



A report on ‘WIPO India summer school on intellectual property 2017’

A B S T R A C T

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Intellectual Property (IP) serves as a foundation to promote innovation, hence Intellectual Property Rights (IPR) are absolutely necessary to incentivise this innovation and eventually strengthen the national economy. Here, the authors present a detailed report of the ‘WIPO India summer school on intellectual property’ which took place at Nagpur, Maharashtra from 6th to 17th November 2017 and was jointly organised by World Intellectual Property Organisation (WIPO), Geneva; Rajiv Gandhi National Institute of Intellectual Property Management (RGNIIPM), Nagpur and Maharashtra National Law University (MNLU), Nagpur.

1. Introduction

Intellectual property (e.g. Inventions, creative works, etc.) plays an important role in promoting innovation. Intellectual Property Rights (IPR) (e.g. Patents, Trademarks, Copyrights, Geographical Indications, etc.) are extremely inevitable in order to incentivise innovation and eventually to strengthen the national economy. World Intellectual Property Organisation, Geneva; Rajiv Gandhi National Institute of Intellectual Property Management (RGNIIPM), Nagpur and Maharashtra National Law University (MNLU), Nagpur jointly organised the ‘WIPO India summer school on intellectual property’ at Rajiv Gandhi National Institute of Intellectual Property Management (RGNIIPM), Nagpur, Maharashtra from 6th to 17th November 2017. The summer school attracted the participation of 48 participants from 5 countries namely Bangladesh, Korea, India, South Africa and Dubai. The WIPO India summer school aimed at students and young professionals with a science, business and/or law background, and government officials involved in IP related policy matters, thereby providing them an opportunity to acquire deeper knowledge of each domain of intellectual property (IP).

2. Programme

The event was inaugurated by Mr. O. P. Gupta, Controller General of Patents, Designs and Geographical Indications, Indian Patent Office; he talked elaborately about the major objectives of the Indian National IPR Policy implemented in 2016. He also briefed about several recent initiatives of the Indian Patent office like expedite examination and reduced fees for the patents filed by start-ups in order to promote innovation in the country.

The summer school comprised of 35 IP related topics covered by 28 faculty experts during the 10 days long summer school. Various topics were elaborately explained by eminent speakers from various realms of intellectual property management. The entire summer school was divided into three major tracks namely- lecture series on different aspects of intellectual property rights

and applicative aspects, panel discussions on contemporary issues related to IP as well as group discussions plus interaction among the participants and experts on various broad themes.

3. Lecture series on various aspects of intellectual property

The primary track of the summer school was a lecture series covering IP under three major subjective categories viz. basics of Intellectual Property Rights, Intellectual Property (IP) as a business asset and contemporary global challenges and IP.

3.1. Basics of intellectual property rights

Various speakers from national law universities, law firms and Indian patent office enlightened the participants on the topic of Patents. After a brief overview of patents, a detailed international landscape of patents was discussed. An idea was given about the limitations, exceptions and flexibilities in context of international grant of patents. The practical usefulness of patents and relevant policy perspectives were highlighted with respect to the international patent regime.

Diverse speakers enlightened the participants on International copyrights and recent developments in this field. Various international treaties in this domain were described, compared and contrasted with the Indian copyright system. The participants were also briefed about the exceptions and limitations to copyright and related rights. Some very useful copyright case studies were also discussed. Also, some emerging copyright issues in the digital environment and Indian experience with copyright societies were discussed.

In the trademarks domain, the participants were given the basics of trademarks followed by a detailed lecture on the types and registration of trademarks as well as case studies pertaining to the infringements and abuses of marks on the internet. Moreover, they were also explained about the International trademark landscape as well as Internet Domain Names and Uniform Dispute

Resolution Procedures (UDRP).

Several other eminent speakers gave excellent talks on other forms of intellectual property like trade secrets, plant variety protection, designs and geographical indications. The lecture on trade secrets included various subjects ranging from the historical aspects of trade secret law, its philosophical foundations as well as current Indian trade secret law. There was also a talk on the Protection of Plant Varieties and the International Union for the Protection of New Varieties of Plants (UPOV) Convention, which dealt with the 'sui generis' model of plant variety protection along with other recent developments in this dimension. Also, the basics, registration, trends in design applications, laws and legislations in designs, etc. were covered in an elaborate lecture on 'Designs' in the summer school. The lecture on Geographical indications (GIs) included various topics like, definition of GIs, differences between Geographical indications, indications of source, rules of origin, appellations of origin and trademarks, laws governing GI, protection and rights conferred by GI, etc. Moreover, there was also a general lecture on 'IP enforcement' which covered various points including the framework of IP enforcement in India, strategic considerations, implementation of IP enforcement in India as well as important cases in this regard. This also included an interesting simulation exercise for alternative dispute resolution in IP disputes.

3.2. IP as a business asset

Various eminent speakers also discussed the role of various IP as a business asset. The first lecture in this session was about the 'economics of Intellectual Property'. It included various topics like the economic characteristics of Intellectual Property, diffusion processes for innovation as well as the role and contribution of different IPRs (Patents, trademarks, copyrights) in economic development. There was also a talk on 'IP Valuation and Management', where the speaker talked in detail about the reasons of IP valuation and technology transfer and commercialization process at the National Research Development Corporation, a leading technology transfer organisation in India. Thereafter, there was a talk on issues related to 'copyright licensing'. The speaker discussed various matters like licensing in the music industry, collecting societies, digital rights management, blockchain technology in copyright licensing, etc. Later, there was another lecture on 'transfer of technology and licensing' where the speaker discussed the corporate IP framework, types of IP agreements, types of technology licenses, strategies for technology negotiations, etc. This session also included a simulation exercise (hands-on session) on negotiating technology licensing between two technology firms.

3.3. Contemporary global challenges and intellectual property

Another group of interesting talks addressed various global challenges and their relation to Intellectual Property. The first lecture was about the issues and challenges of IP in climate change and green technologies. In this lecture, various important issues like patenting issues in solar, nuclear and wind energy as well as several suggestions towards better IP management for climate change, etc. were discussed. In another lecture on 'IP and food security', various issues and challenges with reference to IP, agriculture and food security were discussed viz. IPR for protection of genetic resources, internalising IP dimensions in agriculture, farmers' and breeders' rights, IPR and agri-entrepreneurship, etc. The next lecture in this series was on 'IP and competition policy' which gave interesting insights on the role of IP and competition in promoting innovation. Next was a lecture on- 'IP and Biodiversity' where

several issues pertaining to protection of traditional knowledge and traditional cultural expressions were addressed. This lecture elaborated various international treaties, laws and legislations in this dimension as well as steps taken by the Indian govt. to protect our traditional herbal and cultural heritage. Another lecture in this series- 'IP and Biotechnology' highlighted various topics like the patentability criteria for biotechnological inventions, type of inventions in biotech sector as well as facts and figures of biotech patent filings in India.

4. Panel discussions

The summer school also included two interesting panel discussions on topics related to the societal perspectives of IP. The first panel discussion was on the topic – "IP and Public Health: Issues and Challenges" and the panellists in the session were Ms. Leena Meghane (MSF Pharma), Prof. Chandni Raina (Indian Institute of Foreign Trade (IIFT)), Ms. Sunita Sreedharan (SKS Law Associates) as well as Dr. Chitra Anand (Rajeshwari and Associates). Dr. Chitra was the moderator of this session. The panel members discussed various issues like the scope and reach of biomedical innovations, the current role of IP in public health considerations as well as various suggestions towards making existing policies in this dimension more efficient and transparent. The second panel discussion was on the topic - "Traditional Knowledge, Genetic Resources and Traditional Cultural Expressions: Towards a Suitable Protection System" and the panellists were the same as in the previous session; Ms. Sunita Sreedharan was the moderator of this session. The panel and the participants discussed some important issues like the ways of protecting the traditional knowledge and traditional cultural expressions by positive and defensive protection mechanisms, the need to spread the awareness about IP protection of traditional knowledge as well as the significance of government policies on IP protection of traditional knowledge.

5. Group discussions

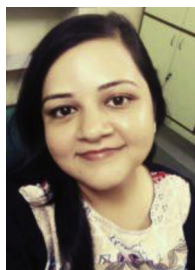
Interactive parallel group discussions were also held as a part of this summer school on four broad themes namely- (a) IP, Entrepreneurship and Small and Medium-Sized Enterprises (SMEs): Best Practices; (b) Copyright in the Digital Age; (c) Patent Valuation (d) Internet and Trademarks. Each group included around 10–12 participants along with a senior subject expert who acted as the moderator for the discussion. Each of the groups discussed the topics thoroughly, prepared a report on the same, under the guidance of the moderator of the group and presented the same during the final session of the summer school.

6. Conclusion

The entire 10-day summer school was thoroughly a knowledge-enriching experience. It covered the basics as well as advanced perspectives of IP. The summer school provided golden opportunities for learning and interaction with the exceptionally esteemed expert speakers from diverse areas of intellectual property management.

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Dr. Bhavisha P. Sheth. Dr. Bhavisha P. Sheth, is currently working as a DST- Science, Technology and Innovation Policy Postdoctoral Fellow at the DST Centre for Policy Research in Science and Technology Entrepreneurship, Entrepreneurship Development Institute of India (EDII). Her current research focusses on Policy research studies of Science and Technology Entrepreneurship. She pursued a PhD in Plant Biotechnology and her thesis was awarded 'the Best Life Sciences PhD Thesis' in the state. During her PhD, she was a recipient of the UGC Junior and Senior Research Fellowships from Govt. of India. She has published 15 papers in national and international journals of high repute as well as presented her research in various conferences in India and abroad.



Prof. S. B. Sareen. Prof. S. B. Sareen is the Faculty & Head, Centre for SMEs & Business Development Services as well as the co-ordinator of DST-Centre for Policy Research in Science and Technology Entrepreneurship, at the Entrepreneurship Development Institute of India (EDII), He is a textile technologist with rich management background. He possesses

over 37 years of teaching, training and consultancy experience in entrepreneurship at both national and international levels. He has also been trained at the Netherlands International Institute for Management (RVB); University of California, Berkeley, USA; University of Texas, Austin, USA and Osaka, Japan on innovation, incubation and science & technology entrepreneurship. He possesses expertise in conducting new enterprise creation, faculty development and capacity building programmes for entrepreneurship development. He has worked in various countries viz. the Netherlands, Bhutan, Mozambique, Jordan, Kuwait, Sri Lanka, Sudan, Vietnam, Malaysia, USA, Japan, Iran, Thailand and Uzbekistan, to name a few.

Bhavisha P. Sheth*, S.B. Sareen
*Centre for Policy Research in Science and Technology
Entrepreneurship, Entrepreneurship Development Institute of India
(EDII), Gandhinagar, Gujarat, India*

* Corresponding author.
E-mail address: bhavisha.sheth@gmail.com (B.P. Sheth).

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