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F.No. 12/5/2005-IPR III
Ministry of Commerce and Industry
Department of Industrial Policy and Promotion

**Agenda for the meeting of the Sectoral Innovation Council on IPRs to be held on
10th February, 2012 under the Chairmanship of Secretary, Department of
Industrial Policy & Promotion**

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| Agenda Item No. 1 | Action taken on the minutes of the meeting held on 7th
September 2011. |
| Agenda Item No.2 | Inputs for the draft National IPR Strategy |
| Agenda Item No 3 | Discussion Paper/Draft legal framework on Utility
Model |

Agenda Item No. 1

Action taken on the minutes of the meeting held on 7th September 2011.

At the meeting held on 7th September, the members of the Council had decided that each member of the Council will prepare a Position paper on the broad framework of the national IPR Strategy including, inter alia, elucidating the philosophy behind adopting the recommended strategy, the key elements of the strategy with a view to address the concerns relating to sustainable development, inclusive growth and food security and the medium term building blocks of the envisaged strategy. The position papers would be prepared within one month of the issue of the minutes on the basis of the framework to be given by the Department of Industrial Policy and Promotion. However, most of the members (only three members responded) have not given their comments or suggestions on the National IPR Strategy.

2. While discussing the need for a legal framework to protection utility models, the council had unanimously agreed that the Indian IPR regime should provide protection to utility models through a separate legal framework which is distinct from the present patent regime. However, the members of the Council had also clearly stated that protection to utility models should not become a back door entry for ever greening of patents. The members, had also voiced the opinion that given the time required for completion of the procedure for grant of Utility Model protection and the need for reasonable time to allow commercialization of the said IPR, protection of utility models should be for a maximum period of 8 years and that the number of claims should be restricted to 5. It was agreed that all the members of the council will send their views on the draft legal framework on utility model within a month so that the draft utility model bill could be prepared in the next 2-3 months. The comments are however still awaited.

3. In the meanwhile, as decided in the Sectoral Innovation Council, the Department has commissioned the National Law School Bangalore to prepare a draft paper on the National IPR Strategy. The National Law School has agreed to prepare a draft paper which would be circulated to the members for comments by the second week of April 2012. Besides this, the Department has been making an effort to incorporate the suggestions of the members of the SIC wherever possible while communicating its views to other Departments. Accordingly, the Department, in a response to proposed terms of reference of the Education Commission being set up by the Department of Higher Education, has besides other comments on improving employability of workforce conveyed the importance of introducing a course on IPR in the curriculum of all the technical programmes that are duly recognized by the AICTE and in the Post Graduate/Research Programmes in Science and applied fields in Universities. Department of Higher Education has also been requested to include as part of the terms of reference measures to strength R & D collaboration between

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Industry and Research Institutions. A copy of the proceeding of the last meeting of the Sectoral Innovation Council on IPR was also provided to the Department of Higher Education for reference.

Agenda Item 2: Suggestions/Inputs for formulating a draft IPR strategy

4. The Terms of Reference of the Council is as under:-

- a. To prepare a National IPR Strategy for encouraging innovation with a view to adequately address the key concerns of sustainable development, inclusive growth and food security.
- b. To formulate the medium term policy objectives that can be the building blocks of the envisaged IPR strategy.

5. The members of the SIC may like to provide further inputs on the issues that must get properly addressed in the National IPR Strategy. Suggestions could be provided for creating a conducive IP environment for creators and the users. These could include policy level changes required in the short and the medium term and the operational issues that must get addressed.

Agenda Item 3: Discussion Paper on Utility Models and the Draft Legal Framework.

6. The Sectoral Innovation Council in its last meeting had been requested to convey its views on the draft legal framework on Utility models. The member may like to convey their views on the issue and suggest further steps to formalize the proposal for enacting such legislation.

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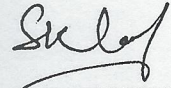
No. 12/5/2011-IPR-III
Government of India
Ministry of Commerce and Industry
Department of Industrial Policy and Promotion
(IPR-III Section)

Udyog Bhavan, New Delhi
Dated: 22nd February, 2012.

OFFICE MEMORANDUM

Subject: Meeting of Sectoral Innovation Council on IPRs held on 10th February, 2012.

The undersigned is directed to forward herewith the Minutes of the meeting of the **Sectoral Innovation Council on IPRs** held under the Chairmanship of Secretary, DIPP on the 10th February, 2012.



(Sanjay Kumar Lal)

Under Secretary to the Govt. of India
Ph: 2306 2906.

Encl: As above.

To

As per list attached.

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WMEU
23/2/12

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MEMBERS OF SECTORAL INNOVATION COUNCIL ON IPR

Sl. No.	Name and Address	Sl. No.	Name and Address
1	Dr. Praful Naik, Executive Director and Chief Scientific Officer, Bilcare Research Ltd. 1028 Shiroli, Rajgurunagar, Pune – 411016, Ph: 02135304200, Fax: 002135 224068. <i>Email: mail@bilcare.com</i>	7	Prof. Govardhan Mehta, National Research Professor and Elilly-Jubilant Chair, School of Chemistry, University of Hyderabad, Central University, P.O. Hyderabad – 500 046. Ph: +91-40-23134848 (off.), +91-80-23136145 (res.) Fax: 91-80-23010785. <i>Email: gmehta43@gmail.com</i>
2	Mr. B.P. Rao, CMD, BHEL, Jeevan Tara Building, 5 Sansad Marg, New Delhi -110001, Ph: 23365669, 23361498, Fax: 23342769, 23340981 <i>Email: bprao@bhel.in</i>	8	Dr. Anil K. Gupta, Executive Vice Chairman, National Innovation Foundation, P.O Box-15051, Vastrapur, Ahmedabad - 380015, Ph: 79- 26753501, 26732095, Fax: 79 – 26731903. <i>Email: anilgb@gmail.com</i>
3	Mr. Soshil Kumar Jain, Chairman, Panacea Biotech Ltd., B-1 Extn./A-27, Mohan Co-op. Industrial Estate, Mathura Road, New Delhi -110044, Ph: 26945270, 26974500, Fax: 26940199, 41679081 <i>Email: corporate@panacea-biotech.com</i>	9	Dr. Ranbir Singh, Vice Chancellor, National Law School, Sector-14, Dwarka, New Delhi -110078, Ph:28034993, 28034257. <i>Email:</i>
4	Shri Prakash Telang, MD, Indian Operations, Tata Motors Ltd., Bombay House, 24 Homi Mody Street, Mumbai -400001, Ph: 022-66658282, Fax: 66657799 <i>Email: info.nagpur@nagpur.nic.org</i>	10	Dr. P.L. Gautam, Chairman, Plant Variety Protection and Farmers' Rights Authority, Ministry of Agriculture & Cooperation, NASC Complex, DPS Marg, Opp. Todapur Village, New Delhi -110012, Ph: 25848127, Fax; 25840478. <i>Email: pl-gautam@yahoo.com</i>
5	Shri D.G. Shah Secretary General, IPA Vision Consulting Group, 201 Darvesh Chamber, 743 P D Hinduja Road, Khar, Mumbai 400 052, Fax: 91-22-26000633. <i>Email: prabhuram@mail.com</i>	11	Prof. (Ms) Karuna Jain, MHRD IPR Chair Professor, IIT, Bombay, Powai, Mumbai -400076, Ph: 022-25767781, 25767785, Fax; 022-25722872, 25723480. <i>Email: kjain@iitb.ac.in</i>
6	Prof. R.K. Shevgaonkar, IIT, Delhi, Hauz Khas, New Delhi – 110016, Ph; 26591701, 26582020, Fax: 26582659 <i>Email: rks@iitd.ac.in</i>	12	Ms. Kalpana Awasthi, OSD to Shri Sam Pitroda, Adviser to PM on Public Information, Infrastructure and Innovation, Room No. 124, Planning Commission, Yojana Bhavan, Sansad Marg, New Delhi-110001, Ph: 23096622, Fax: 23096767. <i>Email: kalpana.awasthi@nic.in</i>

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Meeting of Sectoral Innovation Council on IPR on 10th February, 2012
in Room No. 152, Udyog Bhavan, New Delhi.

List of Members who attended the Meeting.

Sl. No.	Name and Address
1	Dr. Praful Naik, Executive Director and Chief Scientific Officer, Bilcare Research Ltd. 601 ICC Trade Tower, Pune – 411016, Ph: 2030257700, (M) 9371284501, Fax: 2030257701, Email: praful.naik@bilcare.com
2	Shri K. Srikanthan, Addl. GM. Bharat Heavy Electricals, BHEL House, Siri Fort, New Delhi -110 049, Ph: 011-66337388, (M) 9810424729, Fax: 011-26001073, ksrikanthan@bhel.in
3	Shri Sukul Lomash, GM Incharge, Bharat Heavy Electricals, BHEL House, Siri Fort, New Delhi -110 049, Ph: 66337016, Ph: 9958112110. slomash@bhel.in
4	Dr. Goutam Ghosh, Vice President, Technology Management Group, Panacea Biotech, B-1 Extn. / A-27, Mohan Co-op. India Estate, Mathura Road, New Delhi -110044. Ph: 9971019164, goutamghosh@panaceabiotec.com
5	Shri Ravi Shankar, Vice President (Engg System.) Engineering Research Centre, Tata Motors Ltd. Pimpri Pune – 411018, Ph: 2066132781, srs18422@tatamotors.com
6	Shri Prashant Kumar Banerjee, Head Engg. Research Centre (ERC), Tata Motors Ltd. Engineering Research Centre, Pimpri Pune – 411018, Ph: 2066132477. pkbanerjee@tatamotors.com
7	Shri D.G. Shah, Secretary General, Indian Pharmaceuticals Alliance, Ph: 2226000632. Email: dgshah@vision-india.com
8	Dr. Anil Wali, Managing Director, Foundation for Innovation and Technology-Transfer, IIT Delhi, Hauz Khas, New Delhi - 110016 Ph: 26857762/26597167 anilwali@fitt.iitd.ac.in / mdfitt@gmail.com
9	Shri R.C. Agrawal, ARS, Registrar General, Plant Variety Protection and Farmers' Rights Authority, Ministry of Agriculture, NASC Complex, DPS Marg, New Delhi – 110012, Ph: 9899008855. Fax: 11-25840478, rg-ppvfra@nic.in

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MINUTES OF THE SECOND MEETING OF THE SECTORAL INNOVATION COUNCIL ON IPRs HELD ON 10TH FEBRUARY, 2012.

The second meeting of the Sectoral Innovation Council on IPRs was held on 10th February, 2012 under the Chairmanship of Secretary (IPP). The agenda for the meeting included the following items :-

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| Agenda Items No. 1 | Action taken on the minutes of the meeting held on 7 th September, 2011. |
| Agenda Item No. 2 | Inputs for the draft National IPR Strategy |
| Agenda Item No. 3 | Discussion Paper/Draft legal framework on Utility Model. |

2. The details of the members of the Council or their representatives those attended the meeting are given at Annexure.

3. Secretary (IPP) welcomed the members of the council and invited them to deliberate upon the existing IPR scenario in the country and to evolve a National level IPR Strategy as per the future needs of the country. He mentioned that for the last 15 years, though the Government Policy is for promotion of innovations, the IPR Policy remains defensive so far on the premise that India is still a consumer of the IPRs rather than the creator of the IPRs. SIPP mentioned that the full involvement of this group is required to guide Policy for the future. He opined that the future IPR Policy should be prepared keeping in view the idea that we should not be scared of IPRs but should make efforts to become creators of IPRs. He further mentioned that the Council has to consider and decide whether the country needs Utility Model Framework. He opined that the little innovations must be encouraged. He further requested the members of the council to evolve the IPR strategy for the next 10 years indicating definite action plans with certain timelines.

4. JS(DVP) discussed the three issues included in the agenda of the first meeting held on 7th September, 2011. As regards the first issue of furnishing inputs for National IPR Strategy, he apprised the Council that so far, only 4 members have given their inputs for the draft National IPR Strategy. As regards the matter of co-opting the National Law School, Bangalore as knowledge partner of the council, he apprised the council that the concerned Professor has gone abroad on a foreign assignment for 3 months and hence he would not be able to contribute in preparation of the draft National IPR Strategy. He requested the council to find out some other institute/agency as the knowledge partner of the council.

Agenda Items No.1 Action taken on the minutes of the meeting held on 7th September, 2011.

5. At the outset, JS(DVP) mentioned that as regards the matters relating to the requirement of administrative infrastructure for the IPR management in the country, the DIPP will take care of it. As such, the members of the council may give their suggestions on the remaining aspects of acquisition, protection and commercialization of IPRs. The

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members of the council who have not given their inputs on the broad framework of the National IPR Strategy were requested to expedite the same.

Agenda Item No. 2 Inputs for the draft National IPR Strategy.

6. The submissions made by the members of the council were as follows:-
- (i) Many of the small and medium entrepreneurs innovate in their industrial and economic activities but they do not opt for registration of IPRs in their names due to the lack of awareness about the benefits of registering IPRs.
 - (ii) There should be a diagnosis of reasons for not opting for registration of IPRs by the small and medium size enterprises. The issue of mind set should be addressed to inculcate the culture of innovation. The acquisition of IPRs should be encouraged at all the possible levels of innovations i.e. individual, institutional and industrial levels.
 - (iii) The National IPR Strategy should include the policy guidelines for the provisions for ownership and management of IPRs in the MOUs to be signed between the Government and the R&D Institutions in case of Government funding and also in case of their collaborations with the industries/MNCs. The provisions for ownership of IPRs should not be tilted towards the funding agency and the ownership of IPRs should be equally available to the institutions/individuals actually involved in research activities. This would encourage innovations by R&D institutions and individual innovations. The Government Departments should not insist for having sole ownership of IPRs while granting funds to PSUs and R&D institutions.
 - (iv) DIPP should come up with a policy on IPR ownership and management in case of Government funding. It was also desired that the DIPP, being the nodal Department for the IPRs, should bring forth the model MOUs/agreements, which can be utilized by the PSUs, SMEs and industries while making agreements for collaboration with funding agencies and MNCs.
 - (v) There should be a coordinated and comprehensive policy for the Government funding to the R&D and there should be a coherent approach among the various funding policies adopted by different Ministries/Departments of the Government of India. Further, the scope and volume of the Government funding to the R&D should be increased.

7. The members of the council discussed in detail the status of commercialization of innovations in the country. It was observed that many PSUs are facing problems in commercialization of their IPRs due to the certain Policies of the Government regarding tenders etc. Some members were of the view that the competency cannot be tendered. The members of the council were of the view that there should be a considered policy included in the National IPR Strategy to promote the commercialization of innovations by the individuals, SMEs and PSUs etc.

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Agenda Item No. 3 : Discussion Paper/Draft legal framework on Utility Model.

8. The members of the council were of the view that the utility model framework should be in place in the country to encourage the individuals and SMEs to innovate technologies. Many of the SMEs, which are not able to explore the benefits of Patents, may attempt to get the benefit of Utility Models for their smaller innovations. All the members were requested to expedite their inputs on the draft legal framework for the utility model circulated to them so that the matter can be considered further at the earliest.

9. The council considered the issue of inability of the National Law School, Bangalore, to contribute as the knowledge partner to the council due the foreign assignment of the concerned Professor for three months, and opined that the new knowledge partner should be co-opted from within the council. After discussion, the IIT Delhi was co-opted as the knowledge partner of the council. The IIT Delhi, being represented by Dr. Anil Wali, will accordingly coordinate the work of preparation of draft National IPR strategy to be finalized by the council.

10. It was further decided that the next meeting of the council may be convened on 22nd March, 2012.

11. The meeting ended with a Vote of Thanks to the Chair.

**Meeting of Sectoral Innovation Council on IPR on 10th February, 2012
in Room No. 152, Udyog Bhavan, New Delhi.**

List of Members who attended the Meeting.

Sl. No.	Name and Designation	Name of Department/ Organization	Telephone No./ Mobile No./ E-mail ID.
1	In Chair, Secretary (IPP)		
2	Dr. Praful Naik, Executive Director and Chief Scientific Officer	Bilcare Research Ltd.	Ph: 9371284501 praful.naik@bilcare.com
3	Shri. B.P. Rao, CMD. (not attended) <u>Represented by:</u> 1. Shri K. Srikanthan, Addl. GM. 2. Shri Sukul Lomash, GM Incharge	Bharat Heavy Electricals Ltd.	1. Ph:011-66337388. (M) 9810424729 ksrikanthan@bhel.in 2. Ph: 9958112110. slomash@bhel.in
4	Shri. Soshil Kumar Jain, Chairman. <u>Represented by:</u> Dr. Goutam Ghosh, Ph.D. Vice President, Technology Management Group	Panacea Biotec	Ph: (M) 9971019164 Email: goutamghosh@panacea biotec.com
5	Shri Prakash Telang, MD. <u>Represented by:</u> 1. Shri Ravi Shankar, Vice President (Engg System.) 2. Prashant Kumar Banerjee, Head Engg. Research Centre (ERC)	Tata Motors Ltd.	1. Ph: 2066132781. srs18422@tatamotors.co m 2. Ph: 2066132477. pkbanerjee@tatamotors. com
6	Shri D.G. Shah, Secretary General	Indian Pharmaceuticals Alliance.	Ph: 2226000632. Email: dgshah@vision- india.com
7	Prof. Surendra Prasad, Director. <u>Represented by:</u> Dr. Anil Wali, Managing Director.	IIT Delhi	Ph: 26857762/26597167 anilwali@fitt.iitd.ac.in / mdfitt@gmail.com
8	Dr. P.L. Gautam, Chairman. <u>Represented by:</u> Shri R.C. Agrawal, ARS, Registrar General.	Plant Variety Protection and Farmers' Right Aauthority.	Ph: 9899008855. rg-ppvfra@nic.in