

IPAB'S non provision to appeal to Supreme Court

2143. SHRIMATI SHANTA CHHETRI: Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

(a) whether the Intellectual Property Appellate Board (IPAB), which currently exercises jurisdiction over Trademarks, Patents, Geographical Indications and Copyright cases, does not provide any provision for appeal to the Supreme Court;

(b) if so, whether this makes protection of Trade name/Trademark in India vulnerable, especially since our Hon'ble Prime Minister is making huge efforts to bring in foreign companies to India to set up shop; and

(c) whether the Ministry of Law and Justice has any recommendation to amend this Act to include appeal to Supreme Court from IPAB?

THE MINISTER OF COMMERCE AND INDUSTRY (SHRI PIYUSH GOYAL):

(a) Yes, Sir.

(b) No, Sir. The applicants of all Intellectual Property Rights (IPRs) can directly file Special Leave Petition (SLP) before the Hon'ble Supreme Court against any order of IPAB. They can also prefer writ petition before the High Court against orders of IPAB and IP offices by invoking Article 226 of the Constitution of India and then file SLP before the Hon'ble Supreme Court.

(c) Ministry of Law & Justice only vets the amendments proposed by concerned Ministry or Department. As provisions for filing SLP directly against orders of IPAB and also against writ petitions disposed by High Court with respect to orders of IPAB and IP offices are already in place, there is currently no proposal under consideration for such amendment by Department for Promotion of Industry and Internal Trade (DPIIT).

e-Commerce Policy

2144. DR. ABHISHEK MANU SINGHVI: Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

(a) the details of the Special Task Force to draft National e-Commerce Policy;

(b) the details of discussions on data localisation and data protection; and

(c) the details of the public consultations carried out on the policy, if any?

THE MINISTER OF COMMERCE AND INDUSTRY (SHRI PIYUSH GOYAL):

(a) to (c) The Department of Commerce initiated an exercise and established a Think Tank on 'Framework for National Policy on E-commerce' and a Task Force under it to deliberate on the challenges confronting India in the arena of the digital economy and electronic commerce (e-Commerce). Some of the issues that were discussed by the think tank included aspects of e-Commerce and the digital economy such as physical and digital infrastructure, the regulatory regime, taxation policy, Foreign Direct Investment (FDI), technology flows, skill development and trade-related aspects. The first meeting of the Think Tank was held on 24th April, 2018 while the second meeting of the Think Tank was held on 30th July, 2018. The meetings saw participation by senior officers of various Ministries/ departments of the Government involved in different aspects of e-Commerce, high level representatives from the industry bodies, e-commerce companies, telecommunication companies and IT companies, NGOs and independent experts.

The Think Tank was further divided into various sub-groups, comprising representation at the technical level from the Government, industry and experts with domain knowledge. In addition to the discussions in these meetings, several written inputs/ suggestions were received from stakeholders. The sub-group reports and these submissions further fed into the draft recommendations. These were then presented before the Think Tank in its meeting held on 30th July, 2018.

Gazette Notification dated 20th September, 2018 amended the Government of India Allocation of Business Rules, 1961 notifying that "Matters related to E-Commerce" are allocated to the Department of Industrial Policy and Promotion (now Department for Promotion of Industry & Internal Trade (DPIIT)).

Subsequently, the draft National e-Commerce Policy was prepared, and placed in public domain for seeking suggestions/ views. Comments from various stakeholders have been received. Meetings have been held under the chairmanship of Minister for Commerce & Industry and officials with industry stakeholders, e-Commerce companies, associations of kirana stores, traders and retailers to discuss matters relating to e-Commerce.

The Ministry of Electronics and Information Technology (MeitY) on 31st July 2017, *vide* OM No.3(6)/2017-CLES, constituted a Committee of Experts under the Chairmanship of Justice B N Srikrishna, Former Judge, Supreme Court of India, to look

into all aspects relating to personal data protection. The Committee gave its report on 27th July, 2018. The Committee also submitted a draft Personal Data Protection Bill. Wide consultations were held on the draft bill and open feedback was invited on the contents of the bill. These are currently being processed and it is proposed to table the bill in Parliament.

Draft National Logistic Policy

2145. DR. T. SUBBARAMI REDDY: Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

- (a) whether the Ministry has prepared draft National Logistic Policy for commerce and trade;
- (b) if so, the details thereof;
- (c) whether it is aimed at reducing the high transaction cost of traders;
- (d) if so, to what extent;
- (e) how does it compare with that of other developed countries; and
- (f) steps aimed at simplification of documentation for exports and import and digitization of processes in customs and other statutory procedures?

THE MINISTER OF COMMERCE AND INDUSTRY (SHRI PIYUSH GOYAL):

(a) to (c) Yes Sir. The vision of the proposed policy is to drive economic growth and business competitiveness of the country through an integrated, seamless, efficient, reliable, green, sustainable and cost effective logistics network leveraging best in class technology, processes and skilled manpower.

(d) and (e) While, there is no official estimation of logistics cost for India, some private institutions have estimated the logistics cost to be 13 to 14 percent of the GDP. The proposed policy aims to reduce this to 9 -10 percent of the GDP.

(f) In order to simplify documentation for exports and imports through digitization, Department of Revenue, CBIC have taken several initiatives like (i) SWIFT (Single Window Interface For Trade) (ii) Adoption of Digital Signature (iii) 24x7 Customs Clearance - for 'facilitated' Bills of Entry and factory stuffed containers and goods exported under free Shipping Bills at select ports (iv) Import Data Processing and Management System (IDPMS) - jointly launched with RBI to facilitate efficient data