

PRANESH PRAKASH

I am currently Policy Director of the Centre for Internet and Society, a Bangalore-based non-profit that engages in research and policy advocacy. My research interests converge at the intersections of technology, culture, economics and the law. My current work focusses on interrogating and promoting access to knowledge (primarily copyright reform), 'openness' (including open government data, open standards, free/libre/open source software, and open access), freedom of expression, privacy and Internet governance.

HIGHLIGHTS

- I am part of the founding team of the **Centre for Internet and Society**, which is now widely regarded a default reference point, in India and internationally, for most matters of law and policy relating to the Internet in India, including copyright, freedom of expression, and privacy — areas that I have worked on. It was in recognition of this work that I was selected as an **Internet Freedom Fellow** in 2012 by the US State Department, and was appointed by the Indian government to a **Group of Experts on Privacy**, under Justice A.P. Shah. I work with delegations from multiple Southern countries at the **World Intellectual Property Organization**, and participate actively at the **Internet Governance Forum**. I regularly present at both conferences on policy issues and activism, meetings with government officials, and participate in academic networks and conferences, and have taught a short course for masters' students as well.
- My writings and views on law and policy issues have been **quoted in the Indian Parliament**, and by *Foreign Policy*, the *Hindu*, *New York Times*, *Al Jazeera*, the *Guardian*, *Washington Post*, *BBC World Service*, *Times of India*, and most national newspapers, news magazines, and TV news channels in India. Over the last four years, I've been quoted several hundred times in various mass media reports, and have written numerous op-eds in national publications. The newspaper *Mint* called me "one of the clearest thinkers in this area".
- While studying in the **National Law School of India University**, I helped found the **Indian Journal of Law and Technology** in 2004. For two years (2006-2008), I was part of the editorial board of IJLT.

PUBLICATIONS

- **Parallel Importation and the Doctrine of Exhaustion** (forthcoming, NUJS L. REV. (2013))
- **Digital Technologies and Indian Copyright Law** (forthcoming, NISCAIR J. INTELL. PROP. RTS. (2013))
- **Exhaustion: Imports, Exports and the Doctrine of First Sale in Indian Copyright Law**, 1 MANUPATRA INTELL. PROP. REP. 149-160 (2012).
- **India's Internet Jam**, 41 INDEX ON CENSORSHIP 72-80 (2012).
- **Open Government Data**, in OPENING GOVERNMENT: A GUIDE TO BEST PRACTICE IN TRANSPARENCY,

ACCOUNTABILITY AND CIVIC ENGAGEMENT ACROSS THE PUBLIC SECTOR (2011).

- **CIVIL SOCIETY SUBMISSION ON COPYRIGHT (AMENDMENT) BILL, 2010** (2010).
- “India Report” in CONSUMERS INTERNATIONAL’S **IP WATCHLIST** [2012, 2011, 2010].

C O - A U T H O R E D

- **Engaging on the Digital Commons** (4 COMMON VOICES 22 (2011), with Sunil Abraham).
- **OPEN GOVERNMENT DATA STUDY: INDIA** (2010) (with Glover Wright, Sunil Abraham and Nishant Shah).
- **ONLINE VIDEO ENVIRONMENT IN INDIA: A SURVEY REPORT** (2010) (with Siddharth Chadha and Ben Moskowitz, 2010).

O P - E D S

- The Worldwide Web of Concerns (Op-Ed, ASIAN AGE, Dec. 10, 2012) / On the revision of the International Telecommunication Regulations at the ITU’s WCIT-12.
- Fixing India’s Anarchic IT Act (Op-Ed, MINT, Nov. 28, 2012) / On freedom of expression and procedural problems with IT Act and how we can fixing it using multi-stakeholderism.
- The ‘Unconstitutional’ Section 66A (Op-Ed, OUTLOOKINDIA.COM, Nov. 28, 2012) / On s.66A of the IT Act.
- Draft Nonsense (Op-Ed, TIMES OF INDIA, Nov. 24, 2012) / On **free speech and s.66A of the IT Act**.
- Adding Insult To Injury (Op-Ed, OUTLOOKINDIA.COM, Nov. 19, 2012 / On the free speech implications of the arrest of two girls for Facebook comments they had made.
- What The Government Wants Blocked (OUTLOOKINDIA.COM, Aug. 23, 2012) / On the **leaked list of websites that the Government of India had blocked**, which had been leaked to me.
- The Web of Our Strife (Op-Ed, TIMES OF INDIA, June 2, 2012). / On the proposed **UN Committee for Internet-Related Policy**.
- Practise What You Preach (Op-Ed, INDIAN EXPRESS, Apr. 26, 2012). / On the urgent need for **multi-stakeholderism in domestic policy-making on Internet-related issues**.
- World Narrow Web (Op-Ed, INDIAN EXPRESS, Feb. 4, 2012). / On Twitter and Google allowing for country-level censorship.
- E-Books Are Easier To Ban Than Books (Op-Ed, OUTLOOKINDIA.COM, Jan. 27, 2012) / On how the **procedural aspects of the Intermediary Guidelines Rules** framed under the IT Act are severely flawed.
- Speak up for freedom (Op-Ed, INDIAN EXPRESS, Dec. 8, 2011). / On **extra-legal censorship** attempts by the Indian government.
- Free As In Free Speech (Op-Ed, INDIAN EXPRESS, May 9, 2011). / On the **unconstitutionality of the Intermediary Guidelines Rules** framed under the IT Act.
- A Patent Conundrum (Op-Ed, INDIAN EXPRESS, Feb. 19, 2010). / On the **Indian version of the Bayh-Dole Act**.

- **Control Shift?** (Op-Ed, DOWN TO EARTH, Nov. 15, 2009). / On the new affirmation of commitments between the US Department of Commerce and ICANN.
- **IPv6: The Promises and Challenges** (DNA, Nov. 4, 2009). / On the **shift from IPv4 to IPv6**.
- **Does India Need Its Own Bayh-Dole?** (Op-Ed, INDIAN EXPRESS, April 24, 2009). / On the proposed Protection and Utilisation of Public-Funded IP Bill.

NOTABLE BLOG POSTS

- **Breaking Down Section 66A of the IT Act** (November 25, 2012) / Detailed analysis of the controversial 'section 66A' of the Information Technology Act. This post was **quoted during parliamentary debates** by two members of parliament.
- **Analysing Latest List of Blocked Sites** (Communalism & Rioting Edition) (August 22, 2012) / On the legality of, and the flaws in, the list of sites that the Indian government blocked in August 2012.
- **Analysis of the Copyright (Amendment) Act, 2012** (May 23, 2012) / The first comprehensive analysis conducted after the amendment of the Copyright Act in 2012.
- **Invisible Censorship: How the Government Censors Without Being Seen** (December 15, 2011) / On how the provisions of the Intermediary Guidelines Rules now allow for undetectable and unlawful censorship.
- **Why Parallel Importation of Books Should Be Allowed** (August 4, 2011) / A blog post supporting a parallel importation exception in Indian copyright law that kicked off a lot of controversy amongst publishers.
- **DIT's Response to RTI on Website Blocking** (April 7, 2011) / This was the first time anyone obtained a list of sites blocked by the government under the amendments to the IT Act.
- **Arguments Against Software Patents in India** (February 23, 2010) / Exploring both legal reasons why software patents can't be said to be lawful in India, and practical and conceptual reasons why they shouldn't be allowed.
- **Arguments Against the PUPFIP Bill** (November 5, 2009) / On how the Indian version of the Bayh-Dole Act is unnecessary and how it would be harmful if passed.
- **Fallacies, Lies, and Video Pirates** (August 24, 2009) / On contemporary discourse, fallacies and statistics around 'piracy' and 'counterfeiting', and some of the draconian laws being used in India against copyright infringement.
- **WIPO Broadcast Treaty and Webcasting** (May 25, 2009) / On why 'webcasting' should not be part of the WIPO Broadcast Treaty.
- **Short Note on the Information Technology (Amendment) Act, 2008** (February 24, 2009) / An overview of the provisions of the amendments that directly affected civil liberties.

CONFERENCES

WIPO

- 24th Session of the Standing Committee on Copyright and Related Rights (Geneva, July 16–25, 2012).
 - Drafted and read out CIS's statements on the Treaty for the Visually Impaired, on the Chair's Non Paper on the Protection of Broadcasters (on the WIPO Broadcast Treaty), and on Exceptions & Limitations for Libraries and Archive.
- 23rd Session of the Standing Committee on Copyright and Related Rights (Geneva, Nov 21–December 2, 2012).
 - Drafted and read out CIS's statement on a new proposal made by South Africa and Mexico (SCCR/23/6) on the WIPO Broadcast Treaty.
- 7th session of the Advisory Committee on Enforcement (Geneva, November 30–December 1, 2012)
 - Drafted and read out CIS's statement on the future work of the ACE, and CIS's response to the 'French Charter on the Fight against Cyber-Counterfeiting'.
- 22nd Session of the Standing Committee on Copyright and Related Rights (Geneva, June 15–24, 2011).
 - Drafted and read out CIS's statement on the WIPO Broadcast Treaty, and jointly drafted the CIS-TWN analysis of the Treaty for the Visually Disabled (SCCR/22/15).
 - Spoke at a panel organized by WIPO and Internet Society (WIPO-ISOC/GE/11) on 'Role and Responsibility of Internet Intermediaries in the Field of Copyright, from the Viewpoint of Users'.
- 19th Session of the Standing Committee on Copyright and Related Rights (Geneva, December , 2009).
 - Drafted the CIS statement on the WIPO Broadcast Treaty that was read out at SCCR 19.
- WIPO Asia-Pacific Regional Seminar on Copyright and the Digital Environment (New Delhi, July 15 – 16 2010).
- WIPO International Forum on the "Creativity Inventions - A Better Future for Humanity in the 21st Century" (New Delhi, 11 – 13 November 2009).

INTERNET GOVERNANCE FORUM

- 2012 Internet Governance Forum (Baku, November 5–9, 2012).
 - I spoke on the following panels during the IGF: The Privatisation of Censorship: The Online Responsibility to Protect Free Expression; New Trends in Industry Self-Governance; National IG Mechanisms: Looking at Some Key Design Issues; Steady Steps: FOSS and the MDGs.
- 2012 Best Bits (Baku, November 3–4, 2012).
 - I helped lead the drafting of the statement that emerged from the Best Bits meeting of civil society actors in the Internet governance sphere.
- 2012 India Internet Governance Conference (October 4–5, 2012).
 - Part of the 'Multi-stakeholder Advisory Group' that put together this inaugural multi-stakeholder event on Internet governance, and spoke on two panels ("Balancing Cyber Security, Data Protection

and Privacy” and “Will the International Telecommunication Regulations (ITRs) Impact Internet Governance? A multi-stakeholder perspective”).

- 2010 Internet Governance Forum (Vilnius, September 14–17, 2010).
 - I organized the following workshops: Open Standards: Ensuring Accessibility and Inclusiveness; Data in the Cloud: Where do Open Standards Fit In?; I organized the meeting for the Dynamic Coalition on Open Standards; lastly, I reported back to the Cloud Computing feeder session.
- 2009 Internet Governance Forum (Sharm El Sheikh, 2009).
 - I organized a panel titled Open Standards: A Rights-Based Framework; and was a panellist on a session titled Global State of Copyright and Access to Knowledge.
- 2008 Internet Governance Forum (Hyderabad, 2008).

ACCESS TO KNOWLEDGE AND OPENNESS

- 2nd Global Congress on Intellectual Property and the Public Interest (Rio de Janeiro, December 15–17, 2012), on censorship and access to knowledge, and on copyright limitations and exceptions.
- 2nd Meeting of the Global Research Network on Copyright Flexibilities in National Legal Reform (Washington D.C., September 14–15, 2012).
- Consumers in the Information Society (Kuala Lumpur, March 8–9, 2012), on the Indian research project on the UN Guidelines for Consumer Protection.
- 1st Meeting of the Global Research Network on Copyright Flexibilities in National Legal Reform (Amsterdam, December 18–20, 2011).
- CSIR-NKRC Meeting on Open Access (Panaji, November 11, 2011), on the legal issues surrounding open access.
- Publishing Next 2011 (Panaji, September 16–17, 2011), on ‘Copyright Issues in Publishing’.
- A2K Global Academy Workshop (Washington D.C., August 28, 2011). Presented IP-related work at CIS on a panel on ‘Blocks to Information Flow: Filtering, IP Regimes, and Technological Barriers’.
- 1st Global Congress on Intellectual Property and the Public Interest (Washington D.C., August 25–27, 2011), on ‘Enforcement and the Internet’.
- International Seminar on Innovation, Sustainability and Development (New Delhi, June 28–30, 2011), on patents and pervasive technologies.
- Consumers International World Congress (Hong Kong, May 3–6, 2011), on ‘Promoting Access to Knowledge through the UN Guidelines’.
- Rethinking Intellectual Property and Development after 15 years of TRIPS (New Delhi, April 28–29, 2011), on ‘Access to Knowledge, Education and Learning’.
- Third National Convention on Right to Information (Shillong, March 12–13, 2011), on open government data.
- Indo-German IPR Conference (New Delhi, March 11, 2011), on ‘End User Licenses and Consumer Protection’.
- Open Paradigms in Education — OPEN 2011 (New Delhi, February 02, 2011), on open educational resources.

- Commonwealth of Learning Conference on Open Educational Resources (Penang, October 2, 2010), on accessibility and OER.
- NLSIU–CIPRA Conference on Copyright Amendment (Bangalore, July 2010), on ‘Provisions on Access for Persons with Disabilities’ and on ‘Provisions on Technological Protection Measures’.
- IPDA-ALF Workshop on Copyright in Publishing (Bangalore, June 24, 2010), on ‘the Copyright Amendment Bill, 2010 and its implications for book publishing’.
- Public Interest Analysis of the International Intellectual Property Enforcement Agenda (American University, Washington DC, June 16–18, 2010), on ‘politics of ACTA in developing countries’ during the plenary session.
- Consumers International Global Meeting on Access to Knowledge (Kuala Lumpur, April 21–22, 2010), on technological protection measures and harm to consumers.
- National Coordination Meeting on IP & Development (New Delhi, February 3–4, 2010): This meeting which I helped organize brought together like-minded Indian groups critiquing IP from a Southern perspective.
- ART Workshop on Art and Social Media (Bangalore, on January 16 and 17, 2010), on ‘Copyright, Art and the Culture Industry in the Age of Social Media’.
- Fifth South Asia Conference on Trade and Development (New Delhi, November 24, 2009), on ‘Intellectual Property and Development’.
- NUJS Conference on Indian Bayh-Dole: (NUJS, Kolkata, September 12, 2009), on ‘Deficiencies in the PUPFIP Bill: Open Access and Academic Freedoms’.
- World IT Forum 2009 (Hanoi, August 26, 2009), on intellectual property rights, ‘property’, and development.
- Ministry of Information & Broadcasting’s Stakeholders’ Briefing Meeting on the WIPO Broadcast Treaty, (New Delhi, 8 May 2009), on the differences between webcasting and broadcasting.

INTERNET GOVERNANCE

- 3rd South Asian Meeting on Freedom of Expression and the Internet (Dhaka, January 14–15, 2013), on electronic surveillance and possible safeguards.
- 2nd Freedom Online Conference (Nairobi, September 6–7, 2012), on ‘Access to the Internet: Challenges and Opportunities’, and on ‘Civil society and Internet Policy Development’.
- Regional Symposium on Social Media, Freedom of Expression and Incitement to Hatred in Asia (Singapore, January 14–15, 2012), on speech laws in India and recent developments.
- Experts Meeting on Freedom of Expression and Intellectual Property Rights (London, November 18, 2011). The meeting was organized by ARTICLE 19. Nineteen international scholars and human rights activists met to explore the relationship between Intellectual Property (IP) and the rights to freedom of expression and information.
- 2nd South Asian Meeting on Freedom of Expression and the Internet (Kathmandu, November 2–4, 2011).
- NLSIU Round-table On Competition Law And Privacy Concerns In Emerging Digital Era (Bangalore, June 3, 2011), on ‘privacy in the cloud’.

- Aspen Institute's International Digital Economy Accords (IDEA Project) Brussels Plenary (Brussels, March 23–24, 2011).
- 1st South Asian Meeting on Freedom of Expression and the Internet (New Delhi, March 2–4, 2011).

WORK EXPERIENCE

- Centre for Culture, Media, and Governance at Jamia Millia Islamia University, in Delhi [March 07–25, 2011].
 - Taught the module on 'Alternative Models of Media Production' to Masters' students studying Media Governance, as part of their paper on 'Networks, Technology and Governance'.
- Hindustan Unilever Limited, FMCG company in Mumbai [January 21 – March 07, 2008].
 - Drafted a new contract to govern HUL's relationship with its Redistribution Stockists, replacing a forty-year old contract.
 - Drafted all the documents and representations accompanying the contract.
 - Drafted the contents of the docket that is maintained for each Redistribution Stockist.
 - Made a presentation to HUL employees on the requirements and the purpose behind each requirement of the docket.
- Poovayya & Co., law firm in Bangalore [October 04–19, 2007].
 - Drafted lease renewal agreements for tranches of a building; drafted an opinion on landlord's right to increase lease for another agreement.
 - Drafted an employment agreement with various sector-specific clauses for a software company.
 - Prepared a note on foreign venture capital investment in Indian venture capitals.
 - Drafted a crèche services agreement.
- Mr. Trideep Pais, Advocate in New Delhi [February 26 – March 09, 2007].
 - Drafted a written submission for final hearing in a case on ss.138, 139 and 118 of the Negotiable Instruments Act.
 - Attended hearings in the both the state and national state consumer dispute courts, the NHRC, the High Court and the Supreme Court.
- Dr. Rajeev Dhavan, Senior Advocate in New Delhi [January 19 – February 23, 2007].
 - Devised a new system of inputting and analysing data for a long-term project on judges' voting patterns in India on which Dr. Dhavan is working.
 - Conducted research for a submission to a Select Committee of Parliament on the Judges Inquiry Bill, 2007; and went for the hearing with Dr. Dhavan.
- Mr. Shreyas Jayasimha, Advocate in Bangalore [January 19 – February 15, 2006].
 - Drafted application and affidavit for a divorce-settlement case.

- Researched and wrote opinions on pending cases, including ones on Family Law (case on Hindu succession and fraudulent wills), Land Law (case on land acquisition and improper usage of land), and Environmental Law (cases on wind-energy projects and on eco-tourism resorts).
- Janaagraha, Civil Society NGO in Bangalore [October 2005 – January 2006].
 - Worked in a team to put together an interactive training programme on citizenship and participation to inculcate civic awareness and demonstrate the practical aspects of democratic working (named “Citizen Awareness Programme”).
 - Ran the pilot training programme for a group of Janaagraha advisory board members in Bangalore, and succeeded in making it the foundation for Janaagraha’s training programmes.
- Lall Lahiri & Salhotra in Gurgaon [September 4 – September 30, 2005].
 - Worked on trademarks and passing-off, and civil appeals related to them.
 - Assisted in drafting the memorandum of appeal in a case of trademarks and passing-off.
 - Wrote opinions on client trademark submissions.
 - Drafted objections to trademark applications pending before the Registrar of Trademarks.
- Kurian and Kurian Law Associates in Chennai [January 24 – March 5, 2005].
 - Assisted in the drafting of a comprehensive ESOS scheme for a company with peculiar promoter’s shareholding arrangement.
 - Researched on Transfer of Property Law for a hypothecation agreement to be drafted for a leading Indian bank, the Stamp Act, international trademark registration, and various other Corporate law and Intellectual Property law matters.
- Mr. Parag Tripathi, Senior Advocate, Supreme Court in New Delhi [January 20 – February 27, 2004].
 - Researched for various Supreme Court matters including constitutional law, election law, criminal law, family law and various other areas of law.
 - Drafted a lecture on international commercial arbitration.

E D U C A T I O N

- Tamil Nadu Matriculation Board Examination [2000]: 83% [St. Michael’s Academy, Chennai].
- All India Senior Secondary Examination [2002]: 76% [St. Columba’s School, New Delhi].
- B.A., LL.B. (Hons.) [2009]: 3.78/7 [**National Law School of India University**, Bangalore].

C O - & E X T R A - C U R R I C U L A R

- Editor, **Indian Journal of Law and Technology**, at NLSIU, Bangalore [July 2006 – June 2008].
- Elected member, Group to Redraft the Sexual Harassment Code.

- I represented NLSIU as a debate adjudicator at the 12th All-Asian Inter-varsity Debating Championship organized by the University of Malaya, Kuala Lumpur (May 2005), and at the 2nd Shahi Jiwana International Debate at University College, Lahore (February 2005).
- Member, Literary and Debating Society of NLSIU (2005-2007). Work included organizing the 4th and 5th NLS International Parliamentary Debate Competition, and organizing NLS's annual literary and cultural festival.
- Member, Law and Technology Committee of NLSIU (2004-2005). Work included launching the Indian Journal of Law and Technology, and organizing Consilience, a technology law conference.
- I helped found the NLS Film Club, as well as the informal literary magazine Quirk.