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Contact: Peter Maybarduk
pmaybarduk@citizen.org
(202) 390-5375

U.S. Chamber, Big Pharma Miss Their Target on India Trade, But U.S. Watch List Still Bullies India, Other Developing Countries Over Health Policies

*Statement of Peter Maybarduk, Director, Public Citizen Global Access to
Medicines Program*

Note: Today, the Office of the U.S. Trade Representative (USTR) released its annual Special 301 Report. The 301 Report places countries on a watch list for practices the U.S. government believes reflect “inadequate” intellectual property (IP) protection, even when these policies safeguard important public interests including health.

The Special 301 Report’s watch list is a morally repugnant and unnecessary U.S. government practice, which annually bullies countries for implementing policies that promote access to lifesaving medicines despite serious questions about the legality of such unilateral threats under international law. The 301 watch list should be discontinued in its entirety.

The U.S. Chamber of Commerce, Big Pharma and other Big Business groups have mounted a misleading campaign to push the U.S. government to name India a “Priority Foreign Country,” citing disputes over pharmaceuticals and patent policies. This elevated watch list status could have led to trade sanctions and would have damaged relations between the countries.

Today, the Chamber campaign has missed its target. The United States has declined to designate India a Priority Foreign Country. Big Pharma overreached, trying to accomplish with lobbying power and bully tactics what it could not with evidence.

Nevertheless – and unacceptably – the USTR has again placed India on the “Priority Watch List,” with nine other countries, and announced a special “Out of Cycle” review of India intellectual property policy. This is a shameful form of harassment. The USTR’s assessment includes lengthy criticism of India that bends much too far to Big Business demands.

India’s patent system plays by the global rules and promotes public health. The Obama administration should support, rather than attack, India’s key role helping facilitate global access

to lifesaving medicines.

The USTR includes more than 30 countries a year in its Special 301 Report (37 this year), including close U.S. allies, grouped into the categories “Watch List” (27 countries) “Priority Watch List” (10 countries, including India) and the most serious characterization, “Priority Foreign Country” (no countries this year). A Priority Foreign Country listing can be a step on a path to trade sanctions. The U.S. International Trade Commission also has undertaken a review of India trade practices, scheduled to conclude later this year.

[View more information and analysis about access to medicines, India and U.S. government policy.](#)

More analysis about the U.S. Chamber of Commerce is available at:
<http://www.fixtheuschamber.org/>.