

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

For Private Circulation Only



Wishing you all happiness, health, prosperity and peace beginning this Christmas and in the coming New Year

Editorial

While wishing all the Patrons of CIPROM, we have every reason to feel happy and proud that we are part of this transition phase from a technology import dependent country to a technology developer and innovation-based commercialization-oriented Nation and a community of highly skilled scientific professionals.

India had already proved its proficiency as the “Pharmacy of the World” through its contribution to affordable access campaign of generics, globally. In recent times, India has added one more feather to its crown - by emerging as the largest producer of vaccines globally for combating the recent Covid pandemic. Serum Institute of India (SII’s Covishield), Bharat Biotech (Covaxin) and the Sputnik vaccines along with others in the pipeline have added glory to India’s vaccine arsenal. The recent announcement that Stelis (Strides Group) has commenced production and export of Sputnik vaccine having received regulatory approval for global contribution from India is heartening. We congratulate Strides Group and Stelis for this exciting foray into the vaccine field.

Government of India in recent times has been bestowing their trust and confidence on Indian pharmaceutical industry in large measures. The Union Minister for Health & Family Welfare, Dr. Mansukh Mandaviya, has evinced keen interest in promoting innovative research in the field of pharmaceuticals, biotechnology and vaccine industry from India. We hope that this initiative will lead to high productivity and exciting innovations from Indian pharmaceutical industry and the academic environs in large measures.

We, from CIPROM, wish all success to innovative research in and from India in the coming years, commencing from 2022.



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The Biological Diversity (Amendment) Bill, 2021

The Biological Diversity (Amendment) Bill, 2021, inter alia, seeks to—

- (i) reduce the pressure on wild medicinal plants by encouraging cultivation of medicinal plants;
- (ii) encourage Indian system of medicine;
- (iii) facilitate fast-tracking of research, patent application process, transfer of research results while utilising the biological resources available in India without compromising the objectives of United Nation Convention on Biological Diversity and its Nagoya Protocol;
- (iv) decriminalise certain provisions;
- (v) bring more foreign investments in the chain of biological resources, including research, patent and commercial utilisation, without compromising the national interest

Source: http://164.100.47.4/BillsTexts/LSBillTexts/Asintroduced/158_2021_LS_Eng.pdf

WIPO Global Awards

WIPO's Global Awards program recognizes exceptional enterprises and individuals using intellectual property (IP) to make a positive impact - both at home and beyond their own borders.

The competition is open to SMEs worldwide. Pursuant to the definition of the World Bank, SMEs are those “enterprises that encompass up to 300 employees and up to 15 US\$ millions of total annual sales”.

- 1. Open for Submissions:** December 15, 2021
- 2. Submissions closing:** March 14, 2022
- 3. Jury meeting:** June 2022
- 4. Ceremony:** July 2022

Source: <https://www.wipo.int/global-awards/en/index.html>



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AI cannot be the inventor of a patent, appeals court rules

At its core, the argument is about whether a law written for human inventors can be applied to machines. The appeal court ruled against Stephen Thaler, creator of a system called Dabus, who took a case against the UK's Intellectual Property Office (IPO), which refused patents to his AI. Earlier this month, Mr Thaler lost a similar case in the United States - although he has won elsewhere.

Source: <https://www.bbc.com/news/technology-58668534>

Key Highlights of the Draft Rules Governing Patent Suits, 2021

The Delhi High Court has witnessed a surge in the number of patent infringement actions filed before it across various scientific and technological fields including pharmaceuticals, diagnostics, mechanical engineering, telecommunications, electrical /electronics, wind technology etc, since the past 10-15 years.

In a bid to address the growing complexities concerning patent suits and actions, the Delhi High Court vide its notification dated 10th December, 2021 published the Rules governing Patent Suits, 2021 in the public domain.

Source: <https://www.lexology.com/library/detail.aspx?g=077b3914-16f9-431a-abd4-dba757fd25f3>

Public Comments Welcome on Draft Policy Statement on Licensing Negotiations and Remedies for Standards-Essential Patents Subject to F/RAND Commitments

The Department of Justice has announced that it is requesting public comment on a new draft policy statement concerning standards-essential patents (SEPs) that seeks to promote good-faith licensing negotiations and addresses the scope of remedies available to patent owners that have agreed to license their essential technologies on reasonable and non-discriminatory or fair, reasonable, and non-discriminatory (F/RAND) terms. The Justice Department worked with U.S. Patent and Trademark Office (USPTO) and the National Institute of Standards and Technology (NIST) in responding to President Biden's recent Executive Order on Promoting Competition in the American Economy, which encouraged the agencies to review the 2019 Policy Statement on Remedies for Standards-Essential Patents Subject to Voluntary F/RAND Commitments to ensure that it adequately promoted competition

Source: <https://www.justice.gov/opa/pr/public-comments-welcome-draft-policy-statement-licensing-negotiations-and-remedies-standards>



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WHO and MPP announce the first transparent, global, non-exclusive licence for a COVID-19 technology

WHO's COVID-19 Technology Access Pool (C-TAP) and the Medicines Patent Pool (MPP) today finalized a licensing agreement with the Spanish National Research Council (CSIC) for a COVID-19 serological antibody technology. The test effectively checks for the presence of anti-SARS-CoV-2 antibodies developed either in response to a COVID-19 infection or to a vaccine. This represents the first transparent, global, non-exclusive licence for a COVID-19 health tool, and the first test licence signed by MPP and included in the WHO Pool.

Source: <https://www.who.int/news/item/23-11-2021-who-and-mpp-announce-the-first-transparent-global-non-exclusive-licence-for-a-covid-19-technology>

“Producer is the owner of copyright in a cinematograph film-Madras High Court reaffirms”

The Division Bench of the Hon'ble Madras High Court dismissed the Appeal filed by the Appellant/Plaintiff seeking grant of an injunction for Copyright infringement against the Respondents/ Defendants with respect to the remake rights of the film, 'Vaalee' ('the film'). The judgment revisits and reaffirms the law on first ownership of cinematograph films.

The Hon'ble Court held that Appellant/Plaintiff was not able to show prima facie to establish its case of Copyright ownership over the film. Merely because the producer gave credits to the Appellant as the author of the screenplay and dialogue, does not entitle the Appellant to claim ownership of Copyright over the film's screenplay etc. The Courts also took note of the Appellant's failure to place on record any agreement/contract that assigned his rights over the film's screenplay. Therefore, the plea sought by the Appellant/Plaintiff for interim relief of injunction was dismissed by the Courts.

Source: <https://www.lexology.com/library/detail.aspx?g=d41e3cf7-baf0-4b8c-87dc-a095ac23e859>

