

House Joint Memorial 10

Sponsored by Representatives WHISNANT, GOMBERG

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Urges federal government to strengthen economic relationship with government of India by encouraging free market principles and enforcement of intellectual property rights.

JOINT MEMORIAL

1 To the President of the United States, the United States Trade Representative, the United States
2 Secretary of State, the United States Senate Committee on Finance's Subcommittee on Interna-
3 tional Trade, Customs and Global Competitiveness and the United States House Committee on
4 Ways and Means' Subcommittee on Trade:

5 We, your memorialists, the Seventy-eighth Legislative Assembly of the State of Oregon, in leg-
6 islative session assembled, respectfully represent as follows:
7

8 Whereas the Indian economy is large and will comprise nearly 20 percent of global gross do-
9 mestic product by 2060 according to the Organization for Economic Cooperation and Development;
10 and

11 Whereas India is an important strategic partner for the United States, making it important to
12 foster a similarly positive economic relationship; and

13 Whereas in recent years Indian policy makers and courts have adopted protectionist policies
14 that will harm numerous industrial sectors; and

15 Whereas India's Preferential Market Access rules have the potential to require that up to 80
16 percent of all computers and electronics sold in India by 2020 be produced in India, making India
17 a difficult export market for information and communications and technology products; and

18 Whereas the Indian government has previously adopted anticompetitive policies, including
19 forced localization requirements affecting renewable energy, medical devices and other industries;
20 and

21 Whereas the Indian government has imposed discriminatory taxes on foreign businesses, making
22 them less competitive and triggering expensive litigation to resolve tax disputes; and

23 Whereas past Indian policy, regulations and legal decisions have demonstrated a consistent
24 disregard for internationally recognized intellectual property rights; and

25 Whereas this disregard for intellectual property rights is in violation of India's obligations as
26 a member of the World Trade Organization; and

27 Whereas numerous industry sectors have been adversely affected by the challenging intellectual
28 property climate in India, including but not limited to the biopharmaceutical, entertainment, infor-
29 mation technology and renewable energy industries; and

30 Whereas because of the limited progress India has made in the areas of intellectual property
31 rights protection and enforcement, India remains on the United States Trade Representative's Pri-

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 ority Watch List in the 2014 *Special 301 Report*; and

2 Whereas because of intellectual property concerns that range from India's revocation of inter-
3 nationally recognized patents to its position as a major producer of and conduit for counterfeit
4 goods to its unacceptably high rates of piracy, India consistently ranks last in the United States
5 Chamber of Commerce Global Intellectual Property Center's International IP Index, behind Brazil,
6 China and Russia; and

7 Whereas India's reputation as a market leader among emerging economies risks encouraging the
8 adoption of similar anticompetitive practices and lax enforcement of intellectual property rights
9 throughout the developing world; and

10 Whereas far from promoting economic growth, according to an analysis by the Organization for
11 Economic Cooperation and Development, India's mercantilist policies are slowing economic growth
12 and foreign direct investment; and

13 Whereas India's new administration has an opportunity to establish a new path forward that
14 protects intellectual property and secures the benefits of an innovative economy to the Indian peo-
15 ple; now, therefore,

16 **Be It Resolved by the Legislative Assembly of the State of Oregon:**

17 That we, the members of the Seventy-eighth Legislative Assembly, recognize that it is essential
18 to the economic relationship between the United States and India that the Indian government im-
19 plement measures that uphold internationally recognized intellectual property rights and encourage
20 innovation, actions that will occasion a return to the path of developing a knowledge-based econ-
21 omy; and be it further

22 Resolved, That we support the federal government's efforts to urge the Indian government to
23 abandon its established protectionist policies and to adopt in their stead policies that adhere to free
24 market principles; and be it further

25 Resolved, That we urge the United States Trade Representative and other policy makers at the
26 federal level to defend free market principles and uphold global intellectual property standards by
27 using all diplomatic and trade policy tools available to encourage the government of India to
28 strengthen its intellectual property protections and to respect global intellectual property standards;
29 and be it further

30 Resolved, That a copy of this resolution be sent to the President of the United States, to the
31 United States Trade Representative, to the United States Secretary of State, to the Chairman and
32 the Ranking Member of the United States Senate Committee on Finance's Subcommittee on Inter-
33 national Trade, Customs and Global Competitiveness, to the Chairman and the Ranking Member of
34 the United States House Committee on Ways and Means' Subcommittee on Trade and to each
35 member of the Oregon Congressional Delegation.

36
