

**Report of the
Inter University Centre for IPR Studies
Cochin University of Science & Technology
(November 2010 to October 2011)**

Inter University Centre for IPR Studies (IUCIPRS) is an autonomous institution established by the Government of Kerala in Cochin University of Science and Technology. This is one of the Inter University Centres conceived and implemented by the Department of Higher Education, Government of Kerala. But the IUCIPRS is unique among other Inter University Centres as it is administered by a Governing Council with the Minister for Education, Government of Kerala as the Chairman, the Vice Chancellor of CUSAT as Vice Chairman, and renowned academics from all over India, including Vice Chancellors of several Universities in Kerala as members.

Brief History

The Centre for IPR Studies, established in the School of Legal Studies of the Cochin University of Science & Technology in 2003, is converted into IUCIPRS to encourage multidisciplinary teaching and research in the area of intellectual property rights. Centre for IPR Studies was originally established with Dr. K.N. Chandrasekharan Pillai, Dean, Faculty of Law as the Hon. Director and Dr. N.S. Gopalakrishnan as the Coordinator. The Centre is also supported by the Ministry of Human Resources Development, Government of India, which has established HRD Chair on Intellectual Property Rights in CUSAT in 2003. The Government of India also extended financial support to develop a depository of IPR materials. The Centre, thus at present, receives financial assistance from both the Centre and the State Governments. At present the Centre has one of the best collections on IPR from different parts of the world.

Governing Structure of IUCIPRS

The IUCIPRS came into existence by the constitution of its first Governing Council constituted by the Government of Kerala by GO G.O. (Ms) No. 348/10/H.Edn. dated 13/10/2010 which was modified by G.O (Ms) No.235/11/ H.Edn. dated 23/09/ 2011. The following are the Governing Council Members:

1. Shri. P.K.Abdul Rabb, Hon'ble Minister for Education, Government of Kerala (Chairman).
2. Dr. Ramachandran Thekkedath, Vice-Chancellor, Cochin University of Science & Technology, (Vice-Chairman).
3. Dr. A. Jayakrishnan, Vice-Chancellor, University of Kerala.

- (8) To make, sign and execute all such documents and instruments, as may be necessary for carrying on the management of the property or affairs of the Centre.
- (9) To assign from time to time such functions and duties and delegate such powers as it may deem fit to the Executive Committee;
- (10) To appoint one or more Auditors from a list of auditors registered with the Centre for auditing the accounts of the Centre every year and consider the reports of auditors;
- (11) To delegate any of its powers to the Committees or any Sub-Committee or Expert groups appointed by it from time to time or, to the officers of the Centre.

The first meeting of the Governing Council approved the Regulation for the functioning of the Centre and also constituted the Executive Committee of the Centre with five members. The Executive Committee is expected to look after the administration of the Centre. The following are the Executive Committee Members:

1. Dr. Ramachandran Thekkedath, Vice-Chancellor, Cochin University of Science & Technology, (Vice-Chairman).
2. Shri. Sunny P. Jose, Syndicate Member, Cochin University of Science and Technology.
3. Dr. K.N.Chandrasekharan Pillai, Director, National Judicial Academy, Bhopal.
4. Dr. M.D. Nair, Consultant to Pharmaceutical Industry, Chennai.
5. Dr. N.S. Gopalakrishnan, Director, IUCIPRS, Cochin University of Science and Technology, (Member Secretary).

There is also a Faculty Committee with the Director and all faculty members of the Centre to take care of the academic activities of the Centre. The Executive Committee also constituted a Technical Committee on Construction with one of its members as Chairman to look after the construction activities of the Centre.

Objectives of the Centre

The main objective of IUCIPRS is to evolve into a research hub and resource centre of international repute to act as a think tank in the area of IPR and related subjects. It is meant to be a place facilitating interaction between researchers from different universities and research institutions in India and abroad. IUCIPRS aims at facilitating multidisciplinary teaching and research in the area of IPR and related subjects.

Activities

The main activities of the Centre include policy research support to both Central and State Governments, supporting/assisting India in international negotiations, conducting extensive

b. Ph.D Programme

As the beginning of the multidisciplinary research programme, five Ph.D students from the disciplines of Law, Political Science and Management were admitted in the Centre in February 2011. Their research areas are M.Shakthivel, 4G transmission technology and copyright issues (Law); T.R. Rujitha, Patenting of microorganisms in the context of biotechnology and bioinformatics (Law); T. Narendran, Open source Drug Discovery and IPR implications (Law); Chaithanya.E.P, Government policy in protecting traditional knowledge (Political Science), and Anson C.S., Marketing of Geographical Indications from Kerala (Management).

c. Visiting Fellowships

Five eminent scholars from India, USA, England & Germany were identified to be invited to the Centre. They are Dr. Joshua David Sarnoff, Associate Professor (and Visiting Professor of Law Spring 2010) Depaul University College of Law, USA, Dr. Srividhya A Raghavan, Professor of Law, University of Oklahoma College of Law, Dr. Sivaramjani Thambisetty B.A;LLB (Hons), BCL (Oxon), DPhil (Oxon), Lecturer in Intellectual Property Law, Law Faculty, London School Of Economics and Political Science, UK, Dr Henning Grosse Ruse – Khan, Wissenschaftlicher Referent (research fellow), Max Planck Institute for Intellectual Property- Competition and Tax Law, Munich, Germany, Marie Dagmar Mesidor, Rua Sao Salvador, 59 apt, 1210, bloco C, 22231-130 Reo de Janeiro, Brazil. Ms. Marie D. Messidor, from Brazil will be visiting IUCIPRS on visiting scholarship from December 2011 to March 2012.

d. PG Courses

The Centre started a two credit elective course on "Introduction to IPR: Patent Law and Practice" for the PG students for CUSAT and a four credit elective course on "Patent Law, TRIPS Agreement and Access to Medicine" for the LL.M students of School of Legal Studies, CUSAT.

e. Academic collaborations

Prof. (Dr.) Reto M. Hilty, Managing Director, Max Planck Institute for Intellectual Property and Competition Law visited IUCIPRS on 8th March 2011 and discussed with the Vice Chancellor on possible collaborations. We are expecting a formal MOU on Collaborative research in the area of copyright and patent, Exchange of Ph.D students and Exchange of Teachers. We had a first round of discussion with Max Planck Institute of Intellectual Property and Competition Law, Munich, Germany on academic collaboration with IUCIPRS and as part of student exchange programme Mr. Narendran, Research Fellow of IUCIPRS has

Publications:**Faculty**

1. Dr. N.S. Gopalakrishnan and Dr. T.G. Agitha, "Indian Patent System: The Road Ahead", along with in Ryo Shimanami (Edr.) *The Future of the Patent System*, (Edward Elgar, 2011, Forth coming).
2. Dr. T.G. Agitha and Dr. N.S. Gopalakrishnan, "Indian Copyright Law", in *Hundred Years of Imperial Copyright*, Uma Suthersanen and Ysolde Gendreau, (Ed.) (Edward Elgar, 2011, Forth coming).
3. Dr. T.G. Agitha, "International Norms for Compulsory Licensing and the Indian Copyright Law" accepted for publication in the *Journal of World Intellectual Property*, 2011 (forthcoming).

Research Scholars

4. M. Sakthivel, "Indian Copyright Act and New Communication Technologies: A Special Focus on Webcasting", *Computer Law and Security*, Review Elsevier, Netherland, January 2012.
5. M. Sakthivel, "Webcasters' protection under copyright – A comparative study", *Computer Law and Security Review*, Elsevier, Netherland, Vol. 27, pp. 479-496, (2011)
6. M. Sakthivel, "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
7. M. Sakthivel, "Is it 'broadcast' or 'broadcasting'?", *Journal of Intellectual Property Rights*, 16 (4) *Journal of IPR* (2011) pp.23-26, CSIR, New Delhi
8. M. Sakthivel, "Fair Use of Periyar's Work U/s 52 (1) (m) of Copyright Act: How far is it fair", *Manupatra Intellectual Property Reports*, 2010 (3) MIPR F35 – F40.
9. M. Sakthivel, "Case comment on *Bharat Glass Tube Ltd. v. Gopal Glass Works Ltd.*", *The Law Weekly*, Madras, 2010 (5) LW 5-8 (J.S.),
10. M. Sakthivel, "Protection of Mangroves: A Study with Special Reference to India", *Madras Law Journal*, (2010) 5 MLJ 52 – 66, Lexis Nexis –Butterworth Wadhwa.
11. M. Sakthivel, "Non-Voluntary Licencing System and the perceptions of Indian Judiciary", *Manupatra Intellectual Property Reports*, 2010 (1) MIPR F21 – F33.
12. Rujitha .T.R, "International Registration of Marks: Madrid Agreement and Protocol", *Cochin University law Review*, Vol.34, 2011.
13. Rujitha .T.R, "Bioinformatics Patents – The Challenges", *Journal of Commercial Biotechnology*, Palgrave Macmillan Publishers, USA, 2012.
14. Anson.C.J, "Geographical Indications: As a tool for product differentiation and its credibility" *Journal of Indian Business Research*, 2011,
15. 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

17. M. Sakthivel, "Implementation of Forest Rights Act, 2006", National Interdisciplinary Seminar on Human Rights of the Socially Excluded, Govt. Law College, Thrissur, October 2011.
18. M. Sakthivel, "Women Experiences in Prison: A Human Rights Perspective, National Seminar on Importance of Human Rights and Women Empowerment, Gobi Arts and Science college, Gobichettipalayam, Erode, Tamil Nadu, September 2011
19. M. Sakthivel, Right to Health Care and India Patent Act, National Seminar on "Right to Health Care", School of Legal Studies, CUSAT, March 2010.
20. Rujitha. T.R. "Rethinking Patent System from a Traditional Knowledge Perspective" in Two day National Seminar on Emerging Trends in IPR, Madras University, Department of Law, October 2011.
21. Rujitha. T.R. "Patenting Genetically Modified Organisms: Issues and Concerns" in Two day National seminar on Regulation of Genetically Modified Organisms: National and International perspective, School of Legal Studies, March, 2011.
22. Anson.C.J, "Applications of Geographical Information System in the area of Geographical Marketing Myopia", 5TH Doctrinal colloquium, IIM Ahmadabad, 2011
23. T. Narendran, "Open Source Approach to Drug Discovery", Selected for presentation at Second Workshop for Junior Researchers on the Law & Economics of Intellectual Property and Competition Law, International Max Planck Research School for Competition and Innovation and the Professorship for Intellectual Property at ETH Zurich, 2011.
24. Narendran.T, "Judicial Integrity – A norm for good governance", One day national seminar, National University of Advanced Legal Studies, Cochin, 2011.
25. Chaithanya.E.P, "Definitional issues in the identification community in the context of traditional knowledge", Two –day national seminar organised by Department of Law, Madras University, October 2011.

C. IPR Facilitation

The Centre is also offering limited free service to the needy to acquire various intellectual property rights by way of filing patent, copyright, trademark, design etc. The staff and research scholars of the Cochin University seek advice from the Centre on IPR matters, particularly on patent. A number of persons from outside University often consult the Centre seeking advice on IPR related issues. Majority are local inventors seeking clarification on how to obtain patent. The Centre eventually will undertake this work on a regular basis.

D. Administrative Actions

Government of Kerala issued orders in October 2011 constituting the first Governing Council of the Centre with the Minister for Education and Culture as the Chairman. Government of Kerala also issued orders approving the powers of the Governing Council of the Centre and