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OPEN-ENDED WORKING GROUP OF THE  
PARTIES TO THE MONTREAL PROTOCOL

Second session of the third meeting  
Geneva, 9-11 May 1990

Note on the meeting of  
"Third-world Patent Convention"

India, 15-16 March 1990

Note on the meeting of "Third-world Patent Convention"  
India, 15-16 March 1990

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1. The National Working Group on Patent Laws, India, convened the above meeting as the third, having in November 1988 and in December 1989 convened the first and second meetings respectively on Conquest by Patents: on Patent law and policy and Science and Technology and Patents.
  
2. The two day intense meeting was broken into five sessions. The Conference dealt with: (a) TRIPS and main issues in negotiations in GATT; (b) patent laws, national strategies and South Cooperation and (c) new technologies - patent issues.
  
3. In the presentations and ensuing discussions, the participants indicated that the third world is being pressurised to accept the position USA and the West have put before GATT negotiations under threat of sanctions unless they modified their patent laws to permit technologies from the developed countries to secure markets in developing countries and to expand protection to cover not only process but product patents as well. This insistence was resented since the West moved to product patents only in the last few years: while their industry was embryonic, they only had process patents.
  
4. The discussions also revealed that for India and other third world countries not parties to the Paris Convention that Convention was not serving their interests. They did not agree with the attempt to link trade and technology in the GATT negotiations.

Not a single individual advocated the amendment of the 1970 Patents Act of India which was considered a landmark for others to emulate, and the Members of Parliament attending from India in Government and opposition reaffirmed the Act would not be modified. In the third world it was noted that majority of patents are held by foreigners, and it was stressed that those areas touching on life or death - medicines, food, live animals and plants should not be patentable under their laws.

5. The proceedings of the Conference would be published in due course. Meanwhile it was hoped that the conclusions would assist the developing country negotiators within GATT framework in understanding and safeguarding their interests during the negotiations.