

raised by them. A Statement indicating point-wise reply to the Question is laid on the Table of the House.

Statement

(a) and (b) The All India Motor Transport Congress (AIMTC) has raised various toll related demands which *inter alia* include levy of user fee on the basis of the categories as specified under National Highway Fee Rules, 1997. Other toll related demands of AIMTC are abolition of the provision for collection of toll in perpetuity, de-linking Wholesale Price Index (WPI) for the purpose of increase in user fee rate etc.

(c) Yes, Sir.

(d) The core demand of the All India Motor Transport Congress (AIMTC) regarding merger of user fee rate of 3-axle vehicles with that of 2-axle trucks/buses has already been considered by the Government. The Government is engaged in continuous negotiations with the representatives of AIMTC to make them understand the position of the Government and not to resort to nation-wide strike.

**Restrictive laws in European countries on export of
non-patented medicines**

†*302. SHRI RAM JETHMALANI: Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

(a) whether it is a fact that there are restrictive laws in European countries on non-patented medicines being exported from the country;

(b) if so, the facts in this regard;

(c) the value of medicines exported by India which have been left in the lurch under this law; and

(d) whether European countries have now assured to remove this restriction; if so, by when the assurance will be effective?

THE MINISTER OF COMMERCE AND INDUSTRY (SHRI ANAND SHARMA): (a) to (d) Generic medicines in India are being exported to several countries where they are off patent and treated as generic. There have been instances of seizures of consignments of generic medicines at some ports in the European Union particularly in the Netherlands while they were in transit, to non-European countries from India. No exact information on the precise value of the medicines is available.

These seizures were carried out in implementation of EU regulation 1383/2003. None of the medicines involved in the seizures had patents either in India or in destination countries.

†Original notice of the question was received in Hindi.

These seizures symbolize TRIPS plus enforcement measures targeting the legitimate generic medicines and were against the fundamental principle of freedom of transit under Article V of GATT. They were also against the Doha declaration on TRIPS and Public Health and the TRIPS.

Consequently, India filed a request for consultation with EU and the Netherlands on 11th May, 2010, under the Dispute Settlement Undertaking of the WTO. Two rounds of consultations have taken place. European Union, recognizing the strength of India's case, has offered to settle the matter without resorting to the need to go to the WTO dispute panel stage.

Patent of traditional Indian toothpowder

*303. SHRI ISHWAR SINGH: Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

(a) whether a Multinational Company (MNC) has patented the traditional Indian 'Lal Dant Manjan' in the United States on the basis of an application filed in India in 2005;

(b) whether the Controller General of Patents in India has yet to decide on the MNC's application filed in 2005;

(c) whether the Association of Manufacturers of Ayurvedic Medicines has challenged the application filed by the MNC in India in 2005; and

(d) if so, the details thereof?

THE MINISTER OF COMMERCE AND INDUSTRY (SHRI ANAND SHARMA): (a) Yes, Sir. US Patent No. 7736629 has been granted for RED HERBAL DENTIFRICE to Colgate Palmolive Company, New York (Assignee) based on the Indian application 3081/Del/2005 dated 18th November, 2005 filed by Colgate Palmolive Company, 300 Park Avenue, New York, 10022, USA.

(b) Yes, Sir. The request for examination (RQ) was filed on 23/10/2008 and the same is under process.

(c) and (d) No, Sir. The Association of Manufacturers of Ayurvedic Medicines in India has not challenged patent application No. 3081/Del/2005. However, a pre-grant opposition has been filed by Council of Scientific and Industrial Research (CSIR) on 11th October, 2010.

Inter-State border problem in North-East

*304. SHRI BIRENDRA PRASAD BAISHYA: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether Central Government is aware that the life and property of people in Assam