

## HRD Chair on IPR, CUSAT

### Report of the activities during 2011-12

The IPR Chair at the Cochin University of Science and Technology has undertaken the following activities during 2011-12.

#### **1. Post Graduate Teaching and Research**

##### **a. Elective Courses:**

- i. "Introduction to IPR: Patent Law and Practice" for the PG students for CUSAT – Two batches of students from the departments of Statistics, Photonic and Management
- ii. "Patent Law, TRIPS Agreement and Access to Medicine" for the LL.M students of School of Legal Studies, CUSAT (two batches)

##### **b. Ph.D Programme in IPR**

- i. Two full time students with fellowship from MHRD – Ms. Prabha S. Nair and Ms. Saleena K.B - submitted their Ph.D thesis on July - August 2011.
- ii. We have eight students registered for Ph.D work under the Chair Professor. Their topics are:
  1. Ms. Sindhu Soman – Intellectual Property Protection of Ayurvedic Preparations: A Study with special reference to Ayurvedic Industry.
  2. Mr. Shanmugham D Jayan – Legal Concept of Information in Digital Technology
  3. Yogesh A. Pai - International Technology Standardization, Patents and Competition Law: Addressing Gaps in the International Legal Framework
  4. Chaithanya.E.P – "The Role of State in the Protection of Traditional Knowledge"
  5. Narendran.T – "Intellectual Property Issues in Open Source Drug Discovery"
  6. Anson C.J, - "Marketing Challenges Face by Geographical Indications of Kerala"
  7. Rujitha.T.R, - "Patenting Life under U/S 3 J of Patent Act and Its Impact - A Proposal to Redefine"
  8. M .Sakthivel – "Protection of 4g Peer 2 Peer Technology Under Copyright : A Special Study With Reference To ( Digital) Board Casting"

#### **2. Policy Research**

##### **a. Department of Higher Education, Government of India**

i. Copyright Amendment

1. Prepared comments on the Report of the Standing Committee of Rajya Sabha on Copyright Amendment Bill (2010).

ii. SCCR issues

1. Limitation and Exceptions

- a. Prepared Comments on the papers for the 21<sup>st</sup> SCCR, June 2011, 23<sup>rd</sup> SCCR on November 2011 and 24<sup>th</sup> SCCR June 2012

2. Audio-visual performances

- a. Prepared a detailed note on the issues for the negotiation of the proposed treaty on Audiovisual Performance for the SCCR July and November 2011

3. Broadcasting

- a. Prepared a detailed note for discussion of the issue of protection of broadcasting organizations in the SCCR meeting on July and November 2011
- b. Prepared comments and suggestions on the South African proposal for the 24<sup>th</sup> SCCR June 2012

iii. IGC issues

1. Prepared text based comments on the Protection of Traditional Cultural Expressions, May and July 2011.

iv. Other copyright related issues

**b. Department of Industrial Policy and Promotion, Government of India**

i. IGC issues

1. Prepared comments for the text based negotiation on GR and TK May and July 2011
2. Prepared draft text for negotiation on the Protection of Traditional Knowledge and Genetic Resources, May and July 2011
3. Prepared comments for the text for GR negotiation in the 20<sup>th</sup> IGC, February 2012

**c. Ministry of Environment and Forest, Government of India**

- i. Comments on the Elements of Sui Generis Systems for the Protection of Traditional Knowledge, Innovations and Practices (UNEP/CBD/WG8J/7/3)
- ii. Comments on Consideration and Development of Terms of Reference for Task 15 (UNEP/CBD/WG8J/7/4/Add.1)

- d. Ministry of Health and Family Welfare, Government of India**
  - i. Note on the Powers of the Central Government to interfere with patent right for ensuring affordability of patented drugs
- e. Department of Culture, Government of India**
  - i. Note on Copyright Protection of Works in Digital Environment
- f. Department of Biotechnology, Government of India**
  - i. Chairman of the Drafting Committee to re-draft "The Protection and Utilization of Public Funded Intellectual Property Bill, 2008, (December 2011)
  - ii. Prepared a draft new Bill on protection of public funded innovation based on the comments from the Drafting Committee (January – March 2012)
- g. Law Department, Government of Kerala**
  - i. Comments on the Kerala IPR Policy and suggestions for implementation

### 3. Research Publications

Following research papers are published by the faculty and students (2011-12)

#### Dr.T.G.Agitha

International Norms for Compulsory Licensing and the Indian Copyright Law" 15  
*The Journal of World Intellectual Property*, pp. 26-50 (2012)

#### Research Scholars/students

#### Yogesh A. Pai

1. Report: "A Critique of 'Report on Steps to Be Taken by Government of India in the Context of Data Protection Provisions of Article 39.3 of TRIPS Agreement' [Satwant Reddy Report] - With a Focus on Agrochemicals" *Indian Pharmaceutical Alliance (IPA) July 2011*
2. Book Chapter: "The Changing Geography of Innovation Activities: What do Patent Indicators Imply?" (With Li Xuan), in "Rise of Technological Power in the South", Eds. Dr. Luc Soete and Dr. Xiaolan Fu Palgrave Macmillan, UK (2010). (based on paper presented at Department of Economic Development, University of Oxford by the authors)
3. Note: 'ACTA and IP Opportunism' GALT Update, Vol. 5 Issue 1 October 2010

#### Seminar Presentations

1. "TRIPS-Plus Measures and Challenges to Access to Medicines" National Consultation on Generic Drug Production and Access to Medicines: Current Challenges- (December, 6-7, 2011)
2. "A Review of Post- WTO Regime of IP Protection for Pharmaceuticals in India" WHO (India)-NISTADS (CSIR), New Delhi (November 9<sup>th</sup> and 10<sup>th</sup>, 2011)
3. "TRIPS, RTAs and ACTA: Concerns for Developing Countries" Centre for WTO Studies, Indian Institute of Foreign Trade, New Delhi (April, 2010)
4. "Redesigning the global innovation architecture for the 21<sup>st</sup> century: A critical approach to the notion of minimum mandatory limitations and exceptions to IP Law in the post-TRIPS world" in "Innovation, Creativity and IP Policy: A Indo-European Dialogue" Jointly organized by NUJS- Max Planck University, (19<sup>th</sup> and 20<sup>th</sup> November 2010)
5. "Legal and Regulatory instruments to address collusive practices in healthcare delivery" CUTS-Oxfam Project Launch Meeting on "Collusive Behaviour in Health delivery in India: Need for Effective Regulation", New Delhi (6<sup>th</sup> July, 2010)

**M. Sakthivel,**

1. "Indian Copyright Act and New Communication Technologies: A Special Focus on Webcasting", Computer Law and Security, Review Elsevier, Netherland, Vol 28 pp 77-82 (2011).
2. "Webcasters' protection under copyright – A comparative study", Computer Law and Security Review, Elsevier, Netherland, Vol. 27, pp. 479-496, (2011)
3. "4G Peer-to-Peer Technology: Is it Covered by Copyright", Journal of Intellectual Property Rights, 16 (4) Journal of IPR (2011) pp.309-312, CSIR, New Delhi
4. "Is it 'broadcast' or 'broadcasting'?", Journal of Intellectual Property Rights, 16 (4) Journal of IPR (2011) pp.23-26, CSIR, New Delhi

**Anson.C.J,**

Marketing flexibilities in Geographical Indications (GI) and Trademark: A Comparative Study, GLOGIFT seminar in IIM Kozhikode, International journal of Research in Marketing, 2011

**4. Training and Extension work**

- a. Seminar/Conference organized
  - i. IP Day Address on "Economics of IPR", Prof.(Dr.) Thomas Issac, Hon'ble Minister for Finance, Government of Kerala, 25<sup>th</sup> April 2011
  - ii. One day training programme for Library Professionals on " Digital Content Copyright: Challenges to Libraries" September 17, 2011
  - iii. Three day National workshop for Law Students – "Rethinking Intellectual Property Rights" – Theme 2012 "Indian Patent Law" Social Overtones" 12<sup>th</sup> to 14<sup>th</sup> January 2012.
- b. Seminars/Conference participated

### **Chair Professor**

#### **Member of Indian Delegation**

1. Member, Indian Delegation to the 23<sup>rd</sup> session of the Standing Committee on Copyright and Related Rights from 21<sup>st</sup> November to 2 December 2011, WIPO, Geneva, Switzerland
2. Member, Indian Delegation to the 19<sup>th</sup> Inter Governmental Committee on Intellectual Property, Genetic Resources, Traditional Knowledge and Folklore, WIPO, at Geneva, Switzerland, July 2011
3. Member of the Indian Delegation to the second Like-Minded Countries meeting on Genetic Resources, Traditional Knowledge and Folklore, Bali, Indonesia, June 2011
4. Member, Indian Delegation to the 18<sup>th</sup> Inter Governmental Committee on Intellectual Property, Genetic Resources, Traditional Knowledge and Folklore, WIPO, at Geneva, Switzerland, May 2011

#### **Other Conferences:**

1. Keynote Speaker, "Workshop on the Hot Issues in Patent Law", Max Planck Institute for Intellectual Property and Competition Law from October 6 to 8, 2011 in Berlin, Germany
2. Delivered lectures for LL.M students, University of Dhaka, Bangladesh, May 2011
3. Resource person, "Academic Programme for Judges from Sri Lanka", National Judicial Academy, Bhopal January 2012
4. Speaker, National Consultation on Traditional Knowledge Protection, DIPP, Delhi, December 2011
5. Speaker, national conference of High Court Justices on Economic and Commercial Laws: Current Issues and Challenges, October 2011
6. Speaker, National Workshop on Adjudication management: Adjudication of Economic and Commercial Cases, September 2011
7. Speaker, National Consultation on Traditional Knowledge Protection, FICCI and DIPP, Delhi, April 2011

#### **Research Officer**

- a. "Intellectual Property and Public Domain in the Discussions of the Committee on Development and Intellectual Property" paper presented in the International Roundtable on WIPO Development Agenda for Academics, organized by the World Intellectual Property Organization (WIPO) in cooperation with the National University of Singapore (NUS), Faculty of Law at Singapore, November 23 and 24, 2011
- b. "Protection of Indigenous/Traditional Knowledge under the Indian Intellectual Property Laws" in the Workshop cum Training Programme on

Intellectual Property and Technology Management at Central Institute of Fisheries Technology, Cochin on 27<sup>th</sup> April 2011

c. Extension work

- i. Assisted a number of teachers and researchers from CUSAT and other institutions to seek IPR protection for their creations.
- ii. Assisting the Centre for Science in Society, CUSAT to promote IP awareness among school children who are visiting the Science Park and other programmes of the Centre
- iii. Assisted many institutions as resource persons to promote IP awareness.



Prof. N.S. Gopalakrishnan,  
Co-ordinator, HRD Chair on IPR.