

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

Editorial...

India's economic growth, domestic manufacturing impetus as well as job creation data are not very encouraging in spite of very interesting slogans and catchy headlines, such as "digital India", "make in India", "Start-up India", so on and so forth. These sincere and well-meaning efforts cannot succeed unless drastic cleaning up of the erstwhile mess from the previous government and the enormous baggage of nepotism-based and NGO-influenced policies are revised, reviewed and reversed. One such area is excessive action and misdirected enforcements under Biodiversity Act. The Convention on Biodiversity was envisaged in the early 1990's on a global level to provide benefit sharing to communities who own traditional knowledge resources and to prevent over exploitation of naturally available resources which could lead to endangering and extinction of species through excessive wanton exploitation. In short, sustainable development, of flora and fauna, the natural resources of a community, with benefit sharing wherever local communities contribute to the eco-system through traditional sustainable development, and benefit sharing in return for such contribution from traditional communities, is the objective of CBD.

(Contd. on pg.2)

Dear All,

This is the 9th year of the Anjani Mashelkar Inclusive Innovation Award that I had set up in the memory of my late mother, who always persuaded me to use science and technology for the benefit of all – especially the disadvantaged.

We have had great winners in the previous years who used high technology to solve pressing problems. More information is available on the [Anjani Mashelkar Foundation website \(http://mashelkarfoundation.org/awards/inclusive-innovation/\)](http://mashelkarfoundation.org/awards/inclusive-innovation/).

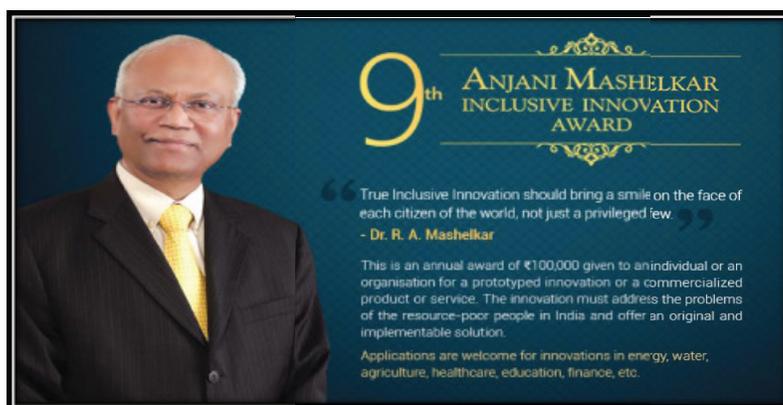
I will deeply appreciate any help in getting this message to potentially deserving candidates so that they may apply.

Warm personal regards,

R. A. Mashelkar

Website: [Anjani Mashelkar Foundation website](http://mashelkarfoundation.org/)

Form submission link: <http://mashelkarfoundation.org/innovation-award-form/>



(Contd. from pg.1)

In the 1990's, when the Convention on Biological Diversity (CBD) was signed, the objective was conservation of biological diversity (Biodiversity), the sustainable use of its components and the fair and equitable sharing of benefits arising from genetic resources. The objective of Biodiversity Convention, the fair and equitable sharing of benefits arising out of the utilization of genetic resources, became the agenda of Nagoya Protocol which was adopted in 2010 entered into force in 2014, effective 90 days from the date of the 50th ratification. 50 countries having ratified, the Nagoya Protocol on access to genetic resources and the fair and equitable sharing of benefits arising from their utilization (ABS) to the convention on Biological Diversity, has come into legal existences as on date.

However, India in all its, overenthusiasm and "Don-Quixote" mentality passed the "Biodiversity Act" in 2002 and notified the "Biodiversity Rules" in 2004. The Indian Biodiversity Act is grossly at variance with the original objectives of the convention (CBD and is horribly at variance in operation with the provisions of the Nagoya Protocol). To start with, the definitions themselves are at variance, some of them, simply "howlers", For example the definition of value-added products 2(p) (THE BIO DIVERSITY ACT, 2002) need to be as follows

2(p): "value added products" means products which may contain portions or extracts of plants and animals in unrecognizable and physically inseparable form.

A person of common sense or average intelligence could see the hollowness, bias or nepotism objectives in this definition. When DNA fingerprinting, advanced spectroscopic, chromatographic and digitally expressed analytical techniques are widely in use in industry and scientific community for identification, characterisation and even quantitative analysis of components, to grant value added status only on the basis of – "containing portions for extracts of plants and animals in unrecognizable and physically inseparable form" is a "howler" if not bordering on ignorance. Further among various provisions which are conforming to CBD and ABS, the Biodiversity Rules 2004, notified in advance of the Nagoya Protocol is being enforced ruthlessly by extortion of contributions for benefit sharing with irregular and improper guidelines and action plans for actual passing off the benefit sharing, to the community but totally in variance and often in contravention of the original objectives of CBD and ABS.

Further, the definition of a body corporate, association of organization as per Indian Biodiversity Act, 2002, reads as follows.

3c(ii)" Incorporated or registered in India under any law for the time being in force which has any non-Indian participation in its share capital or management"

It is surprising or even shocking that in today's economic scenario of liberal investment norms, even if a 'single share' in a corporate is held by an overseas person or entity, the corporate entity becomes a "non-Indian". This is almost reprehensible and not compliant with other corporate laws of the land.

In response to various representation made from time to time, the percentage of contributions for use of genetic resources have been brought down recently through the "Guidelines on access to Biological Resources and Associated Knowledge and Equitable sharing of Benefits Regulations, 2019". While this is a welcome gesture, much more need to be done by revising the Biodiversity – Act, 2002. The Biodiversity Rules, 2004 and the procedural forms and agreements trusts upon self cultivative users and users of food wastes and common consumer products.

Further these guidelines provide for revised, user-friendly, "percentage" contributions made more practical in response to public outcry and representations, even though the rest of the areas in implementation continues to be against the letter and spirit of the CBD, ABS and even the Indian Biodiversity Act, itself.

The procedural actions of enforcement of the Act by the National Biodiversity Authority continues to be arbitrary and unjustifiable. Utilization of self – cultivated 100% self-generated resources are also being taxed (contributions demanded) by NBA. Industrial and food wastes which could otherwise contribute to solid or liquid pollution are also being subjected to demand for contribution. Standard food products such as starch, gelatin and castor oil (for exports), ayurvedic medicines are all being "extracted" for contribution for benefit sharing. Controls and contributions on genetic material collected from nature by communities, and the traditional knowledge-based collection of endangered species are welcome. Traditional Knowledge based resources are also to be subjected to benefit sharing contributions. However, the current approach to claim contribution across the board is unfair.

If India is being denied access to India's own genetic resources for industrial and commercial utilization and patent protection, India's economic and industrial growth will seriously get impacted, restricted and stunted. *(Editorial Concluded)*



CIPROM/GNA's feel proud that the Honourable Finance Minister Smt. Nirmala Sitharaman has emphasised the need for innovation as a fundamental duty. We have been advocating for this under Article.51 of Directive Principles.

UGC APPROVES STRIDE TO BOOST RESEARCH PROJECTS IN INDIA

STRIDE shall support research capacity building as well as basic, applied and transformational action research that can contribute to the national interest.

The University Grants Commission (UGC) has approved a new scheme - 'Scheme for Trans-disciplinary Research for India's Developing Economy' (STRIDE). Broadly, STRIDE will provide support to research projects that are socially relevant, locally need-based, nationally important and globally significant. STRIDE shall support research capacity building as well as basic, applied and transformational action research that can contribute to the national interest. STRIDE shall support creation, development, and integration of new ideas, concepts, and practices for the public good and strengthening civil society.

Read more at: <https://www.indiatoday.in/education-today/news/story/ugc-approves-stride-to-boost-research-projects-in-india-1559794-2019-07-01>



Dr. Gopakumar.G. Nair addressing the audience at Controlled Release Society (India chapter) on 6th July 2019.



15th BATCH OF PATENT GURUKUL COMPLETED ON 30th JUNE CERTIFICATE CONFERRING CEREMONY



3RD Dr. H.P. TIPNIS Memorial Lecture by Prof. Dr.M.M.Sharma at Bombay College of Pharmacy.

INDIA PROTECTS DRUG, AGRICULTURE BUSINESS AT RCEP



Mumbai: In what is being seen as major victory for India and other developing countries, three harmful provisions concerning pharmaceuticals and agriculture- which were part of Regional Comprehensive Economic (RCEP) free trade agreement- have been withdrawn. The provisions were taken off the negotiating table after India took the leadership role in arguing against provisions of patent term extensions and data exclusivity, which would impact public health and access to affordable medicines in developing countries by creating monopolies, official sources confirmed to TOI. The other significant provisions relate to a tighter Intellectual Property (IP) regime on seed and planting materials – potentially detrimental for the country’s agriculture sector. The “stringent IP provisions” have been stumbling blocks for a while, with India arguing for these to be taken out of the agreement, a person close to the negotiations said. Billed as the biggest trade agreement, negotiations RCEP have reached a crucial stage as representatives from 16 countries are in Melbourne for the last few days, aiming to close the deal by year end. If concluded, RCEP would be the world largest trading bloc – home to nearly 50% of the global population, and around 30% of global trade.

Initiated in 2012, it covers 10 Asian countries (Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar, Philippines, Singapore, Thailand and Vietnam) and trading partners Australia, China, India, Japan, Korea and New Zealand.

The provisions, if adopted, would have led to domestic pharma companies not being able to launch or export affordable life – saving drugs across the world. While in the agriculture sector, farmers would lose the right to save or sell seeds or the harvested produce from plant varieties that have been granted intellectual property.

Read more at:

http://timesofindia.indiatimes.com/articleshow/70016068.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst