection against "unfair competition," which is defined as "[a]ny act of competition contrary to honest practices in industrial or commercial matters."[3] In addition, India is required to "protect confidential information… [and] ensure that it has procedures to protect such information" with regard to certain pharmaceutical or products of modern biotechnology, specifically living modified organizations.[4] Further, India must "not use such information for a commercial purpose, except with...written consent."[5] India's failure to provide data protection subjects U.S. companies to unfair competition and violates India's obligations under multiple agreements. In light of this, AFTI and its membership encourage USTR to call on the Modi government to amend the draft National Innovation Act such that it provides for data protection for pharmaceuticals and agro-chemicals in line with India's obligation under TRIPS Article 39.

B. No Protection for Trade Secrets

As highlighted by the U.S. International Trade Commission (the "ITC") in a recent report, India lacks a statute that specifically governs the protection of trade secrets, and there is

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[1] Department of Industrial Policy and Promotion, *First Draft of the National Intellectual Property Rights Policy*, Dec. 19, 2014, pg. 13.

[2] *Hearing on U.S.-India Trade Relations: Opportunities and Challenges Before the H. Comm. on Ways and Means, Subcomm. on Trade*, 113th Congr. (2013) (written testimony of Roy F. Waldron, Chief Intell. Prop. Counsel, Pfizer Inc.), *available at* http://waysandmeans.house.gov/uploadedfiles/pfizer_testimony31313.pdf.

("India was required to prevent unfair commercial use of pharmaceutical regulatory data through the grant of generic marketing approval based on the innovator's data by January 1, 2000. They still have not done so.")

[3] TRIPS AGREEMENT, ART. 39, *available at* http://www.wto.org/english/docs_e/legal_e/27-trips.pdf

[4] CARTAGENA PROTOCOL ON BIOSAFETY, ART. 21 (2000), *available at* http://bch.cbd.int/protocol/text/.

[5] *Id.*

little case law on the subject.[6] This inadequate legal framework creates uncertainty about the circumstances under which trade secret protections and judicial relief will be available in Indian courts.[7] Such uncertainty deters foreign companies from conducting research and development and other knowledge-intensive activities in India, and is one of the prime barriers recently identified by the ITC as limiting the investment of IP-intensive U.S. companies into India.[8]

India is required to protect trade secrets based upon its international legal commitments. Under TRIPS Article 39.2, innovators are entitled to protection for their trade secrets and must be allowed "to prevent information lawfully within their control from being disclosed to, acquired by, or used by others without their consent in a manner contrary to honest commercial practices."[9] To qualify as a trade secret, the information: (1) must be secret; (2) must have commercial value because it is a secret; and (3) must have been subject to reasonable steps by the rightful holder of the information to keep it secret.[10] India does not have a national law to protect information that qualifies as a trade secret under international law.

Companies in India must instead resort to contract law to obtain protection for their trade secrets; however, India's legal code does not provide sufficient remedies to enforce such contractual provisions. While India's 2008 National Innovation Bill includes language that, on its face, appears promising for the protection of trade secrets, the measure falls short. Chapter VI of the National Innovation Bill, Articles 8 through 10, pertain to confidentiality, confidential information, and remedies; however, a review of such provisions shows that India has missed the mark and fails to protect trade secrets.[11] In actuality, the Act merely "reaffirm[s] the existing legal position of protection of trade secrets through common law actions of breach of confidence, contractual obligations and principles of equity."[12] It does not mandate the protection of trade secrets. Further, India's Contract Act imposes a heavy burden on innovators to show that the information is "highly confidential" before they may be entitled to an imperfect remedy. Complicating matters further, India's Contract Act of 1872 voids contractual agreements that are "in restraint of trade" and has been the subject of many legal disputes over trade secrets.[13]

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[6] The U.S. International Trade Commission's December 2014 report on *Trade, Investment, and Industrial Policies in India: Effects on the U.S. Economy* ("ITC Report"), pg. 145

[7] USTR, "2014 Special 301 Review," April 2014, pg. 42.

[8] The ITC Report found that 61 percent of IP-intensive U.S. companies surveyed had made strategic changes in response to regulatory impediments they encountered in India since 2007. 27 percent of the IP-intensive companies surveyed directed less attention or fewer resources to the Indian export market. Thirteen percent halted or slowed plans for affiliate expansion. ITC Report, pg. 81.

[9] TRIPS AGREEMENT, ART. 39.2, *available at* http://www.wto.org/english/docs_e/legal_e/27-trips.pdf.

[10] *Id.*

[11] THE NATIONAL INNOVATION ACT OF 2008, Art. 8-10, *available at* http://www.dst.gov.in/draftinnovationlaw.pdf.

[12] Anuradha Salhotra, *Protection of Trade Secrets in India*, MODERN PHARMACEUTICALS, June 2012, *available at* http://issuu.com/infomedia18/docs/modern_pharmaceuticals_june_2012/65.

[13] THE INDIAN CONTRACT ACT, 1872, ACT No. 9 OF 1872 1 *available at* http://www.indiankanoon.org/doc/171398/.

C. In-Country Testing Requirements

The Indian Department of Telecommunication (the "DoT") announced a delay this past year in the implementation of its previously announced requirement to test and certify "network elements" to relevant contemporary Indian or international security standards from authorized and certified labs or agencies in India. The new implementation date for the in-country testing requirement is April 1, 2015. As AFTI has indicated previously, the requirement to test for security assurance in a specific geographic location goes against global norms, and likely is in violation of India's international legal obligations. Moreover, this requirement does not in itself enhance security. There are longstanding internationally accredited and recognized laboratories conducting testing and certification for security assurance and the location where the test is performed, in accordance with global best practices, does not have any bearing on the accuracy of the test in question as long as the laboratory has achieved the appropriate certification.

AFTI believes that private sector entities, such as telecom services providers ("TSPs"), should have the ability to determine which of their vendors' products require formal testing and certification, and how to most effectively procure certified products. We recommend that the Modi government allow TSPs this flexibility under the revised license amendments. While in some cases, it may be desirable for a vendor to test its product in a laboratory located in India, it may be impractical in cases in which the same product is already being tested to the same international standard and a security certificate is obtained from an internationally accredited laboratory. Providing flexibility in terms of where products are tested is critical for maintaining a trusted global market and distributed supply chain models.

D. Required Facility Inspection

Under current requirements, U.S. and other foreign vendors of telecommunications equipment must permit Indian TSPs, the DoT, or other designees/designated agencies, to "inspect the hardware, software, design, development, manufacturing facility and supply chain" and must allow software to be subject to audit or security checks at any time.[14] Mandatory exposure of such extensive aspects of a commercial enterprise, without adequate data protections, denies fair and equitable market access to U.S. telecommunications vendors. Moreover, given the proprietary and sensitive issues surrounding the design of products, this requirement raises serious concern as to the intrusive nature of such a request and the likely exposure of trade secrets. In addition, such inspections are time-consuming, costly, and overly burdensome, and negatively impact a vendor's ability to effectively and efficiently get products into the marketplace.

For this reason, we call on the Modi government to replace the mandatory facility inspection requirement with a provision that allows the equipment/software supplier and the TSP to negotiate mutually acceptable customer assurance arrangements consistent with industry best practices and the relevant national laws governing the equipment/software supplier.

[14] GOV. OF INDIA: MINISTRY OF COMM. & INFO. TECH., LETTER TO ALL UNIFIED ACCESS SERVICE LICENSEES AMENDING LICENSE CLAUSE 41.6A, (2011).

II. Patents

A. Overview

In December 2014, India's Department of Industrial Policy and Promotion published a draft National IPR policy which stated, among other things, that India's IPR laws are fully compliant with its obligations under the TRIPS Agreement.[15] AFTI and its membership take issue with this statement in light of several of India's patent-related policies and practices. As outlined in our 2014 Special 301 submission, we have consistently expressed our concern that Section 3(d) of India's Patents Act, along with certain provisions and procedures within its compulsory licensing regime, are inconsistent with India's international obligations.[16] Our members have not seen any substantive improvement on these two issues over the last year and continue to have deep concerns about the manner in which they discriminate against U.S. industry. Moreover, other aspects of India's patent system have remained hostile to U.S. industry, as evidenced by several patent revocations and denials in recent months.

B. Compulsory Licensing

India's compulsory licensing practices remain troubling to AFTI as they continue to evidence intent to benefit domestic Indian industries to the detriment of U.S. exporters. On December 12, 2014, the Indian Supreme Court rejected Bayer's appeal of a July 2014 Bombay High Court decision refusing to revoke a compulsory license ("CL") issued to Indian drug maker Natco Pharma Ltd. ("Natco").[17] This CL was initially granted in March 2012 by the Indian Controller General of Patents (the "Controller General") under the amended Patents Act, and granted Natco the right to produce and sell Bayer's anti-cancer drug Nexavar in India. Despite significant international scrutiny, this decision (the "Nexavar decision") was subsequently affirmed by the Intellectual Property Appellate Board (the "IPAB") in March 2013.

In light of the Indian Supreme Court's recent ruling, AFTI and its members remain very concerned with the Nexavar decision, its underlying rationale, and its potential use as a tool for the furtherance of Indian industrial policy. Specifically, the Controller General based its grant of the CL to Natco in part on Bayer's failure to "work" the Nexavar patent in India because it imported its products, rather than manufacturing them in India. On appeal, the IPAB modified the Controller General's reasoning to clarify that "in some cases" the "working" requirement could be met solely by importation. However, the IPAB rejected Bayer's explanation that economic factors prevented manufacturing in India, stating that, "the patentee must show why it could not be locally manufactured. A mere statement to that effect is not sufficient there [sic] must be evidence."[18] In its decision, the IPAB did not clarify the circumstances under which the "working" requirement would be met without manufacturing in India. As highlighted by USTR

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[15] Department of Industrial Policy and Promotion, *First Draft of the National Intellectual Property Rights Policy*, Dec. 19, 2014, pg. 2.

[16] Alliance for Fair Trade with India, *2015 Special 301 Submission*, pgs. 4-10.

[17] Andrew Ward and Amy Kazin, "Bayer Loses Bid to Block Cheap Version of Cancer Drug in India," FINANCIAL TIMES, Dec. 12, 2014.

[18] Decision of the Intellectual Property Appellate Board, Chennai, March 4, 2013, OA/35/2012/PT/MUM, Paragraph 52.

in its 2014 Special 301 Report, this decision could be used to inappropriately pressure innovators outside of India – including those in sectors well beyond pharmaceuticals, such as green technology and information and communications technology – to manufacture in India in order to avoid being compelled to license an invention to third parties.[19] Moreover, the legal basis for the Nexavar decision is very likely in violation of India's WTO obligations, and specifically in violation of TRIPS Article 27.1, as set forth in AFTI's 2014 Special 301 submission.[20]

The Nexavar decision is not an isolated incident, but rather one of several recent acts, policies, or practices initiated by the government of India that indicate a commitment to the use of compulsory licensing as a tool for bolstering domestic Indian innovation. The Indian Ministry of Health ("MoH") appears poised to grant compulsory licenses for several other drugs manufactured by foreign—including American—pharmaceutical companies. Moreover, there is concern among U.S. industry that other parts of the Indian government may utilize the rationale applied in the Nexavar decision to advance the interests of Indian companies in non-health-related industries.[21] Among those industries likely targeted are green technology and semiconductors, two areas in which U.S. companies do significant business in India.[22] Thus, legitimate concerns remain that compulsory licensing is still viewed as a tool of Indian industrial policy, to be wielded against foreign companies for the purpose of spurring domestic production.

In light of this, the AFTI membership calls on the Modi government to make a public commitment to refrain from granting any additional compulsory licenses unless it is to meet genuine health emergencies as anticipated by the Doha Declaration on TRIPS and Public Health. Moreover, we call for publication by the IPAB of a document clarifying the circumstances under which the "working" requirement under Section 84 of India's Patents Act would be met without manufacturing in India. Without such clarification, and as highlighted by USTR in its 2014 Special 301 Report, IPAB's decision could inappropriately pressure innovators outside of India to manufacture in India under threat of compulsory license.[23]

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[19] Office of the U.S. Trade Representative, 2014 Special 301 Report, pg. 41.

[20] Article 27.1 establishes that, where national legislation imposes a local working requirement, as it does in India, patent holders should be able to satisfy such requirement by demonstrating that they have imported the patented product. Put another way, Article 27.1 does not allow for the issuance of a compulsory license merely because the patentee does not produce the relevant patented goods locally.

[21] Recent policy statements by the Indian government support these fears. In 2011, the Government of India issued its National Manufacturing Policy ("NMP") which encourages compulsory license grants for the "latest patented green technology" when a right holder refuses to license on reasonable terms or is not working the patent in India.

[22] In its 2013 Special 301 submission, the Semiconductor Industry Association expressed its concern with the potential usage of CL's as a mechanism for forced technology transfer in India, explaining that, "it is well known that India is currently seeking to build and operate a domestic semiconductor fab to enable the implementation of some of its industrial policies that provide preferences for local IP, R&D and manufacturing of ICT products." SEMICONDUCTOR INDUS. ASS'N, WRITTEN COMMENTS TO THE OFFICE OF THE U.S. TRADE REP. IN RESPONSE TO FED. REG. NOTICE REGARDING 2013 SPECIAL 301 REVIEW: IDENTIFICATION OF COUNTRIES UNDER SEC. 182 OF THE TRADE ACT OF 1974 (2013).

[23] Office of the U.S. Trade Representative, 2014 Special 301 Report, pg. 41.

C. Section 3(d) of India's Patents Act

AFTI's membership has expressed longstanding concern with Section 3(d) of India's Patents Act, concern which has, thus far, gone unaddressed by the Modi government. As evidenced by the January 2015 Sovaldi decision, discussed below, and several other patent decisions in recent months, Section 3(d) still looms as a very real threat to patent protection. Specifically, Section 3(d) of India's Patents Act denies American companies—particularly those in the biopharmaceutical and agricultural chemicals sectors—market access in a manner that is likely in violation of WTO agreements. In enacting onerous and WTO non-compliant standards for patentability, Indian authorities appear to have intentionally created an additional hurdle for protection of foreign biopharmaceuticals and chemicals, with the aim of benefitting India's domestic industries.

In structuring Section 3(d) as it is drafted, India has created a fourth condition precedent for patentability. Specifically, India has added a requirement that inventions constituting a "new form of a known substance" must also "result in the enhancement of the known efficacy of that substance" in order to be patentable. In doing so, India requires that a "new form of a known substance" be (1) new; (2) involve an inventive step; (3) be capable of industrial application; and (4) demonstrate enhanced efficacy in order to receive a patent. This addition of a fourth condition precedent for patentability is inconsistent with TRIPS Article 27.1, which mandates that patents be available for any inventions that are "new, involve an inventive step and are capable of industrial application." AFTI therefore calls on the Modi government to cease imposing additional patentability criterion, such as the above-discussed "enhanced efficacy" requirement contained in Section 3(d).

D. Other Patent Concerns

In its 2014 Special 301 Report, USTR concluded that, "[r]ecent actions by the Government of India with respect to patents…have raised serious concerns about the innovation climate in India and risk hindering India's progress towards an innovation-focused economy."[24] Based on actions taken in recent months by the Indian government vis-à-vis foreign pharmaceutical companies, including the revocation of patents for alleged failure to demonstrate an inventive step, as well as the denial of patent applications under Section 3(d), these serious concerns remain.

1. Revocation of Bonviva

On December 19, 2014, the Assistant Controller of Patents and Designs issued an order revoking Roche's patent for its osteoporosis drug, Bonviva. Roche had received a patent for Bonviva in August 2007 that was subsequently challenged by Indian generic drug maker Cipla. The December revocation order cited Section 25(2)(e) of the Indian Patents Act, which allows for post-grant opposition on the grounds that the invention does not involve an inventive step. The revocation order also cited Section 25(2)(f), which allows for post-grant opposition on the

[24] Office of the U.S. Trade Representative, 2014 Special 301 Report, pg. 39.

ground that the invention under challenge is not an invention within the meaning of the Act.[25] Roche had entered into a partnership with Mumbai-based Elder Pharmaceuticals in 2006 in order to sell Bonviva in India at a 35 percent discount compared to western markets.[26]

2. Revocation of Humira

On December 31, 2014, the Indian Patent Office revoked the patent for Humira on the grounds that it lacked an inventive step, along with insufficiency of description.[27] The order revoking the patent coincided with the launch of a generic version of Humira by Indian drug maker Zydus Cadila, which has indicated publicly that it expects its generic version to have sales between US $20 million and $30 million in India this year.[28]

3. Rejection of Sovaldi

On January 13, 2015, Gilead's patent application for a key compound within its drug Sovaldi was rejected by the Indian Patent Office under Section 3(d). Gilead's patent application was challenged by Indian generic drug maker Natco, along with a U.S.-based non-profit group called the Initiative for Medicines, Access and Knowledge. The Patent Office ruled that the active compound in Sovaldi was not sufficiently different to a previously-known molecule to merit patent protection. This decision was overturned on January 30, 2015 by the Delhi High Court, but underscores the very real threat Section 3(d) still presents to patent protection.[29] Despite Sovaldi's high costs in western countries, Gilead is poised to make the drug available for far less in India through a voluntary licensing agreement announced in September 2014 with seven Indian generic manufacturers.[30]

III. Copyright

India's lack of robust and enforceable copyright policies continues to result in the denial of adequate and effective protection of intellectual property rights for U.S. and Indian companies alike. Copyright infringement is a historic and consistent problem in India. While there have been some positive developments, there has been no improvement in addressing infringement, and unfortunately the problem appears to be growing. Spanning multiple industries, copyright infringements particularly hinder innovation and creative growth for companies related to music and film production, as well as publications and software. While the Indian government has taken some notable actions, it has failed to rein in a problem that badly undermines the market for Indian and U.S. right holders alike.

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[25] Gireesh Babu, "Patent Office revokes the patent of Roche's osteoporosis drug Bonviva," THE BUSINESS STANDARD, Jan. 2, 2015.

[26] *Id.*

[27] Gireesh Babu, "Patent Office sets aside earlier order granting patent to Abbot's Humira," THE BUSINESS STANDARD, Jan. 6, 2015.

[28] *Id.*

[29] Vidya Krishnan, "Delhi HC Sets Aside Order on Gilead's Sovaldi Patent," LIVE MINT, Jan. 31, 2015.

[30] Amy Kazin and Andrew Ward, "India Spurns Gilead over Hepatitis C Patent," FINANCIAL TIMES, Jan. 14, 2015.

In 2015, the U.S. Chamber of Commerce Global Intellectual Property Center's International IP Index found that India's copyright regime remained unchanged over the last year. Consequently, India received the same score – 1.47 out of a possible 6 – for the third year in a row. [31] India has an extensive copyright industry, producing more feature films than any other country in the world. Yet, India's piracy problem is pervasive. Piracy of movies, music and illegal downloads in India is estimated to have cost the music and entertainment industry approximately US $4 billion per year, the bulk of which affects local content.[32]

Moreover, while industry applauds the government's passage of amendments to the Copyright Act in 2012, the legislation has proved inadequate in addressing the realities of a 21st century economy that relies heavily on e-commerce and digital products. Although the amendments offered more protection for composers and songwriters whose products are used in film, the legislation did not lay out adequate protections to guard against the illegal internet downloads of music, movies, and other data files – an area which will continue to grow as India becomes more interconnected via the Internet. The amendments also failed to provide adequate tools to address the widespread copyright infringements affecting the country, and failed to introduce much needed anti-camcording legislation, despite its status as a longstanding problem for foreign and domestic film industries. The Act also provides multiple exceptions for personal use and for personal reproduction. In order to ensure compliance with the provisions of the Act, the Indian government committed to establishing a permanent Copyright Board. Despite assurances over the last year, this body has yet to be formed making many provisions of the Act inoperable.

In light of the above persisting issues, AFTI encourages the Modi government and the Obama administration to pursue greater bilateral public sector engagement on copyright issues, and specifically recommends the establishment of a copyright working group within the U.S.-India Trade Policy Forum in order to facilitate cooperation and exchange at the technical level between copyright protection and enforcement experts in the U.S. and Indian governments. U.S. industry was encouraged by the inclusion of combatting piracy and counterfeiting as one of the core objectives of the draft national IPR policy, and we look forward to working with the Modi Administration to ensure that final policy includes adequate measures to protect both domestic and foreign innovators in India. Moreover, while AFTI and its members are encouraged by recent public statements by the Ministry of Information and Broadcasting indicating that it plans to include specific anti-camcording provisions in the draft Cinematograph Bill, we call on the Modi government to put this legislation to Parliament for a vote.

IV. Conclusion

AFTI and its members applaud the Obama administration for recognizing the opportunity presented by the new Modi government for re-engagement on important issues within the

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[31] GLOBAL INTELL. PROP. CTR., UNLIMITED POTENTIAL: GIPC INTERNATIONAL IP INDEX (2015), p. 72, available at http://www.theglobalipcenter.com/wp-content/themes/gipc/map-index/assets/pdf/Index_Map_Index_3rdEdition.pdf.

[32] ERNST & YOUNG, THE EFFECTS OF COUNTERFEITING AND PIRACY ON INDIA'S ENTERTAINMENT INDUSTRY (2008), available at http://infojustice.org/wp-content/uploads/2011/02/Ernst-Young-PIracy-report-India-2009.pdf.

bilateral economic relationship. The value of such engagement will, however, ultimately be judged by concrete trade and investment policy outcomes. Now that a stronger foundation has been laid, and the Modi government has studied major policies and appointed key personnel, we believe that the coming months offer an opportune time for such engagement to bear fruit on the crucial issues we have outlined above.