

Appraisal Report
(April 2012 to March 2013)

&

Proposed Activities & Budget Plan
(April, 2013- March 2014)

for

**MHRD Intellectual Property Right Chair at National
Law University, Jodhpur under Intellectual Property
Education, Research and Public Outreach Scheme**

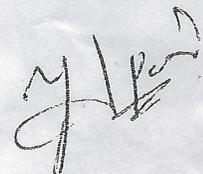
Submitted to
Ministry of Human Resource Development
Department of Higher Education
New Delhi
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Appraisal Report (April, 2012 to March, 2013)

Under the scheme of Intellectual Property Education, Research and public outreach (IPERPO), Ministry of Human Resource and Development has established MHRDIPR chair at National law University, Jodhpur. A number of IPR research and learning initiatives including IPR awareness programs, formulation and conduction of various undergraduate and postgraduate IPR Courses, creation of Traditional Knowledge Digital Database for western Rajasthan, research and suggestions on IPR Law Reforms and IPR Policies are the core functional areas within the scope of IPR Chair.

Appraisal report from April, 2012 to March, 2013 is as follows:

1. Activities undertaken by IPR Chair from April 2012 to March, 2013:

(i) *Distinguished Speaker Series*

On 19th July 2012, as part of Distinguished Speaker Series-IV, the Chair invited Prof. David Abrams, University of Pennsylvania Law School to deliver a lecture on "Poisoning the Next Apple: How the America Invents Act Harms Inventors"

Abstract:

The Leahy-Smith America Invents Act, the most significant patent law reform effort in two generations, has a dark side: It seems likely to decrease the patenting behavior of small inventors, a category which occupies special significance in American innovation history. In this paper we empirically predict the effects of the major change in the law: a shift in the patent priority rules from the United States' traditional "first-to-invent" system to the predominant "first-to-file" system. While there has been some theoretical work on this topic, we use the Canadian experience with a similar change as a natural experiment to shed the first empirical light on the question.

The analysis uses a difference-in-difference framework to estimate the impact of the Canadian law change on small inventors. Using data on all patents granted by the Canadian Intellectual Property Office and the US Patent and Trademark Office, we find a significant drop in the fraction of patents granted to small inventors in Canada coincident with the implementation of first-to-file. They also find no measurable changes in patent quality and perform several additional analyses to rule out alternative explanations. While the net welfare impact that can be expected from a shift to first-to-file is unclear, their results do reveal that, contrary to the conventional wisdom, the March 2013 implementation of a first-to-file rule in the U.S. is likely to result in reduced patenting behavior by individual inventors.

David Abrams is one of the leading young economists working in empirical law and economics. His work covers a range of topics, tied together by goal of understanding and

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measuring how individuals respond to incentives in various legal contexts. Criminal justice is one of his major areas of expertise, where Abrams has investigated a variety of questions, including whether longer sentences deter crime, how defendant race impact judicial decisions, to what extent attorney skill affects case outcomes, and how much individuals value freedom.

Intellectual property is Abrams's other major area of expertise, where he has investigated the expected impact of the America Invents Act, examined the effect of patent duration on innovation, and is using natural language processing to establish more reliable measures of patent value. He has additional interests in law and health economics, labor economics, and corporate finance. His work has appeared in a number of top peer-reviewed journals and law reviews including the *Stanford Law Review*, *University of Chicago Law Review*, *University of Pennsylvania Law Review*, *American Economic Journal: Applied Economics*, and *Journal of Legal Studies*

(ii) Special lecture Series

Shri T.C. James, Director, National Intellectual Property Organization (NIPO), New Delhi and Consultant, RIS (Research and Information System for Developing Countries), New Delhi is on a two-day visit to our University during **20-21 March**. During which he delivered *Special Lectures* on the following topics to the students:

1. *Digital Copyright and Indian Law*
2. *Internet and IPRs*
3. *Current IPR Issues in WIPO/WTO*

A brief profile of the speaker is given below-

T.C. James, Director, NIPO, is former Director (IPRs), Department of Industrial Policy & Promotion (2001-2009). Earlier, he had been Deputy Registrar, Copyright Office (1996-2001). He had been leader/member of Indian delegations on intellectual property rights to WIPO, WTO and UNO. He had also been key negotiator on IPR matters in bilateral trade negotiations with many countries. James was Research Advisor of the project 'Geographical Indications and Localisation' of the University of Warwick, National IPR Expert, UNIDO-ICAMT and also IPR Consultant, FICCI.

Presently, he is also on the Faculty of Research and Information System for Developing Countries and Guest Faculty of Indian Law Institute, New Delhi and Indian Academy of International Law and Diplomacy, New Delhi, National Institute of Intellectual Property Management, Nagpur, Global Institute of Intellectual Property, New Delhi, FICCI, New Delhi, SAARC University, New Delhi and ASC, Thiruvananthapuram James is author of Patent Protection and Innovation, Geographical Indications: Frequently Asked

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Questions; Copyright: Frequently Asked Questions; and co-author of A Handbook of Copyright Law, besides chapters in several books on IPRs. He has published many papers on IPRs, education, history and religion, and poems, in journals and periodicals.

James had his education/training in the University of Kerala, Harvard University, WIPO Academy, Geneva, British Copyright Council, London, Swedish Copyright Institute, Stockholm, European Patent Office, Munich, and Hungarian Intellectual Property Office, Budapest

(iii) Designed and launched a new one year LL.M. program in IP Law from July 2013:

Introduction:

Increasing growth of scientific and technical knowledge and rapid developments in the fields of entertainment has necessitated the need for skilled intellectual property experts with a thorough understanding of both legal and technical subjects. This program is designed for law graduates with the objective of producing efficient professionals, in the field of IP law, to cater for contemporary market needs of IP attorneys, IP managers and legal technologists. This program is market-centric and is carved out with a wide spectrum of courses related to IP law as per the global needs.

Intake through CLAT: A candidate should have obtained a LL.B/B.L. Degree or an equivalent degree from a recognised University with not less than 55% marks in aggregate (50% in case of SC/ST /OBC and persons with Disability).

Course Structure:

Sl. No.	Courses
1	Research Methodology and Legal Writing
2	Comparative Public Laws/ Systems of Governance
3	Law and Justice in a Globalised World
4	General Principles of Intellectual Property Law and Policy
5	International Intellectual Property Law and Policy
6	Patent Law and Plant Variety Protection
7	Copyright Law and Designs Law
8	Trademarks Law and the Law on Geographical Indications
9	Patent Claims drafting and Transactional IP

Note: This course is operational from the academic year 2013.

(iv) Research Lectures, paper presentations and conferences by the Chair coordinator

1. 'Private Proprietary Standards and Public Law: Invoking WTO's Competition Dimension to Avoid Global Market Distortion' ASIL -IEL 2012 Conference, Washington-DC (November 16, 2012) 29 Nov. to 1 December 2012.

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2. Discussant- National Seminar on 'Measuring Benefits of Competition Policy Reforms in India', 21st March 2013, *organised by Consumer Unity & Trust Society, New Delhi*
3. Panellist - "Educational Roundtable Discussion on Innovation", George Washington University and US- India Business Council and US Chamber of Commerce, December 13, 2012, USIEF, Fulbright House, New Delhi
4. 'Addressing the International Dimension of Proprietary Technical Standards: Through the Lens of Trade, Competition law and Developing Countries' in *3rd Biennial Conference of the Society of International Economic Law*, National University of Singapore, Singapore (12-14th July 2012)
5. 'India's Post-TRIPS Regime for Pharmaceutical Patents: Promoting Innovation and Access' *Global Mondays*, 26th Nov. 2012, University of Washington, Seattle
6. 'Open Standards for the Internet' in Roundtable on Emerging Issues in Indian IP Law, organised by University of Pennsylvania School of Law and National Law School of India University, Bangalore (17th July 2012)
7. 'Bayer/Natco decision: India's first compulsory Licence' Organised by WIPO-WTO Colloquium for Teachers of Intellectual Property, Geneva (June 2012).
8. 'Techniques in Teaching Intellectual Property Law in India', New Perspectives on Teaching IPR organized by Asian Law Centre, University of Washington-National Law University Delhi-WB National University of Juridical Sciences-Kolkata (Workshop on 13th Feb 2013)

(v) Visiting Scholar at the Asian Law Centre, University of Washington: Mr. Yogesh Pai was awarded the short-term visiting fellowship at the University of Washington during November 2012. He delivered talks and audited classes as part of his fellowship.

(vi) In February 2013, nominated as a legal member in a committee constituted by the Ministry of Health, Government of India for recommending compulsory licenses under the Indian Patents Act, 1970, in the context of affordable healthcare. The committee is tasked with recommending the grant of compulsory licenses on certain cancer drugs within the framework of Indian law and in line with India's commitment under the WTO-TRIPS Agreement.

(vii) Selected to participate in the WIPO-WTO Colloquium for Teachers of Intellectual Property (June 2012), held in Geneva, Switzerland.

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