

**Appraisal Report**  
**(April 2010 to March,2011)**  
**&**  
**Proposed Activities & Budget Plan**  
**(April, 2011- March,2012)**

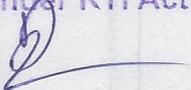
**for**  
**MHRD Intellectual Property Right Chair at National**  
**Law University, Jodhpur under Intellectual Property**  
**Education, Research and Public Outreach Scheme**

**Submitted to**  
**Ministry of Human Resource Development**  
**Department of Higher Education**  
**New Delhi**

**Submitted by**  
**MHRD IPR Chair Office**  
**National Law University, Jodhpur**  
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**May, 2011**

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PIO / APIO, NLU, Jodhpur

## Appraisal Report (April, 2010 to March, 2011)

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, 2010 to March , 2011 is as follows:

### 1. Activities undertaken by IPR Chair from April,2010 to March, 2011:

#### (i) Lecture delivered by Dr. Anjana Vyas on "IPR Overview" :

Dr. Anjana Vyas has delivered lecture on "IPR overview" in one day sensitization program on 24<sup>th</sup> April,2010 organized by DST State Remote Sensing Applications, Jodhpur.

#### (ii ) Lecture by Ms. Karin Timmermans, Technical officer at the World Health Organisation, SEARO, New Delhi:

The Ministry of HRD Chair on IPR at the National Law University, Jodhpur organized special guest lectures on 15<sup>th</sup> April 2010 by Ms. Karin Timmermans, Technical officer at the World Health Organisation, SEARO, New Delhi.

She delivered two special lectures for undergraduate students as mentioned below:

- Intellectual Property Rights and Access to Medicines
- Data-exclusivity and Access to Medicines

The first lecture was designed with a focus on WHO intellectual property rights, including its use and abuse might have long term implications on public health. Here the focus was essentially on type of trips flexibilities, including the Doha Declaration on Trade and Public

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Health, and certain recent developments in the area of international IP with respect to pharmaceuticals. Issues of policy flexibilities like Bolar provision, parallel importation, research exemption, test data protection and other TRIPS flexibilities with reference sovereign right of the WTO member countries to protect public health was discussed. Among the recent developments, the issue of counterfeiting, generic drug seizure and other TRIPS plus measures were discussed.

In the second lecture various issues were discussed in relation to data exclusivity in relation to the type of data protected by such regimes, the need (or lack there-of) of such regimes, issue concerning reliance by Drug regulatory authorities where trade secret protection protects against third party unauthorized use . Concepts like “permissive” reliance and its distinction from compensatory liability regime for test data protection was also discussed. The TRIPS mandate as contained in article 39.3 was discussed. A comparative analysis of various data protection regimes across the world was also highlighted. The recent trends in “patent linkages” were introduced to the students.

**(iii) Participation in the conference on “National IP Strategy” :**

Dr. V.L.Mony, coordinator, IPR Chair Committee and Dr. Anjana Vyas, member, IPR Chair Committee have participated in the conference on the “National IP Strategy” organized by FICCI and DIIP held on April 26<sup>th</sup> 2010 in New Delhi.

**(iv) National Conference on Transfer of Technology & IP Issues, 22-23 October 2010 :**

A two day national conference on “Transfer of technology and IP issues” was organized by the MHRD IPR Chair, NLU at the National Law University Jodhpur on 22-23 Oct 2010. The conference began with the welcome address by Prof. K.K.Banerji. Dr. Manmeeta gave an introduction of the conference and the IPR chair established by the Ministry of Government of India. The conference was inaugurated by Prof. Naveen Mathur, Vice Chancellor, J.N.V.U. He stressed on the importance of the proposed topic of discussion and also appreciated the organizers for choosing such a contemporary topic for the seminar. In his inaugural address , Vice Chancellor, Hon’ble, Justice N.N. Mathur , touched on various aspects of IP Law and discussed the paradigms of Indian Legal Aspects. The session ended with a vote of thanks by the coordinator of the conference, Dr. Anjana Vyas .

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The first technical session began by the lecture by Prof. Jerold Friedland of De Paul University, USA. He spoke on the topic "The Impact of national Tax policies on transfer and commercialization of technology and IP". He spoke on the laws prevalent in the USA and compared it with that of the Indian scenario. It was followed by paper presentations on various themes.

The first theme was "International legal framework of technology transfer policies". There were 7 presentations in this theme. The session was chaired by Prof. I.P. Massey and co-chaired by Mr. Yogesh Pai. The presenters gave their views on the international scenario of technology transfer policies and the need to have protection for the innovators who are under an obligation to transfer their innovations under international treaties.

The second theme was "National Framework of IP policy for technology transfer and its implication on R&D collaboration and technology transfer and commercialization". There were 8 papers in this session. The presenters emphasized upon the emerging challenges in the technology transfer licenses and a critical evaluation of the key provisions of the publicly funded intellectual property law bill, 2008.

The Second Technical Session began with a lecture by Dr. Prem Narayan Mathur, South Asia Coordinator, Bioversity International, who gave his discourse on "Biodiversity of Agriculture and its sustainability in India and Abroad". He pointed out the position of farmers and ease of transfer of technology before the CBD and the enhanced barriers that have been created. Further, he stressed on the Plant growth Resources treaties and other international instruments and their role in elevating the situation of farmers and agriculture in India.

The second invited speaker, Mr. Shashank Mauria, ADG(IP& TM), ICAR very ingeniously showed, through statistics the need for cutting edge policies to deal with cutting edge technology in agriculture. With an eye on the international instruments like TRIPS and CBD, he also dealt with the Indian policies and legal framework and talked of the challenges faced by agriculture.

The Paper Reading commenced and observations regarding the role of technology transfer in agriculture and biodiversity were discussed through a reading of 6 papers in that regard.

The Session concluded with Dr. Anjana Vyas giving her comments and inputs regarding the presentations.

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In the technical session III, the theme revolved around Sustainable development and green technologies being transferred from Developed countries to the lesser developed ones, thereby examining their effect on climate change. Mr. Mohanan invited discussions and questions at the end of each presentation, and Dr. Manmeeta gave her inputs and comments at the end of the session. The presentations revolved around the contribution of TRIPS in the field of technology transfer. The Chairperson offered clarifications and inputs to the participants and emphasized on the importance of Bilateral Treaties and Free Trade Agreements in international trade. Discussions ensued.

The theme of the presentations was "Transfer of technology and sustainable development". There were 15 presentations on this theme. The Chairperson was Mr. Sudhir Kumar and Co-Chair was Mr. A.K.Sharma. The presentations revolved around the contribution of TRIPS in the field of technology transfer. The Chairperson offered clarifications and inputs to the participants and emphasized on the importance of Bilateral Treaties and Free Trade Agreements in international trade. Discussions ensued.

The theme of the presentation was "IPR Issues in collaborative R&D between industry, academia and research institutes". There were 3 presentations on this theme. The discussions related to the role of Academia and Research institutions in protection of IP. The proposed PUFFIP Bill, 2008 were discussed and the Chair pointed out the need to protect the interests of the scientist in addition to that of the Academia. He also pointed out the role of the Ministry of Industry in framing the policies for development of IP.

Technical session IV began with the lecture by Mr. Jayant kumar , Partner, ALG India law offices on the topic "Mechanism of technology transfer and IPR issues".

Mr. Jayant spoke on the Mechanisms of technology transfer, Confidential Agreements, Private Licenses, Assignments, Material Transfer Agreements, Joint Ventures, Mergers, Acquisitions, FDI and most importantly Strategic Alliances in the form of c-development, co-marketing and university-industry alliances which have great potential. He concluded by making an innovative suggestion that institutes like National Law University Jodhpur could collaborate with law firms/book houses to utilize the legal work generated in the form of academic papers and projects. The theme of the presentations was IPR issues in technology transfer and commercialization. There were 4 presentations on this theme. The presentations dealt with the aspects of commercialization with respect to technology transfer and the

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issues ranging from knowledge transfer, policies of the host country, and international policies affecting the same.

The Chair person concluded with his comments regarding the generation of a new culture of creativity and the conflict of interests between the transferor and transferee.

In the Valedictory Ceremony Prof. Banerji concluded the conference and along with Mr. Jayant Kumar, distributed the certificates to the participants. The conference concluded with a vote of thanks by Dr. Anjana Vyas

*Summary:*

There were total 43 presentations. The deliberations in the two day national conference led to brain storming sessions and thorough discussions. It gave an opportunity for the participants to interact with the senior academicians of National and International repute. There were debates on the proposed PUFFIP bill 2008 and an urgent need was felt for the technology transfer framework for promoting the public private sector in R&D and promoting innovations and sustainable development

**(v) Participation in the meeting of the Copyright experts and MHRD IPR Chairs specializing in copyright issues to discuss India's approach on the agenda items for the 22<sup>nd</sup> SCCR meeting to be held on 15<sup>th</sup> June, 2011 at Geneva:**

On 14<sup>th</sup> February, 2011, Mr. Yogesh Pai has attended meeting of the *Copyright experts and MHRD IPR Chairs specializing in copyright issues to discuss India's approach on the agenda items for the 22<sup>nd</sup> SCCR meeting to be held on 15<sup>th</sup> June, 2011 at Geneva .*

The following items were discussed:

- (a) Protection on Audiovisual performances
- (b) Protection of broadcasting organizations
- (c) Limitation and exceptions

On behalf of the MHRD Chair at NLU, Jodhpur, it was agreed that the Chair will help the Ministry in drafting an internal position paper / document on issues concerning definition of performers and transfer of rights.

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**(vi) Designed and launched a new LL.M. program in IP & Technology Law:**

**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 and technology law, to cater for contemporary market needs as patent writers, IP managers and legal technologists. This program is market-centric and is carved out with a wide spectrum of courses related to IP and technology laws as per the global needs.

**Intake:** 10 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:**

<b>I Semester</b>	<b>II Semester</b>
1. Research Methodology	1. Cyber Law [Internet Tort and Crimes]
2. IPR through WTO	2. Copyright Law
3. Patent and Industrial Designs Law	3. Other forms of IP [Trade Secret, SCPA; PVP, Biodiversity, TK]
4. Trademarks, GIs & Unfair Competition Law	4. Fundamentals of ICT
5. (a) Fundamentals of Chemistry	5. (a) Fundamentals of Biotechnology
5. (b) Economics of IPR and Technology Industries	5. (b) Regulation of Health Care and Biotechnology

<b>III Semester</b>	<b>IV Semester</b>
1. Entertainment, New Media & Communications Law	Dissertation
2. Advanced IP laws, Procedure and Practice	Teaching Assignment
3. IP Valuation and Portfolio Management	<b>Photo Copy Attested</b>
4. Patent Specification and Claim Writing	

5. (a) Fundamentals of Physics	
5. (b) IP and Competition Law in technology industries	

Note: (i) Course No. 5 (a) in each semester is for non-science/non-tech students

(ii) Course No. 5 (b) in each semester is for science/tech students

Note: This course will be operational from the academic year 2011.

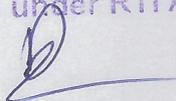
**Details of personnel associated with IPR Chair at National Law University, Jodhpur :**

- Mr. Yogesh Pai (Coordinator, IPR Chair)
- Mr. Bhawani Shankar Maheshwari, Research Associate, IPR Chair
- Ms. Sri Parvarthy , Research Associate, IPR Chair
- Mr. Arun Gaur , Office support staff
- Mr. Kamlesh Purohit , Group 'D' employee

Note: An official letter in this regard is also being communicated to the Registrar of Copyrights, Ministry of HRD.

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Expenditure Statement (April, 10 to March ,2011)

S.No.	Expenditure Head	Expenditure (Rs.)
1	Salary	10,43,020
2.	Online Subscription	3,57,372
3.	Participation in IPR Conference / Seminar/meeting	15,675
4.	Organization of National Conference	1,12,801
Total		15,28,868
Less (- 10,000) ( amount of advance included in expenditure during the year 2009-2010 and adjusted in the current year)		-10,000
<b>Total Expenditure</b>		<b>15,18,868</b>

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## Activities Proposed to be Undertaken from April, 2011 to March, 2012:

### **(1) IPR Awareness / Outreach/ Sensitization Activities:**

We propose to organize two outreach programs to spread IPR awareness amongst the holders and creators of IPR of different kinds and varieties in Rajasthan.

### **(2) Academic research in theory and application of IPRs :**

Towards achieving the objective of academic research as set by the norms, it is proposed to establish a system of publishing (online-open access) working papers in areas of law and policy of intellectual property rights after an external peer review. Two working papers involving good quality research will be published this year.

### **(3) Extended Research support for Government of India:**

As per "General conditions for grants", the MHRD IPR Chairs are expected to provide "policy advice to the Ministry in matters of Copyrights and related rights": It is suggested this should be one of the major activities of the IPR Chair at NLU, Jodhpur. Both national and international law and policy work in all areas of IPRs should be considered.

### **(4) Training of Trainers programme :**

We propose to organize a 5 day Training of Trainers programme (IP Teacher's orientation programme) this year tentatively in the month of September/ October, 2011. This program will deal with various IPR topics including emerging significant areas in the domain of IP studies. We propose to confine the participation to various teachers from the State of Rajasthan.

### **(5) Workshops:**

- We propose to organize a 2-day workshop for Judicial Officers from Rajasthan Higher Judicial Services tentatively on 9-10<sup>th</sup> July, 2011 at National Law University, Jodhpur. The broad theme of this workshop will be *Enforcement of IPRs: Copyright and Trademarks*. We will invite resource persons/ experts from various parts of the country.

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- We propose to organize a 2-day workshop for IP enforcement Authorities (legal and administrative) tentatively scheduled in March, 2012. Target candidates will include senior police officers handling IP enforcement, Public Prosecutors, Border enforcement Authorities etc. .

**(6) Conference:**

We propose to organize a 2-day National/International conference tentatively in January, 2012. We propose to invite IP Experts as speakers to deliver talks on contemporary IP issues of significance. Participation to the conference may be either by invitation or by research contribution. We also propose to publish the selected contributions of the conference as proceedings.

**(7) Distinguished Lecture Series:**

We propose to invite eminent speakers and experts in the area of Intellectual Property from various parts of the country. They will deliver lecture to undergraduate and postgraduate students pursuing different course of IPR. Moreover, we propose to organize interactive sessions with these resource persons to facilitate students and faculty members for extensive learning in the area of IPR.

**(8) Publications:**

- We propose to publish a book containing conference proceedings and invited articles covering various contemporary IP issues. The contents will be subjected to rigorous review prior to publication.
- We also propose to publish two working papers as mentioned above in this report.

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**Budget Requirement  
(from April,2011- March,2012)**

For carrying out these proposed activities under MHRD IPR Chair, recurring and non-recurring grant is required. A detailed estimate of expenditure with break-up of the proposed programme i.e. revised budget estimate is as follows:

**Detailed recurring and non-recurring grant proposal for the MHRD IPR  
Chair (from April, 2011 to March,2012)**

S.No.	Expenditure Head	Fund Required(Rs.)
<b>A. Recurring</b>		
1	Coordinator's Salary	5,60,000/- (approx.)
2	Two Research Associates @ 25,000/- per month	6,00,000/-
3	One secretarial assistance and one Group 'D' staff	4,11,000/-(approx.)
4	Two Ph.D. fellows @ 12000/- per month (as per norms)	3,38,000/-
5	Travel grants ( for Participation in conference/seminars, meetings, Studies etc. and other academic activities)	2,00,000/-
6	Misc. expenses (telephone, internet, postage, stationary etc.)	1,00,000/-
	<b>Total Recurring</b>	<b>22,09000/-</b>
<b>B. Non-Recurring Head</b>		
1	IPR Awareness / Outreach/ Sensitization Activities:	2,00,000/-
2	Training of trainers	2,00,000/-
3	National/ International Conference	2,50,000/-
4	Workshops (2 x 2,00,000)	4,00,000/-
5	Publications	2,50,000/-
6	Subscription to online libraries & IP Journals	3,50,000/-
7	IP depository books, Back volumes	5,00,000/-
8	Lectures by experts	1,00,000/-
	<b>Total Non-Recurring Expenditure</b>	<b>22,50,000/-</b>
	<b>Total Recurring (A)+ Total Non-Recurring(B)</b>	<b>44,59,000</b>
	<b>Balance Account as on 31<sup>st</sup> March, 2011</b>	<b>31,66,740/-</b>
	<b>Amount Requested from ministry</b>	<b>12,92,260/-</b>

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UTILISATION CERTIFICATE

A/c Period:  
01.04.2010 to  
31.03.2011

This is to certify that out of Rs. 40,00,000/- only (Rupees forty lacs only)

Only) sanctioned by the Ministry of Human Resource Development, Department of Higher Education vide No. N017-10/2008-1C dated 8 December 2010

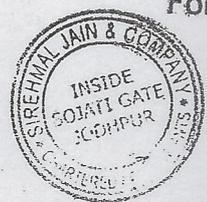
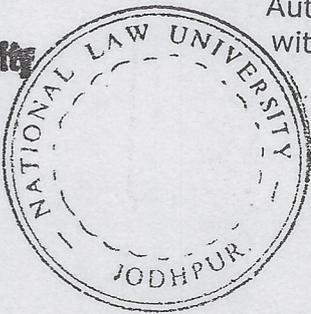
under the Scheme of Intellectual Property Education, Research and Public Outreach, Rs. 15,18,868/- only (Rupees fifteen lacs / Eighteen thousand / Eight hundred / Sixty eight / - Only)

has been actually incurred by the National Law University, Jodhpur."

The amount has been utilized for the purpose, for which it has been sanctioned.

*[Handwritten Signature]*

Signature of Head of Institution  
with rubber stamp  
**Registrar**  
**National Law University**  
**JODHPUR**



For SIREHMAL JAIN & CO  
CHARTERED ACCOUNTANTS

*[Handwritten Signature]*  
**(S.M. JAIN)**  
M.Com., F.C.A.  
M.No. 8374

Certified by Chartered Accountant/  
Authorized Auditor  
with rubber stamp

21 JUN 2011

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*[Handwritten Signature]*  
PIO / APIO, NLU, Jodhpur

# SIREHMAL JAIN & COMPANY

CHARTERED ACCOUNTANTS

CA. SIREHMAL JAIN

M.Com., F.C.A.

Off. : 0291-2654960  
Resi. : 0291-2510046  
Mob. : 94138-47774

INSIDE SOJATI GATE,  
JODHPUR - 342 002 (Raj.)

Ref. No.

Date 09/06/2011

**NATIONAL LAW UNIVERSITY, JODHPUR**  
**RECEIPTS & PAYMENTS ACCOUNT**  
FOR THE PERIOD 01.04.2010 to 31.03.2011  
OF IPR CHAIR PROJECT UNDER SCHEME FOR  
INTELLECTUAL PROPERTY EDUCATION, RESEARCH AND PUBLIC OUTREACH

RECEIPTS	AMOUNT (Rs.)	PAYMENTS	AMOUNT (Rs.)
OPENING BALANCE S.B.P., JU.	5,95,558.00	SALARIES	10,43,020.00
		TRAVELLING EXP.	15,675.00
GRANT IN AID RECD. ON Dt. 17.12.2010	40,00,000.00	ONLINE LIBRARY SUBSCRIPTION	3,57,372.00
ADVANCE ADJUSTED	10,000.00	VAT TDS DEPOSITED	169.00
INTEREST ON S.B.A/C	15,219.00	IPR CONFERENCE EXP.	1,12,801.00
AMOUNT TRANSFERRED FROM UNIVERSITY FUND	4,00,000.00	AMOUNT REFUNDED TO UNIVERSITY FUND	4,00,000.00
CONFERENCE REGI. FEES	75,000.00	CLOSING BALANCE (As on 31.03.2011) (State Bank of Patiala, Jodhpur)	31,66,740.00
<b>TOTAL</b>	<b>50,95,777.00</b>	<b>TOTAL</b>	<b>50,95,777.00</b>

Checked & found Correct as per Voucher Produced.

For NATIONAL LAW UNIVERSITY

For SIREHMAL JAIN & COMPANY  
CHARTERED ACCOUNTANTS

REGISTRAR / ACCOUNT OFFICER

(S.M. JAIN)  
M.No. 08374.

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