

Intellectual Property advocacy in the fields of:

- IP Infrastructure
- IP Valuation
- M & A
- IP Policy
- Technology Transfer
- Innovation Research
- Patent Law
- Licensing
- Data Management
- Copyright
- Collaborations
- Balance for Rights & Obligations

Private Circulation Only

Editorial...

Where is WTO/ TRIPS, TPP, RCEP headed, with USA (TRUMP) threatening TARIFF War and TRADE (IPR) Wars unilaterally, now being retaliated by China.

Under the TRUMP Administration, USA has already announced TARIFF wars on Steel and Aluminium, totally ignoring the harmonised trade deals under WTO. USA has further escalated the TRADE wars by extending it to IPR, as on March, 2018. The new announcement of 8th March, though directed against China, could hurt India more, especially India is on the DESIGNATED WATCH list and SUPER 301 Report; obviously for all the wrong reasons, including the CL (Compulsory License) on Nexavar in 2012. The much debated TPP (Trans- Pacific Patent) Treaty, which India vehemently opposed, eventually became diluted with USA walking out of the TPP Treaty and the remaining 11 Nations (Australia, Brunei, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore and Vietnam) deciding to go ahead with ratifying the treaty, excluding the IPR subject matter from the ambit of the treaty.

“Intellectual Property” was the “bone of contention” for India for which India was opposing TPP. Now the TPP is coming into force without “IP” being part of it and without USA being a member. Travesty of Justice, indeed, and a Twist in the Tale.

In the meantime, the RCEP (Regional Comprehensive Economic Partnership), which was being pursued by all including India on fast-track also appears to be stalled for all “good” reasons.

Indian NGO’s have been vocal on their apprehensions on the ‘IP’ elements being negotiated under RCEP, it was alleged that India was giving away too much to ‘TRIPs Plus’ demands by Japan and Australia (however, this is far from the truth). But, the current concerns of Indian negotiators as well as Government of India, is now China, who is a member of RCEP, will flood India with Chinese goods, once RCEP concluded. These are valid concerns, China is not at all opening up to India, while flooding India with all types of goods both legal and often, otherwise, of course with support from importers. India appears to be between “the Deep Sea and the Devil”, in its dilemma between USA and China, being at the receiving end, both in International Trade and IP.



Recent threats from the US President on Intellectual Property non-compliance and counter measures thereof, need to be viewed seriously. Of late, India has been “bending over backwards” to accommodate USA to create a favourable climate and terms of trade with no visible reciprocation from USA. Being fair and balanced on Intellectual Property policy and procedures, India needs to stand up to unfair US pressures and tactics.

China is already retaliating strongly against USA, for valid reasons. The action by USA and counteraction by China, is likely to affect both countries adversely. US Farmers are likely to be affected, especially US Soyabean industry, trade worth US\$ 14 Billion exports to China. Chinese Soyabean market is likely to be replaced by South America. Technology transfer between US and China is also impacted affecting Apple, Lenovo and others. Manufacturing industry such as automobile are also affected.

India need to evaluate the trade war scenario to take advantage of the gap in trade opportunities to both USA and China. India has not been prepared domestically to act in an expedited format and “trade war readiness to act speedily” till now. India needs to also go slow on RCEP negotiations and closure of RCEP deal. Sufficient safeguards need to be introduced in RCEP to ensure that China does not flood Indian market with low cost unsafe medicines and pharma raw materials at low tariffs. India needs to visit on quid pro quo balancing deals on pharmaceutical exports to China. India needs to set up a special cell under Commerce Ministry and DIPP as well as DCGI (CDCSO) to respond speedily to global trade war conditions and also to review and redeploy under TPP, RCEP and other global and bilateral deals.

WTO appears to be crumbling under bilateral trade wars, ignoring WTO and forums under WTO altogether. India needs to take stock of IPR related bilateral threats also in the current scenario.



IPR OPPORTUNITIES IN WTO/ TRIPS EXTENSION OF EXEMPTIONS TO THIRD WORLD

WTO (TRIPS) extension of exemption “Patents for Public Health”, up to 2033 in LDC countries need to be opportunistically exploited by India. Countries like Myanmar and Bangladesh who are India’s neighbours offer opportunity to Indian Pharmaceutical Industry to set up “Pharmaceutical Industry Clusters” for manufacturing patented drugs for export to third world (LDC) countries. China has already announced setting up of “Industrial Park” in Chittagong, Bangladesh. India has lost an opportunity to encash our good relationship with Bangladesh for setting up a ‘Pharmapark’ for Indian Pharmaceutical Industry. India should move speedily for setting up “Pharma Industry Cluster” in Myanmar, from where patented drugs can be exported to third world countries, by Indian Pharmaceutical Manufacturers.

Copyright Registration

Copyright Registration is now held mandatory for filing copyright infringement suits, as per Judgement of the Bombay High Court.

Click to follow link:

<https://spicyip.com/2018/04/in-a-deeply-problematic-2012-judgment-bombay-high-court-held-that-copyright-registration-is-mandatory-for-maintaining-an-action-for-infringement.html>

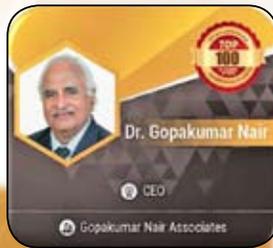
Plagiarism is now a punishable offence



Click to follow link:

<https://www.hindustantimes.com/education/teachers-to-lose-jobs-students-their-registrations-if-found-guilty-of-plagiarism/story-mb4ux5npLseZNTIGQYzkGP.html>

Dr. Gopakumar G. Nair, CEO of Gopakumar Nair Associates recognised among Top 100 IP Leaders of India



Indian Drugs Annual Day, 2018

55th 'Indian Drugs' Annual Day was celebrated at IIT, Bombay on 22nd February 2018. The proceedings thereof and the PowerPoint presentation made by Dr.B.Suresh, Vice Chancellor, JSS Academy of higher Education and Research, Mysore and President, Pharmacy Council of India, New Delhi on "Industry Institution Interaction – The Way Forward" as well as the PowerPoint presentation made by Prof.Rinti Banerjee of IIT on "WRC for Bio-engineering and Smart Platforms for Drug Delivery", are available in the March, 2018 Issue (03) Vol. 55of Indian Drugs. *(Copies can be made available on request)*

Snapshots & News

API – Indian initiatives for reviving the API/ Bulk production in India received a boost by recognising CSIR- IICT as a nodal institute for technology development with Dr. S. Chandrasekhar, Director, CSIR- IICT as a single point contact. IDMA held a meeting with IICT, where the Director Dr. S. Chandrasekhar made a very lucid presentation. The PowerPoint is available on 15-21 March 2018 Edition of IDMA Bulletin (copies available on request). Dr. Y K Hamied (Cipla) made valuable contributions and suggestions.

Innovation

Technology Development Fund (TDF) Scheme

BUILDING ECO-SYSTEM FOR ENHANCING CUTTING EDGE TECHNOLOGY CAPABILITY FOR DEFENCE MANUFACTURING

ABOUT THE PROGRAMME

Technology Development Fund (TDF) has been established to promote self-reliance in Defence Technology as a part of the 'Make in India' initiative. It is a programme of MoD (Ministry of Defence) executed by DRDO meeting the requirements of Tri-Services, Defence Production and DRDO.

ELIGIBILITY

Public limited company, private limited company, partnership firms, limited liability partnership, one person company, sole proprietorship registered as per applicable.

The industry has to be owned and controlled by Indian Citizen Industry with excess of 40% foreign investment will not be eligible.

EOIs invited under Technology Development Fund (TDF) Cycle 2

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FUNDING SUPPORT

- I. The funding will be through provision of grants to industry.
- II. Up to 100% funding may be considered on case to case basis.
- III. The work involvement of academia cannot exceed 40% of the total projects cost.
- IV. Fund release : Other advance against the bank guarantee of the same amount as collateral or reimbursement basis on completion of Milestone.
- V. The project cost up to INR 10 Cr be considered for funding subject to maximum of 90% of the total project cost in general.
- VI. Industry may work in collaboration with academia or research institutions.
- VII. The funding is linked with Milestones.
- VIII. Subsequent instalments will be released on successful completion of Milestone.

For registrations, contact

Defence Research and Development Organisation (DRDO)
 Director FTM and TDF
 E: ftm@drdo.in, drdo@drdo.gov.in
 Global Innovation & Technology Alliance (GITA)
 Mr. Nilesh Patel E: nilesh.patel@gita.org.in
 Ms. Deepamita Mukherjee E: deepamita.mukherjee@gita.org.in

or log on to www.tdf.drdo.gov.in

Click to follow link: <https://tdf.drdo.gov.in/>

India Intellectual Property Convention

India IP and WIPO Awards on Intellectual Property day on World IP day on 26th April, 2018 at Le Meridien, New Delhi.



Click here to follow:

<http://www.cii.in/EventsDetails.aspx?enc=eo18/j+aJMWXCXiMZZAdo9GLXZN6PKQaMwYvlgLRV5PLYr2AY7JNSKTveNOUNjwX7GAL5uSYXnUftUGmAlGyIC9eloifCnd5Nma6kHx3F18zP0mtj51UbsrmY7UMfp55IKbxgyBXzJBvgRppKPH9vUJySAz/MVbVGmE39X+n+izyojj2sM/I3LP+c0t0plabhyiAGC0rP6At5S5PX0gUw==>

Two week International Training Program

The logos of the three organizing institutions: WIPO (World Intellectual Property Organization), Intellectual Property India (Patents | Designs | Trade Marks | Geographical Indications), and National Law University Nagpur (NLU).

Announcement of Two Week WIPO-INIDA Summer School on Intellectual Property (IP)

WIPO Academy, the Rajiv Gandhi National Institute of IP Management, Nagpur (RGNIPM) and the Maharashtra National Law University Nagpur (MNLUN), hosting of a WIPO-INDIA Summer School in Nagpur, India from 2 July to 13 July 2018. The Summer School program provides an opportunity to senior students and young professionals to acquire deeper knowledge of each domain of intellectual property (IP) and of the role and functions of WIPO. The program consists of lectures, case studies, simulation exercises and group discussions on selected IP topics, with an orientation towards the interface between IP and other disciplines. A certificate of participation is awarded to participants who successfully complete the program requirements.

BASIC INFORMATION

Venue: Rajiv Gandhi National Institute of IP Management, Nagpur (RGNIPM) and the Maharashtra National Law University Nagpur (MNLUN).

Registration date : 22 March to 15 May 2018

Payment date : 21 May to 15 June 2018

Training Course date: 2 July to 13 July 2018

Language : English

Tutored : Yes & Inhouse

Certificate : Yes

Course Administrator: summerschool.india@wipo.int

Click here to follow: <http://ipindia.gov.in/rgniipm.htm>