

HRD Chair on IPR, CUSAT

Report of the activities during 2012 – 13

The IPR Chair at the Cochin University of Science and Technology has undertaken the following activities during 2012 - 13.

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 School of 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. Award of two Ph.D to the MHRD fellows – Ms. Prabha S. Nair and Ms. Saleena K.B who submitted their Ph.D thesis on July - August 2011 was awarded Ph.D by CUSAT in May – June 2012.
- 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. Chairman of the Drafting Committee to prepare the Copyright Rules 2012.

ii. SCCR issues

1. Limitation and Exceptions

- a. Prepared Comments on the papers for the 24th SCCR, July 2012, 25th SCCR on November 2012 and 26th SCCR February 2013.

2. Audio-visual performances

- a. Prepared a detailed note for the negotiation of the Treaty on Audiovisual Performance for the Beijing Diplomatic Conference held on June 2012

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 2012
- b. Prepared comments and suggestions on the South African proposal for the 24th SCCR June 2012

iii. IGC issues

1. Prepared text based comments on the Protection of Traditional Cultural Expressions, July 2012.

iv. Other copyright related issues

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

i. IGC issues

1. Prepared draft text for negotiation on the Protection of Traditional Knowledge and Genetic Resources, April 2012
2. Prepared the note for the LMC meeting on GRTKF held in Bali June 2012
3. Prepared notes for the International Conference on GRTKF held in Delhi January 2013
4. Note on the Scope of Government Intervention under Section 92 of the Indian Patents Act, 1970 for ensuring affordability of patented drugs.

c. 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 (2012-13)

Prof. N.S. Gopalakrishnan, "Access to Health Care in India: Implications of Patent Law", *Journal of Indian Legal Thought*, 2012 (Forth coming)

Dr. T. G. Agitha

- a. "Intellectual Property regime and developing country Health Concerns" 18 *Journal of Intellectual Property Rights*, March 2013 pp. 186-191 in the Column *Global Public Health and Intellectual Property*
- b. "Global Public Health: Should the Trade Forum Reign?" 18 *Journal of Intellectual Property Rights*, January 2013 pp. 88-92 in the Column *Global Public Health and Intellectual Property*
- c. "The Relevance of Global Convention on Health Research and Development", *Revista Eletrônica do IBPI – Nr. 7, Brazilian Institute of Intellectual Property*, December, 2012

Research Scholars

Yogesh A. Pai

- a. **Opinion piece:** "A New Template for Pharma Research", *Hindu Business Line* (11th April, 2013), Available at: <http://www.thehindubusinessline.com/opinion/a-new-template-for-pharma-research/article4606742.ece?homepage=true>
- b. **Conference Draft:** 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). Available at SSRN: <http://ssrn.com/abstract=2177064>
- c. **Book Essay:** Patent and Trade Disparities in Developing Countries- Srividhya Ragavan (Oxford University Press, USA) (Hardcover) (2012) (November 16, 2012). Forthcoming: *Jindal Global Law Review*, 2013. Available at SSRN: <http://ssrn.com/abstract=2177065>
- d. **Conference working paper:** The International Dimension of Proprietary Technical Standards: Through the Lens of Trade, Competition Law and Developing Countries (July 6, 2012). Society of International Economic Law (SIEL), 3rd Biennial Global Conference Working Paper No. 2012/40. Available at SSRN: <http://ssrn.com/abstract=2101689> or <http://dx.doi.org/10.2139/ssrn.2101689>

Sakthi Vel

- a. "Copyrightability of Sports Contents: Indian Scenario" – *Entertainment Law Review* 2012 (4) Sweet & Maxwell Publisher.

- b. Implementation of Right to Education as a Civil Right — A Critical Analysis – Amity Law Review Vol. 8 No. (2) July-December 2012 (in press)

Anson C J.

- a. "Marketing Flexibilities in Geographical Indications (GI) and Trademark: a Comparative Study." *International Journal of Marketing, Financial Services & Management Research* 1 (11): 100–107. November, 2012
- b. "Geographical indications: a marketing stance." *International Journal of Economics, Commerce and Research (IJEER)* 2 (2): 11–17. ISSN:2250-0006 Vol.2, Issue 2 June 2012

Chaithanya.E.P,

- a. "The Ownership over Common Property Resources: State versus Community Rights", *International Journal of Political Science, Law and International Relations (IJPSLIR)* Vol.2, Issue 1 Jun 2012.
- b. "Historical injustice toward Tribals: A Reflection on Forest Policies of India", *International Journal of Social Science & Interdisciplinary Research*, Vol.1 Issue 11, November 2012.

4. Training and Extension work

- a. Seminar/Conference organized
 - i. IP Day, 26th April 2012 – Round Table on "Copyright Issues in the Entertainment Industry" and talk by Prof. (Dr.) Sitharamam Kakarala, Professor, CSCS, Bangalore on "Knowledge, Property Rights: A Critique of Contemporary Debates".
 - ii. Intellectual Property Rights: Copyright and Trademark, (One day Awareness Programme for Chartered Accountants) May 1^{9th}, 2012
 - iii. Conference on the Copyright Amendments, 2012: A Fair Balance? 27 and 28 November, Jointly organized by NUJS, Salt Lake, Kolkata
 - iv. Three day National workshop for Law Students – "Rethinking Intellectual Property Rights" – Theme 2013 "Patents and Access to Medicine for All" 9th to 12th January 2013.
- b. Seminars/Conference participated

Chair Professor

Member of Indian Delegation

1. Member, Indian Delegation to the 22nd Inter Governmental Committee on Intellectual Property, Genetic Resources, Traditional Knowledge and Folklore, WIPO, at Geneva, Switzerland, July 2012
2. Member of the Indian Delegation to the second Like-Minded Countries meeting on Genetic Resources, Traditional Knowledge and Folklore, Bali, Indonesia, June 2012

3. Member of the Indian Delegation to the Diplomatic Conference to finalize the Treaty for the Protection of Audiovisual Performers, Beijing June 2012
4. Member, Indian Delegation to the 21st Inter Governmental Committee on Intellectual Property, Genetic Resources, Traditional Knowledge and Folklore, WIPO, at Geneva, Switzerland, April 2012

Other Conferences:

1. Speaker, International Conference on TK, TCE and GR, New Delhi January 2013
2. Workshop on Compulsory Patent Licensing, Max Plank Institute and Institutum Iurisprudentiae, Academia Sinica, Taipei, December 3-5, 2012.
3. Workshop on WIPO Audiovisual Performance Treaty, FICCI, Mumbai, May 2012
4. Resource person, "Academic Programme for Judges from Sri Lanka", National Judicial Academy, Bhopal August 2012

Dr. T.G. Agitha

- a. "Issues and Challenges in the Digitization of Copyright Works" in the National Seminar on the Protection and Management of Copyright and Related Rights, November 1 and 2, 2012, Jakarta, Indonesia.
- b. "Issues and Challenges of Orphan Works" in the National Seminar on the Protection and Management of Copyright and Related Rights, November 1 and 2, 2012, Jakarta, Indonesia.

Research Scholars

Yogesh Anand Pai

- a. Discussant- National Seminar on 'Measuring Benefits of Competition Policy Reforms in India', 21st March 2013, *organised by Consumer Unity & Trust Society, New Delhi*
- b. 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
- c. '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.
- d. 'India's Post-TRIPS Regime for Pharmaceutical Patents: Promoting Innovation and Access' *Global Mondays, forthcoming 26th Nov. 2012*, University of Washington, Seattle

- e. '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) '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)

Prabha S. Nair

- a. "Protection of traditional medicine and Intellectual Property Rights at the First Local Traditional Healers Congress organised by the Centre for Folklore Studies, University of Calicut on 9th August 2012
- b. "Liabilities of Internet Service Providers under the Copyright Amendment of 2012" at the National Seminar on Copyright Amendment Law of 2012 organised by the ILS Law College, Pune during 25-26 August 2012
- c. "Introduction to IPR with Special Reference to Patents" at the National Seminar on Biotechnology and Information Technology , 22-23 of January 2013 organised by PG and Research Department of Zoology, Government Victoria College, Palakkad, Kerala
- d. "Access and Benefit Sharing in the Western Ghats Region in Light of the Gadgil Report" at National Seminar on Envisioning a Legal Framework for Mainstreaming Environmental Conservation organised by the Centre for Environment and Law, National University of Advanced Legal Studies, Cochin on 11th March 2013.

Sakthivel

- a. "Impact of ICT on Communication to the Public" presented at the International conference on International Environmental Law, Trade Law, Information Technology Law and Legal Education organised by Faculty of Law, Banaras Hindu University, Varanasi. (2nd & 3rd March, 2013)
- b. "Access to Medicine and Indian Patents Act: An Overview" presented at the National Seminar on Access to Medicine and Patent Laws organised by Govt. Law College, Thrissur. (26th-27th February, 2013)
- c. "Educational Activism of the Indian Judiciary" presented at the National Seminar on National Seminar on Judicial Activism and Judicial Self Restraint" organised by University School of Law and Legal Studies, Guru Gobind Singh Indraprastha University, New Delhi. (16th-17th November, 2012)

Anson, C J.

- a. "Geographical indications – marketing strategies & promotion techniques" in the Workshop on Post_GI Initiatives for Brand Promotion through Market Linkage and Containment of Infringement of Selected Craft Indications of Kerala organised by the Ministry of Textiles, Government of India on 4th October 2012
- b. "Brand Equity of geographical indications of Kerala : an empirical study" in the seminar on National seminar on WTO, FTAs and impact on agriculture and allied sectors organized by the Agri (WTO cell) department, Govt of Kerala on 17th and 18th January, 2013

Narendran

- a. "Open Source Approach to Drug Discovery : Meeting the Challenges of global public Health" at the International Conference on Global Public Health and Social Work organized by Rajagiri Institute of Social Sciences, January 2013.
- b. "Recognizing Tribal People's Human Right for Bio-cultural Resource Protection : Rethinking Indigenous Rights Jurisprudence" at the International seminar on Future of Human Rights, Humanity and Culture in Emerging globalised World organized by All Indian Rights Organization and Indian Association of Social Scientists, December 2012.
- c. "Concept of Liability in Indian Environmental Jurisprudence" at the International Conference on Good Governance, Sustainable Development and Environmental Justice in SAARC Region organized by University of West Bengal, December 2012.

Chaithanya.E.P,

"Whether the Market has Changed the Role of State with Special Reference to the Indian Scenario", in international conference on "India's Development Strategy – Discourse On Past, Present and Future" conducted by Jamia Milia Islamia University, New Delhi on 5-6th March 2013.

- 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.