

HRD Chair on IPR, CUSAT

Report of the activities during 2010-11

The IPR Chair at the Cochin University of Science and Technology has undertaken the following activities during 2010-11.

1. Post Graduate Teaching and Research

a. 2 year LL.M in IPR

Six LL.M IPR students (2008-10) completed their LL.M dissertation in the following topics:

- i. Technological Protection Measures and Access to Information
- ii. Protection of webcasting in India
- iii. Copyright Infringement via Internet: An analysis of legal parameters of ISP liability.
- iv. Role of Compulsory Licence in Communication to Public of works in India
- v. Bioinformatics and Patenting
- vi. Role of IP in Merger and Acquisition

b. Elective Courses:

- i. "Introduction to IPR: Patent Law and Practice" for the PG students for CUSAT
- ii. "Patent Law, TRIPS Agreement and Access to Medicine" for the LL.M students of School of Legal Studies, CUSAT.
- iii.

c. Ph.D Programme in IPR

We have five students registered for Ph.D work under the Chair Professor. The topics are:

- i. Ms. Sindhu Soman – Intellectual Property Protection of Ayurvedic Preparations: A Study with special reference to Ayurvedic Industry.
- ii. Ms. Prabha S. Nair – International Initiatives for regulating access to genetic resources
- iii. Ms. Saleena K.B. – Exceptions and Limitations to Intellectual Property
- iv. Mr. Shanmugham D Jayan – Legal Concept of Information in Digital Technology
- v. Yogesh A. Pai - International Technology Standardisation, Patents and Competition Law: Addressing Gaps in the International Legal Framework
- vi. Chaithanya.E.P – "The Role of State in the Protection of Traditional Knowledge";
- vii. "Intellectual Property Issues in Open Source Drug Discovery";
- viii. "Marketing Challenges Face by Geographical Indications of Kerala";

- ix. Rujitha.T.R, - "Patenting Life under U/S 3 J of Patent Act and Its Impact - A Proposal to Redefine";
- x. M .Sakthivel – "Protection of 4g Peer 2 Peer Technology Under Copyright: A Special Study With Reference To (Digital) Board Casting";

The two full time students with fellowship from MHRD – Ms. Prabha S. Nair and Ms. Saleena K.B are in the advanced stage. Their scholarship period was over on March 2010 and expected to submit the thesis by July 2011.

2. Policy Research

a. Department of Higher Education, Government of India

i. Copyright Amendment

1. Prepared comments on the Copyright Amendment Bill (2010) pending before Rajya Sabha, April 2010
2. Prepared draft answers for the questions to the Parliamentary Standing Committee on the Copyright Bill, May-June 2010
3. Appeared before the Parliamentary Standing Committee to assist the Department in clarifying the provisions in the Bill, July 2010.
4. Appeared before the Parliamentary Standing Committee to assist the Department in clarifying the provisions in the Bill, November 2010.

ii. SCCR issues

1. Prepared papers for the text based negotiation on the "Traditional Cultural Expression/Expression of Folklore", April 2010
2. Limitation and Exceptions
 - a. Prepared Comments on the papers for the 20th SCCR, April 2010
3. Audio-visual performances
 - a. Prepared a detailed note on the issues for the negotiation of the proposed treaty on Audiovisual Performance for the SCCR November meeting 2010

iii. IGC issues

1. Prepared text based comments on the Protection of Traditional Cultural Expressions, May 2010.
2. Prepared draft text for negotiation on the Protection of Traditional Cultural Expression, July 2010.

iv. Other copyright related issues

b. Ministry of Information and Broadcasting, Government of India

- i. Assisted in the WIPO Regional Conference on the “Treaty for the protection of Broadcasting Organization”
- ii. Prepared expert comments on the item “Protection of Broadcasting Organization” in the Agenda for the WIPO General Assembly meeting September 2010.
- iii. Gave suggestions to the conclusions to be agreed on the agenda item on Broadcasting in the 21st SCCR meeting held on November 2010.

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

- i. Patent
 1. Prepared comments on the paper on Compulsory Licence, August 2010
- ii. IGC issues
 1. Prepared comments for the text based negotiation on TK and TCE, April, 2010
 2. Prepared draft text for negotiation on the Protection of Traditional Knowledge and Genetic Resources, December 2010 and February – March 2011

d. Department of Biotechnology, Government of India

- i. Assisted the revision of the “The Protection and Utilization of Public Funded Intellectual Property Bill, 2008, under consideration of the Parliamentary Committee on the Bill, April-June, 2010
- ii. Prepared comments on the PUIP Bill based on the Report of the Parliamentary Committee, September 2010.

e. Department of Agriculture, Government of India

- i. Prepared a note on the data exclusivity provision in the Bill to be introduced in the Parliament to protect Agrochemicals 2010, August 2010.

3. Research Publications

Following research papers are published by the faculty and students (2010-11)

Faculty

1. N.S. Gopalakrishnan, Intellectual Property Laws, Annual Survey, Indian Law Institute, New Delhi, 2009.

2. N.S. Gopalakrishnan, TRIPS Flexibilities: The Case of India, *Intellectual Property and access to Medicine: Papers and Perspectives*”, WHO, Regional Office for South-East Asia, 2010, p.63.
3. N.S. Gopalakrishnan, Protection of Traditional Medicines: Lessons from India, *Intellectual Property and access to Medicine: Papers and Perspectives*” WHO, Regional Office for South-East Asia, 2010, p. 177.

Research Scholars/students

Yogesh Anand Pai

1. 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)
2. Note: ‘ACTA and IP Opportunism’ GALT Update, Vol. 5 Issue 1 October 2010
3. “IPRs in Public Funded Nano Research: Incentivizing public funded research or Privatisation of ‘public goods’?” Workshop on IPRs in Nanotechnology: Issues, Trends and Challenges for India, TERI, New Delhi (28th January, 2010)

Ms. Saleena K.B.

4. “An Elevated Standard of Originality” Under Indian Copyright Law: Whether Eastern Book Company’s Case a New Trend Setter?” in *Kerala Law Times*, (2010),
5. “Technology and Copyright Limitations (Pre-Digital Era)” in (2010) 5 *Madras Law Journal* 87 Part 5 dated 5.8.2010
6. “Trademark Jurisprudence in Cyber Regime” in *Manupatra Intellectual Property Review*, (2009), VOL-3, p.23-28.
7. “Rights of Victims of crime” in *Kerala High Court Cases*, (2009) vol-7, p.34-38.
8. “Justification of Intellectual Property Rights: An Integrated Approach”, in *Cochin University Law Review*, (2009) vol-XXXIII, P. 293-330.
9. “Research use exception: whether fair to enough to maintain the fairness of the Patent system” was published in *Manupatra Intellectual Property Review*, (2009), Vol.3, p.133-152.
10. **Book review** “Uniform Civil Code” written by Dr. K C Jena in *Cochin University Law Review*, (2008) vol-XXXII, p.346-348.

Mr. M. Sakthivel

11. "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.
12. "Case comment on *Bharat Glass Tube Ltd. v. Gopal Glass Works Ltd.*", The Law Weekly, Madras, 2010 (5) LW 5-8 (J.S.),
13. "Non-Voluntary Licencing System and the perceptions of Indian Judiciary", Manupatra Intellectual Property Reports, 2010 (1) MIPR F21 – F33.
14. "Hague System- International Registration of Industrial Design", Manupatra Intellectual Property Reports, 2009 (3) MIPR F41 - F50
15. "Patentability Standards for Pharmaceutical products in India", Cochin University law Review, 2009 (2) CULR 407 – 427

Rujitha T R,

16. "A comment on Bayer corporation and ors v. Union of India and ors Delhi High court Published in Manupatra Intellectual Property Reports, 2010 (3) MIPR p.173-179 2010.
17. "Conceptual issues in Biotec patenting Indian Law And Judicial Trends" is Published in Manupatra Intellectual Property Reports, 2009 (3) MIPR p.130-139.
18. **Arathi Ashok**, "Economic Rights of Authors under Copyright Law: Some Emerging Judicial Trends" 15 (1) Journal of IPR (2010) pp.46-54, CSIR, New Delhi

4. Training and Extension work

a. Seminar/Conference organized

- i. Two day training programme for District Judges of Kerala on "Enforcement of IPR" January 8th and 9th 2011
- ii. Three day National workshop for Law Students – "Rethinking Intellectual Property Rights" – Theme 2011 "Indian Copyright Law: A Social Perspective" 10th to 12th March 2011.

b. Seminars/Conference participated

Chair Professor

Member of Indian Delegation

1. Member, Indian Delegation to the second and third meeting of the Intersessional Working Group of the IGC, WIPO, at Geneva, Switzerland, February-March 2011

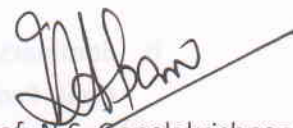
2. Member, Indian Delegation to the 17th Inter Governmental Committee on Intellectual Property, Genetic Resources, Traditional Knowledge and Folklore, WIPO, at Geneva, Switzerland, December 2010
3. Member, Indian Delegation to the first meeting of the Intersessional Working Group of the IGC, WIPO, at Geneva, Switzerland, July 2010

Other Conferences:

- i. Resource Person, Consultation on the finalization of the "The Protection and Utilization of Public Funded Intellectual Property Bill, 2008, Department of Biotechnology, Government of India, April 2010.
- ii. Speaker, Consultation on protection of Broadcasting Organization, Ministry of Information and Broadcasting, Government of India, New Delhi, July, 2010.
- iii. Participant, Meeting of the Departmental Standing Committee on Parliament (Copyright Amendment Bill), July 2010.
- iv. Resource person, National Conference on High Court Judges, National Judicial Academy, Bhopal, August 2010.
- v. Resource person, Stake holders meeting on Audio visual Treaty, Department of Higher Education, MHRD, at IIT Mumbai, September 2010.
- vi. Participant, Meeting of the Departmental Standing Committee on Parliament (Copyright Amendment Bill), November 2010.
- vii. Speaker, Innovation, Creativity and IP Policy: An Indo-European Dialogue, A Collaborative Workshop organized by NUJS and Max Plank Institute on IP and Competition and Tax Law, NUJS, Kolkata, November 2010.

c. Extension work

- i. Invited lectures in IIT Mumbai, October 2010 by Chair Professor
 1. Ph.D students – Alternatives to Copyright Licences - Open Source
 2. Engineering Students - Fair dealing on Copyright



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