


Appraisal Report
(April 2009 to March,2010)
&
Proposed Activities & Budget Plan
(April 2010- March,2011)

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
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Appraisal Report (April, 2009 to March, 2010)

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.

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

1. Prof. K.K. Banerji (IPR Chair Professor)
2. Dr. N. Binu (Research Associate)
3. Mr. Parveen (Research Associate)
4. Ms. Sapana Parihar (Secretarial assistant)

IPR Core Group to facilitate various activities under IPR Chair efficiently

1. Prof. K.K. Banerji
2. Dr. V.L. Mony
3. Dr. A.P. Singh
4. Dr. Manmeeta
5. Mr. Yogesh Pie
6. Dr. Anjana Vyas
7. Dr. N. Binu
8. Mr. Parveen

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Appraisal report from April, 2009 to March, 2010 is as follows:

1. Activities undertaken by IPR Chair from April, 2009 to March, 2010:

(i) Lecture on "Introduction to IPR" :

Dr. Manmeeta, Member Secretary, Functional Committee, MHRD IPR Chair delivered a lecture on "*Introduction to IPR*" at Jodhpur Institute of Engineering & Technology, Jodhpur on 29th July, 2009. She has sensitized the undergraduate engineering students and faculty members about various aspects of Intellectual Property Rights.

(ii) Lecture on "Intellectual Property Rights and Patents: Implications for Chemical and Pharmaceutical Sciences":

Prof. K.K. Banerji, Executive Director, Functional Committee, MHRD IPR Chair delivered a lecture on 22nd August 2009 during a Refresher Course for University/College Teachers organized by J. N. V. University, Jodhpur on "*Intellectual Property Rights and Patents: Implications for Chemical and Pharmaceutical Sciences*"

(iii). Lectures on various issues of patents :

Mr. Nishant Kewalramani, Portfolio Manager, Brain League IP Services, Bangalore has delivered lectures to the students of National Law University on the following themes during 8th April, 2009 to 9th April, 2009:

- *Fundamentals of claim drafting*
- *Current trends in the IP world*
- *Aftermath of the Bilski Decision*

(iv). Series of lectures on various aspects of Intellectual Property Rights:

Ms. Abhilasha Kumbhat, Patent Lawyer, Rajasthan High Court has delivered a series of lecture to the students of IPR (Hons.) of National Law University on Patent procedures on 14th, 21st, 22nd and 31st August, 2009.

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(v). Microsoft Scholarship for research in IPR during academic year 2009-10:

Microsoft, India in collaboration with the Ministry of HRD and Amarchand Mangaldas & Suresh & Shroff Co., leading law firm, organized the Microsoft Intellectual Property Scholarship, 2009 for students pursuing five year law course in a number of Universities all over India. The students were required to submit an essay. The scholarship was awarded to twenty – nine students from nine Universities/colleges including two students from National Law University, Jodhpur viz., Aditya Gupta and Yatin Bhushan. The students were invited to attend the Microsoft Scholarship Programme Award Ceremony at the National Law School of India University, Bangalore where they were awarded certificates and trophies in recognition of their work. The students are required to submit research topics to Microsoft India for conducting further research.

(vi) Workshop on Digital Technologies and Copyright for Information Management :

We have organized a workshop on copyright related issues for information management for librarians in collaboration to DESIDOC, DRDO by providing on 17-18th December, 2009 at Defense Laboratory Jodhpur. Following lectures were delivered by resource persons associated with IPR Chair functioning:

- Lecture on *Introduction to Intellectual Property Rights* By Prof. K.K.Banerji
- Lecture on the *Concept of Copyright as "Intellectual Property"* By: Dr. V.L.Mony
- Lecture on the '*Doctrine of Fair use*' By: Dr. V.L.Mony
- Lecture on "*Digital Copyright Management*" By: Dr. Manmeeta

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(vii) Workshop on IPR Sensitization on 16th January, 2010 in association with J.N.V. University, Jodhpur:

Following lectures were delivered by resource persons associated with IPR Chair functioning:

- Lecture on *Introduction to Intellectual Property Rights* By Prof. K.K.Banerji

- Lecture on the *Industrial Intellectual property Rights*” By: Dr. V.L. Mony
- Lecture on the *IC Layout protection and software protection* By: Dr. Manmeeta
- Lecture on “*Biodiversity and IPR*” By: Dr. Anjana Vyas

(Viii) Lecture on "Patents System in India" :

Dr. Manmeeta, Member Secretary, Functional Committee, MHRD IPR Chair delivered lecture on "Patents System in India" in one day IPR sensitization workshop for local industrialists of Jodhpur at Marudhara Industrial Hall on 18 Feb, 2010

(ix) Lecture on “Patent protection and Innovation“:

Prof. A.M.Chakkarborty, University of Illionois, Chicago has delivered a lecture on “Patent protection and Innovation“ to the students on 26th feburary,2010. He has also conducted an interactive session with the faculty members on 27th feburary,2010 wherein he has discussed on various aspects and recent trends in Intellectual property Rights.

(x) One day workshop on Specifications and Claim writing on 27th march, 2010:

We have organized one day workshop on Specification and Claim writing for undergraduate IPR Students on 27th March,2010 at National Law University, Jodhpur. The objective of the workshop was to introduce various techniques of specification and claim drafting with reference to diversified technical areas. There were two technical sessions.

Technical Session – I : In first technical session, Mr. Ayush Sharma, Senior Associate Advocate and Patent Agent of law firm M/s Lakshmikumaran and Sridharan has delivered a lecture on “Specification and Claim Drafting :Overview “. He discussed various principles and theories of specification and claim drafting with working examples. He has also cited various case laws where different types of specification were referred in various contexts. After the lecture , there was an open interactive and practice session wherein participants were exposed to technical and legal issues regarding specifications and claims drafting.

Technical Session-II : In second technical session, Mr. Prashant Phillips, Patent Agent & Technical Manager of law firm M/s Lakshmikumaran and Sridharan has made a presentation on “Drafting Specification and Claims”. He has discussed about claim and

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specification drafting in the field of software and engineering. He has also compared some practices prevailing in India, US and Europe for drafting such specifications. He has also shared his experiences of appearing in multiple opposition proceedings involving electronics, automobiles and pharmaceutical patents before the Indian Patent Office.

There were 15 participants in this workshop.

Expenditure Statement (April, 09 to March,2010)

S.No.	Expenditure Head	Expenditure (Rs.)
1	Salary	7,70,849
2.	Online Subscription	2,87,463
3.	Participation in IPR Conference / Seminar	18,824
4.	Printing & Stationary Expenditure	900
5.	Organization of Guest lectures	31,314
6.	Organization of IPR Workshop	18,390
Total Expenditure		11,27,740/-

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Activities Proposed to be Undertaken from April,2010 to March,2011:

(1) IPR Awareness / Outreach/ Sensitization Activities:

- I. IPR awareness amongst the holders and creators of IPR of different kinds and varieties by means of conducting various programs especially in R&D Institutes based in Rajasthan
- II. IPR Literacy program amongst the people who are not aware of the kind and quality of Intellectual Property. The target group identified are:
 - Students of schools/colleges/universities
 - University teachers, central and state research institutes of western Rajasthan
 - Local village community of western Rajasthan
 - Industries of western Rajasthan

(2) Establishment of IPR Consultancy Cell:

We propose to establish an IPR Consultancy Cell under MHRD IPR Chair to provide free or at nominal cost research and consultancy support to individuals, industries, Universities, scientific community and courts for recognition and protection of Intellectual Property Rights. The Consultancy cell will also focus on the development of commercial aspects of intellectual property e.g. IP valuation and Management.

(3) Academic Activities:

Under this, we propose to design and offer specific courses for students, researchers and professionals in intellectual property matters. IPR courses would be designed for undergraduate and as well as postgraduate students keeping in view the contemporary requirement in the field of IPR practitioners.

(d) Designing a separate web page in NLU website for online queries on IPR issues and digital information source on IPR:

Under this innovative endeavor, we propose to design and upload a separate web page for IPR Chair as the part of university website www.nlujodhpur.ac.in. This will offer facility of online query related to IPR issues. This web page would also contain a digital library or digital information source on IPR related regulation and contemporary issues. We also aim to develop an advanced Patent Search facility on this webpage.

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(4) To organize Conference/Workshops/Brain Storming Sessions on IPR related issues:

We propose to organize following two conferences under the domain of MHRD IPR Chair in near future:

(i) National Conference : TECHNOLOGY TRANSFER AND IPR

Introduction:

Technology transfer is an evolving branch in modern times .With the advent of commercialization and complex technologies in globalisation era, including international missions in space, the need for a deeper study in the subject of Transfer Technology and IPR is imminent, and is of significance. European Union has its Technology Transfer Regulations- which covers a wide spectrum of legal provisions including Patent licensing , Know how licensing, Mixed Patenting and Knowhow License Agreements.Indian perspective in this regard is a subject of thorough discussion and deliberation.

The legal frame work involves an approach to the International Law ,in this angle. It includes the study of :

- 1) Interpretation of Treaties relating to Commercialization & Transfer of Technology
- 2) Previous studies relating to Transfer of Technology and Law
- 3) Academic initiatives of various other Universities in the field of Technology, its transfers and IPR issues involved in it.
- 4) Anti Competitive practices and Patent Laws of trading nations, relating to Technology Transfer
- 5) Study of Complex procedures in Law relating to block exemptions in respect of Licensing of Technology
- 6) Study of Pooled Patents, Joint Venture, Patent Agreements and Cross-licensing that is based on reciprocal International Practices.

This leads us to a study of Horizontal and Vertical Agreements existing the field of Patents, in an International scenario. The emerging trends in such Transfer Policies, Regulations, and

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the WIPO initiative in its harmonization opens up an area of legal studies in International Law relating to Transfer of Technology and IPR. This is a largely a study of the regulations in International angle with its national implications and needs evaluation and analysis.

We will invite papers from IP practitioners, professionals and academicians in this conference. We also propose to prepare concept papers and working papers on these issues and allow debates on such papers and create an environment for intellectual Property rights related thinking and research.

(ii) To organize an INTERNATIONAL CONFERENCE ON THE MAXIMALIST AGENDA IN INTERNATIONAL INTELLECTUAL PROPERTY PROTECTION

Introduction:

IP Maximalism

International IP protection is at curious crossroads. Of course, a paradigm shift is not alien to international IP law, which relatively recently had witnessed a forum shift from the WIPO to the WTO with the coming into force of the Agreement on Trade Related Aspects of IP Rights (TRIPS). This time around, however, the shift is more than a mere forum shift and involves challenging the fundamental principles on which international IP protection is founded.

One peculiarity of the TRIPS has been its role in setting minimum standards, thus prescribing the floor, for international IP protection. The TRIPS, thus mandated compliance with the minimum standards specified therein, allowing sufficient flexibility to Member states of the WTO to adopt "TRIPS-Plus" measures where needed. The developed countries, whose aim always has been to achieve higher and higher levels of international IP protection, seeing the TRIPS as a stepping-stone, if not a failure, have, on the other hand, always advocated for a "ratcheting" of international IP protection. The phenomenon of IP maximalism is the result of such efforts on the part of various interested parties (States as well as private entities that would benefit from increased protection) to increase the standard of international IP protection.

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Unlike the earlier regimes, which were driven by the WIPO and WTO, this maximalist agenda is sought to be enforced by multilateral (Anti-Counterfeit Trade Agreement; SECURE etc.), bilateral (Free Trade Agreements etc.) and unilateral efforts (EC Regulation 1383 etc.). These efforts have many effects which need to be studied in detail, especially the harmful effects of a maximalist agenda on the developing countries. An example of the same can be seen with the recent confiscation of generic pharmaceuticals in transit from India to Brazil by the EU. Here the effect of the EU border enforcement is to undermine the access to medicines in developing countries, thereby affecting public health.

The Conference seeks to bring together experts in the field, in order to discuss the rise of IP Maximalism, the means of achieving a maximalist agenda, the effects of such a phenomenon. All this in order to better understand the concept and come up with solutions for the developing world.

The international conference brings together experts from all over the world, including, inter alia, scholars, jurists, practitioners and students pursuing higher-studies. The philosophy behind the Conference is to promote constructive and quality debate on issues of IP Maximalism.

(5) Publication of IPR AWARENESS/SENSITIZATION BOOKLET:

We propose to publish an IPR awareness/sensitization booklet to create mass awareness on IPR. This booklet will be consisting of overview of IPRs and their protection tools. We propose to distribute these booklet in colleges, schools, universities, technical institutes, rural areas etc. we propose to publish two versions of this booklet, one in English and another in Hindi.

Contents of the IPR Sensitization Booklet

The IPR Sensitization Booklet is proposed to contain basic information on the substantive law relating to different categories of intellectual property rights, procedure for national and international registration of IP and fundamental provisions under international treaties relating to IP.

The contents of the booklet may be divided into the following chapters:

1. Fundamentals of Patent Law

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