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# India to seek market access for mangoes, bovine meat from South Africa

PTI

Johannesburg, 29 September 2013: India is expected to seek from South Africa market access for mangoes, grapes and bovine meat in order to increase the country's exports.

The issue is likely to be raised by Commerce and Industry Minister Anand Sharma during his meeting with South African Trade and Industry Minister Rob Davies on Tuesday here. Sharma is here for the 3rd India-Africa Trade Ministers meeting.

The South African authorities are in the process of conducting a Pest Risk Analysis (PRA) for import of mangoes and grapes from India.

"The Minister would ask his counterpart to expedite the PRA and consider granting market access to Indian mangoes and grapes, as our request of market access is pending for a long time now," an official told PTI.

Sharma would also express his concerns over the temporary suspension placed by the South African authorities on frozen boneless buffalo meat imports from India.

South Africa had put a temporary suspension on imports of frozen boneless buffalo meat from India in 2011.

"The minister would request that the matter may be looked into as the Indian meat conforms to the highest international norms and standards," the official said.

Both the sides are also expected to discuss the proposed Bilateral Investment Promotion and Protection Agreement.

Further, the official added that both the ministers would review the progress of the talks on India and Southern African Customs Union (SACU) preferential trade agreement. Under such a pact, countries provide duty concessions to each other on few products.

India has proposed an average Margin of preference (MOP) of 70 per cent in the agreement. MOP is expressed as percentage of tariff concession offered. 20 per cent MOP would mean that imports will be charged 20 per cent less than the prevailing duty.

SACU includes Botswana, Lesotho, Namibia, South Africa and Swaziland. The last round of negotiations was held in New Delhi in October, 2010.

India is one of the largest importers of South African coal.

"There existed tremendous scope for co-operation and joint ventures between public sector undertakings of the two countries in this sector and India was also keen on investing in the energy market of South Africa," the official said.

For January-July period, the bilateral trade between India and South Africa stood at USD 8.75 billion. It was USD 13.58 billion in 2012, a decline from USD 14.48 billion in 2011.

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# Emerging markets like Brazil, South Africa initiate reforms in patent laws in line with India's IP policy

Economic Times

New Delhi, 24 October 2013: Days before the Supreme Court ruled that Novartis' cancer drug Glivec is not a new invention good enough to be granted patent in April, a top executive of Pfizer had told a US Congress sub-committee, "India's action reverberates far beyond its borders."

That was perhaps the worst fear of Big Pharma, and it seems to be coming true with key emerging markets Brazil and South Africa initiating reforms in their patent laws in line with India's intellectual property policy. And global experts now expect other developing countries to follow suit.

"Both Brazil and South Africa have been greatly influenced by India's decision to incorporate TRIPS (Trade Related Intellectual Property Rights) flexibilities designed to prevent evergreening of patents and to increase access to affordable medicines," Brook Baker, professor at Northeastern University School of Law, Boston, told ET.

Most global experts ET spoke to feel that the globally debated Supreme Court judgment on Glivec became a critical trigger in reviving patent reforms debate across emerging economies.

"I think that the Indian legislation has influenced both the South Africa draft IP policy and the Brazilian proposed reform of the patent law," Carlos Correa, eminent IP expert and a professor at the University of Buenos Aires, said.

Brazil earlier this month tabled in its Parliament proposed changes in its patent policy that "clarifies matters that are not considered to be inventions: such as new use patents and new forms of known substances — along the lines of the Indian Patent Act as revised in 2005". It also recommends "increase in the standard of inventive step in order to promote incremental innovation, along the lines of the Indian Patent Act".

South Africa, in a draft patent policy on which it has invited public comments, has recommended allowing opposition to a patent before and after it is awarded "to effectively foster spirit of granting stronger patents". The draft released last month says, "A country like India resorted to pre and post-grant opposition to facilitate a possibility of opposing weaker patents... This procedure has been a success to challenge 'weaker patents'."

Both Correa and Baker think Section 3(D) of Indian Patent Act, which bars award of patent to frivolous and obvious incremental innovations and was at the heart of the Supreme Court's Glivec judgment, has been a clear inspiration for Brazil.

"The Indian influence is perhaps most evident in case of Brazil in relation to the standard of patentability, since the proposed reform partially relies on the concepts incorporated in Section 3(D) of Indian Patents Act," Correa said.

Experts now feel many smaller economies in the Africa and Latin America will initiate similar patent reforms to protect public health interests at home.

“One can expect that with these two powerful technologically proficient developing countries making the move, other developing countries are likely to follow suit,” Shamnad Basheer, an IP expert, said.

According to Basheer, Big Pharma's anguish at India striking a different patent chord was not so much about the relatively minuscule Indian market and their expected losses from patent invalidations and compulsory licensing. It was more about the fear of other countries following suit and this fear is now playing out.

Baker said that by moving in the same direction, India, Brazil and South Africa — all BRICS members — are also demonstrating an IP leadership that is having positive precedential effect in other countries such as Uganda and Zambia among others.

The development comes when India's jurisprudence on patents is still evolving and the court's decision on many important patent battles such as the one between US multinational Merck Sharp & Dohme and domestic firm Glenmark on diabetes drug Januvia would shape the Indian patent landscape further.

Leena Menghaney of Medecins Sans Frontiers feels that the Supreme Court decision on Glivec provided an impetus for public health groups to accelerate this debate in Brazil and South Africa where public interest and treatment groups are running ‘fix the patent laws’ campaigns relentlessly to reduce abuse of the patent system by pharma companies. Not everyone agrees though.

MM Kleyn, fellow of the chair of intellectual property at the University of Stellenbosch in South Africa, said that apart from some arbitrary references in the draft that South Africa should follow the mould of “similar economies such as Brazil, India and Egypt” and few brief references, “there is no supporting empirical evidence or research that allows for any form of systematic and consequential analysis of the draft policy of South Africa”.

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# India, South Africa trade up 31% at \$7.6 b

Business Line (The Hindu)

Mumbai, 25 April 2014: Bilateral trade between India and South Africa grew 31 per cent to \$7.6 billion in the just ended financial year, against \$5.8 billion in the same period last fiscal.

Speaking to Business Line on the occasion of 20 years since the end of apartheid in South Africa, Pule I Malefane, Consul General, Republic of South Africa, said both the countries managed to improve trade relations despite the economic growth in South Africa slowing down to 2.5 per cent in the financial year ended March, 2014, against 3.8 per cent logged in the same period last fiscal.

“Many Indian companies have invested in South Africa last fiscal. Prominent among them are \$15-billion investment by Apollo Tyres, and \$8 billion by KLT Automotive and Tubular Products. Exim Bank has opened a branch in South Africa to promote bilateral trade,” he said.

The long standing democracy not only attracts foreign investment but also ensures that their interest is protected and any trade issues are settled amicably under the well defined law of the land, said Malefane.

*IBSA meet soon*

The next meeting of the international tripartite grouping between India, Brazil and South Africa (IBSA) is expected to be held in the later half of this year. The three countries have formed the body to represent three important poles for galvanising South-South cooperation and greater understanding between three continents.

“The meeting was supposed to be held in the first half of 2014, but had to be postponed as all the three countries are going to polls this year. We will fix a date before end of this year,” he said. The intra-IBSA traded recently touched \$23 billion.

Malefane expects free trade agreement will also be discussed afresh by the new government which will take charge soon.

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