



# WTO-IPR Bulletin

G.B. Pant University of Agriculture & Technology, Pantnagar, Uttarakhand - 263145



## From the Vice-Chancellor's Desk

The year 2016 has ushered in four developments of immense significance for the University; first, a Mega-conference on Hill Agriculture, second, a National Symposium addressing Zoonotic Diseases, third, a National Workshop on Agricultural Journalism and fourth, Cabinet Approval of the National Intellectual Property Rights (IPR) policy.

Let us take a look at the first development i.e. Mega conference. Located in the foot hills of Himalayas, with its lush green surroundings, the G.B. Pant University is always conscious of its greenery and also its responsibility to the people of Hill areas in general and those of Uttarakhand in particular. Charged with this feeling the University organised the Mega conference viz., 'Hill Agriculture in Perspective' from 26<sup>th</sup> to 28<sup>th</sup> February 2016 at its campus. This was a major watershed in terms of coverage of issues and participation of scientists of various States of the Indian Union situated in the Himalayas, right from Jammu & Kashmir in the west to Manipur in the east. The conference addressed eight areas viz., (i.) Marketing & Trade (ii.) Temperate fruits, flowers & vegetable crops (iii.) Live stock improvement (iv.) Drudgery Reduction (v.) Processing & value addition (vi.) Soil & water conservation (vii.) Improvement of Potential crops and (viii.) Mid & High Altitude Fishery Development. In Himalayan hills, landholdings being small and terrain totally inhospitable to agriculture, the conference deliberated on each of these topics threadbare and came up with recommendations in terms of (i) researchable issues (ii) developmental issues and (iii) policy issues.

Second, a National Symposium on "One Health Initiative to foster Intersectoral Collaboration for Human and Animal Health" was organized by the University during April 26-28, 2016. Recognizing that human, animal and environmental health is inextricably linked, the 'One Health Initiative' seeks to promote and protect the health and well-being of all by enhancing inter-sectoral cooperation and collaboration. In an agriculture based country like India where majority of the human population lives in the close contact with live-stock, this becomes even more pertinent. Intensive animal husbandry practices are considered to be the major source of zoonotic pathogens to humans and a comprehensive approach to fight these pathogens is essentially required. It is worth to mention that 65-70% of emerging infectious pathogens are zoonotic in nature. The recent Ebola epidemic and numerous human deaths due to rabies highlight the strong inseparable links among the health of human, animal and environment. This dependency on each other calls for multi-sectoral approaches illustrated through the "One Health Concept". While One Health Initiative has now become a global strategy for collaborative multidisciplinary efforts to ensure optimal human, animal and environmental health, the university has decided to emphasize this concept in its programmes of teaching, research and extension education.

Third, the University took initiative to organize a National Workshop on Agricultural Journalism on 7-8 May, 2016 in which veteran experts and media persons from all across the country participated and discussed challenges, futuristic roles and roadmap of agricultural journalism in the country for agricultural and rural development. The workshop provided a ray of hope to dying spirit of agricultural journalism in mainstream media in which strong and useful recommendations appeared for media houses, state agricultural universities, ICAR and other policy-framing bodies, and Central and State Governments. The workshop covered print media, electronic media, alternative media as well as grassroot media as their concern with focus to the agricultural and rural development of the country. Multitude of issues was brought to forefront through the two day churning process such as reasons of marginalisation of agricultural journalism from mainstream media, ways to enhance writing skills for developmental reporting, issues related to farm journalism, change in Plans and Policies related to agriculture extension, agricultural journalism via participatory methods, role of agricultural universities and other institutes in fostering the growth of agricultural journalism, etc. All delegates gave their valuable inputs and suggestions to carve out a new pathway for reinvigorating the journey of agricultural journalism. All outcomes, plans and strategies have been compiled for wider circulation and action.

The fourth development, at Government of India viz., Cabinet Approval of the National Intellectual Property Rights (IPR) policy deserves appreciation by the entire scientific community, as it has brought in to sharp focus the significance of intellectual properties and the commitment of the Government of India to promote entrepreneurship and competition, establish appropriate administrative and management framework and legal and legislative framework, support commercialization of intellectual properties and also appreciate their role in human capital development. No wonder there is euphoria all over India, in the press and media on the Cabinet Approval of National IPR Policy.

Fortunately, this University has already taken initiatives in IPRs and this should be noted with satisfaction by one and all. A structural intervention was made on the 24<sup>th</sup> June, 2015 by creating a new outfit viz., Intellectual Property Management Centre (IPMC) in PCPGR Building. This unit is active in creating awareness among faculty members and post graduate students about various IPRs and also about the nuts and bolts of patenting system. This initiative of the University has started yielding results. The University has already started filing applications for patents on its own, a brief account of which has been presented in this issue separately. The IPMC has also been associated for creating awareness among farmers, particularly about the significance of Farmers' Varieties in various districts of Uttarakhand.

The PG students have started compiling their synopses on the basis of 'Patent Search report; Professors and P.G. Students have started approaching the IPMC for patenting of their inventions. I note with great satisfaction that the Cabinet Approval of the National IPR Policy is now in place, as this will give further boost to our initiative for IPRs at the University.

**(Mangala Rai)**  
**Vice-Chancellor**

## II. INTERNATIONAL

### 1. World Trade Report 2015

The WTO has released its annual report. The report focuses on speeding up trade in the context of benefits and challenges of implementing the WTO Trade Facilitation Agreement.

The WTO Trade Facilitation Agreement (TFA), which was agreed by WTO members at the Ministerial Conference in Bali in December 2013, is the first multilateral trade agreement concluded since the establishment of the WTO in 1995. The 2015 World Trade Report is the first detailed study of the potential impacts of the TFA based on a full analysis of the final agreement text.

The Report's findings are consistent with existing studies on the scale of potential benefits from trade facilitation, but it goes further by identifying and examining in detail a range of other benefits from the TFA. These include diversification of exports from developing countries and least-developed countries to include new products and partners, increased involvement of these countries in global value chains, expanded participation of small and medium-sized enterprises in international trade, increased foreign direct investment, greater revenue collection and reduced incidence of corruption.

The Report also looks into the challenges of implementing the Trade Facilitation Agreement and examines how a new facility, launched in 2014 by WTO Director-General Roberto Azevêdo, will provide support to help developing countries implement the Agreement.

### 2. Apple Runs into IPR Hurdle with 'Split View'

Apple Inc, famous for ferociously protecting its design and other IP rights, has been caught in a legal wrangle in India. The Delhi High Court has directed the US tech giant not to use the name 'SplitView' in any of its products or services such as iPad, iPhone or iOS operating system after a little known Delhi-based software company Vyoooh moved court, alleging trademark violation.

Vyoooh, a vendor for Microsoft, has claimed that it developed a similar software a decade ago in 2006. Splitsview has been a popular software that allows users to simultaneously work on multiple windows on the user's single computer screen. Apple has recently introduced an identical feature with even the same name, but has tweaked the user interface, the company claimed. Vyoooh LLP and its promoter Rohit Singh had approached the court, alleging that they have developed the software programme which sold under the trademark 'SplitView'.

The company's lawyers have objected to Apple using the same name as the software doesn't have its patent. The US Company has appealed against the decision. When contacted, by the people familiar with the issue Shwetaree Majumder of Fidus Law Chambers, the firm representing Vyoooh LLP in the case, confirmed the High Court order.

# III. NATIONAL

## 1. Euphoria on National IPR Policy in the Press

There has been a kind of euphoria in Indian Press on the Cabinet Approval of National IPR policy. Here are excerpts from a few news papers.

### 1.1 Innovation-Friendly IPR policy gets Cabinet nod

Business Standard May 14, 2016

The Cabinet has approved an intellectual property rights policy aimed at strengthening the regime and improving infrastructure.

The policy, a long time in the making, names the Department of Industrial Policy and Promotion (DIPP) under the Commerce Ministry as the nodal body for the government's IPR push.

The policy would act as a road map to coalesce existing laws, DIPP Secretary Ramesh Abhishek said. Accordingly, administration of the Copyright Act, 1957, and the Semiconductor Integrated Circuits Layout-Design Act, 2000, have been brought under DIPP. A cell in DIPP will facilitate creation and commercialisation of IP assets.

The policy aims to increase IPR outreach, speed up approvals, enhance commercialisation, and enforce norms, Finance Minister Shri Arun Jaitley said on Friday.

Customising IPR programmes for various sectors and reaching out to traditional knowledge holders will be focus areas. A baseline IP audit has been suggested as has been making IPR a compulsory part of the curriculum at major national institutes. The need for a national research institute on IPR has also been made out.

The policy said India should develop indigenous products to offset growing foreign dependence, like that on active pharmaceutical ingredients imports from China. The policy seeks a stronger institutional monitoring mechanism and suggests cells at the state level to curb IP offences. The DIPP aims to lower the average time for clearing pending IPR applications to 18 months from 5-7 years. This involves bringing down the time for registering trademarks from 13 months at present to one month by 2017. Commerce ministry data showed more than 2,37,000 patents were pending approval.

The US pegs losses from piracy of music and movies in India at approximately \$4 billion per year and the commercial value of unlicensed software at \$3 billion. India claims that the US is trying to pressure it to enhance IPR protection beyond the Trade-Related Aspects of Intellectual Property Rights (TRIPS) agreement that sets minimum standards for forms of IP regulations for WTO members. The Finance Minister Shri Jaitley said all aspects of the policy were compliant with global norms. The US also criticises specific provisions on drugs in India's patent laws. Shri Jaitley said Section 3 (d) of the Patents Act, which stopped evergreening of patents, would remain.

### 1.2 IPR policy to ensure patents don't hit affordability of life-saving drugs: Finance Minister

Times of India 16 May, 2016

The Government on Friday put in place the country's first National Intellectual Property Rights (IPR) policy to encourage innovation but defended Indian laws, arguing that current provisions were meant to ensure that monopoly rights through a patent did not impact affordability of medicines.

Finance minister Shri Arun Jaitley, who unveiled the policy after getting clearance from the Union cabinet, said the process to register a trademark may take only a month from next year. He said the government will have to undertake a major upgrade to meet the targets set in the policy which comes with the tagline 'Creative India: Innovative India'.

"The objective behind the IPR policy is quite clear; when there are new inventions, when there is growth in trade, commerce and industry, an IPR must be there to protect them," Shri Jaitley said, adding that none of the laws would need to be amended because of the new policy.

The announcement would come as a relief to a section of the civil society, which feared that the government was looking to dilute the laws under pressure from the US.

But the government decided to allay the fears, suggesting that India was using flexibility available under WTO's TRIPS Agreement to decide its policy. "We do believe that the balancing act which India has struck is responsible for life-saving drugs available at a reasonable cost in India compared to rest of the world. So, our model seems to be both legal, equitable and WTO-compliant."

Referring to flexibility in patents for drugs, the Finance Minister added: "We need this so that costs of medicines don't get affected because patents may give rise to a monopolistic situation; hence a balancing act is needed." At the same time, he said that the Government had resorted to the use of compulsory licensing provisions — which allows for allowing a non-patent holder to manufacture a product in public and national interest. He also defended the provision in the Indian Patents Act, which allowed authorities to deny patents in case of ever-greening, which refers to minor tweaks.

Big Pharma and the US have been putting pressure on India to ease the rules, arguing that the latest medicines were not entering the market due to lack of protection.

### **1.3 Govt Nod to National IPR Policy, Retains Compulsory Licensing**

Economic Times 14<sup>th</sup> May, 2016

The Government of India has approved a new IPR policy that seeks to encourage innovation and improve access to healthcare, food security and environmental protection.

The National Intellectual Property Rights Policy will allow compulsory licensing with restrictions in case of a public health emergency such as epidemics and it is compliant with the World Trade Organization's guidelines, Finance Minister Shri Arun Jaitley said on Friday. "Every country is entitled to defend its economic interests...monopolies are loved by those who own them. Ours is a balanced approach, taking into account inventability, innovation and public health," Shri Jaitley told media persons. He was responding to a question over concerns the US had raised over India's IP laws. As per Section 3(d) of Indian Patent Act 1970 marginal alterations would not entitle a company to a new patent.

"The policy recognises that India has a well-established TRIPS-compliant legislative, administrative and judicial framework to safeguard IPRs, which meets its international obligations while utilising the flexibilities provided in the international regime to address its developmental concerns," an official statement of the Government of India said.

The Government has also expanded the scope of the copyright law with the inclusion of music, cinema and industrial drawing, and made the Department of Industrial Policy and Promotion (DIPP) the nodal ministry in the matter. "An IPR cell would be created in every govt. dept. and state govt. to coordinate with DIPP for IPR policy implementation... Approval of national IPR

policy will enable coordinated action to foster creativity & innovation and also promote entrepreneurship," DIPP secretary Ramesh Abhishek said in a tweet on Friday.

The Government has set a target to bring down trademark registration to one month by 2017. For the same, one of the objectives of the IPR policy is to "strengthen and expand human resources, institutions and capacities for teaching, training, research and skill building in IPRs", the statement said.

"It is a very progressive policy...the fact that government has said it would revisit IP laws is a good sign in these times of changing technology.

Supporting the idea of clean and green technology from developed countries is good step," said R Saha, advisor, IPR, at industry body Confederation of Indian Industry. India's pharma industry while lauding the policy has expressed concerns over the likely changes to be made to the IPR regime in keeping with global trends.

The Finance Minister Shri Jaitley said that the Policy is fair and impartial. "We do believe that the balancing act which India has struck is responsible for life-saving drugs available at a reasonable cost in India compared to the rest of the world. So, our model seems to be both legal, equitable and WTO compliant,"

## 2. Genetic Engineering must for Indian IT

The hope that Indian Information Technology Sector, which brings in around \$150 billion of exports, will make up for the fall in merchandise exports needs a reality check. Our IT companies fared miserably last year, though a few show some signs of life in the last quarter of 2015-16, which ended in March.

Our largest software company, TCS, saw net profits jump in the quarter, but investors might shrug off this gain after a US court slapped a near-\$10 million penalty on it for alleged 'theft' of proprietary software from an American company, Epic. TCS is focused on volume — or market share — rather than margins. Apart from its Epic fight, this could become a drag on profitability and shareholder value.

Rival Infosys has beaten profit forecasts after a very long time. But the best news for the company is that under a new management headed by Vishal Sikka, it has managed to stanch talent bleeding: in one year, attrition has come down from 22.3% to 17.3%. This is crucial, because IT companies live or die by brains, and a company headed downhill will lose its smartest minds faster to rivals. Wipro has underperformed, according to analysts.

But the main bug in the software story is this: Nasscom, the IT lobby, had forecast dollar revenue growth to 12.3% in 2015-16. In reality, the number posted by companies ranges between 7% and 9%. The companies can blame recession in the West to placate shareholders. Or they can try and reinvent themselves for a more challenging future. The latter will require acquiring skills and talent beyond the IIT-IIM spectrum. The future of IT depends more on creativity than routine coding. These companies need to hire creative people from all disciplines, not just conventional managers of routine code writers. Big data, fintech and augmented reality call for new talent (This is an editorial comment from Economic Times).

### 3. Forty Foreign Organizations Get Indian patents using Desi plants

While India has been fighting against patents to foreign firms for products made using traditional Indian plants, the Indian patent office has granted 40 such patents to foreign entities. According to information from the Ministry of Commerce and Industry, the patents range from pharmaceutical compositions to inhibit growth of cancer cells to a method for prevention or curative of pollen allergy, all using medicinal plants found in India.

Firms and institutes from the US (10) and China (9) bagged nearly 50% of the 40 patents, while those from 13 other countries including Germany, Japan, the UK, Italy and The Netherlands accounted for the remaining 21 patents.

Since 2009 India has been fighting at several international patent offices to deny patents to foreigners making products using such plants. A Traditional Knowledge Digital Library (TKDL) has also been created to document several of such plants, using evidence from which 220 bids by foreign entities have been foiled at international fora in the past six years. Earlier, some foreign entities had obtained patents for compositions using traditional Indian plants including neem.

Integrated medicine expert G Gangadharan had told the Times of India in February that the government's intentions were positive but that there is a long way to go in terms of documentation of various formulations derived from several of India's plants and that efforts are needed to take this traditional knowledge across the globe, much like the Chinese. Another expert, Dr Issac Mathai had said that such endeavours would need proper scientific validation, for which a thorough documentation and research must be done.

According to Section 3(j) and Section 3(p) of the Patents Act, 1970, medicinal plants and products derived from medicinal plants which is traditional knowledge or which is an aggregation or duplication of known properties of traditionally known component cannot be granted patents. Explaining the reason for granting 40 patents to foreign entities, the Ministry of Commerce and Industry has said: "Substantial improvement in products derived from medicinal plants, which fulfils the criteria prescribed for patentability in the Patents Act, 1970, can be granted patents. This is as per a news item in the Times of India.

## **IV. IPRs AT THE UNIVERSITY CAMPUS**

### **1. Conference on Awareness about IPRs**

A one day conference on IPRs was organised on the 20<sup>th</sup> February 2016 at the University campus. The conference was addressed by the Head of the Patent Office at New Delhi, Dr. K.S. Kardham, Dr. Sameer Swarup, Deputy Controller of Patent & Design, New Delhi. The conference was also addressed Shri Suresh Kumar K of Technology Information, Forecasting & Assessment Council (TIFAC), New Delhi. Unlike usual conferences, which make recommendations, this conference was organised in an interactive mode, aiming to impart knowledge about the nuts and bolts of patenting system in India. The conference was a grand success in as much as more than 300 scientists (faculty members and P.G. Students) attended the conference.

### **2. Awareness campaign on Farmers' Varieties**

The Government of India has enacted a unique law viz., "The Protection of Plant Varieties and Farmers' Rights Act, 2001". This Act not only assures protection of plant varieties but the farmers' rights also. There is a special class of varieties, known Farmers' Varieties. These varieties have distinctive features and have been evolved by the farmers. Many of the Plant varieties have been evolved by farmers over centuries and have been maintained and cultivated by farmers in the past and knowledge about them has been passed on to farmers, who maintain and cultivate these varieties. The PPV & FR Act of 2001 envisages protection of these Farmers' Varieties.

However, awareness about this Act and that about Farmers' Varieties of this Act is missing among the farmers in the country. The University launched a drive to create awareness among the farmers of Uttarakhand. The KVKs located in Udham Singh Nagar, Haridwar, Almora, Chamoli, Rudra Prayag and Pithoragarh organised meetings of farmers of their districts. At these meetings the Chief Executive Officer (CEO) of the IPMC made presentations, about the salient features of the PPV & FR Act of 2001, significance of the Act in the context of changing times and also the benefits to farmers available through various provisions of this Act. It is heartening that the farmers of these districts of Uttarakhand took interest in this programme of the University and appreciated it. Incidentally a farmer of Bazpur area of Udham Singh Nagar Shri Ganga Ram Suri who has developed a variety of Sorghum viz., Rampur Local was honoured by the Hon'ble Vice-Chancellor at the Kisan Mela on the 10<sup>th</sup> March 2016 which was a major news item in the local media.

### **3. Progress in Patenting**

Eversince the creation of the Intellectual Property Management Centre (IPMC), patenting of inventions has been in focus. As emphasised by the Hon'ble, Vice-Chancellor patenting work has to be accorded top priority. The Centre on its own has started compiling details for filing patent applications.

The system of patenting at the University has undergone a major change with the creation of IPMC. Unlike the practice in past, scientists of the University directly provide details to the Chief Executive Office (CEO) of the IPMC about their invention. The details are processed at the IPMC where after approval of the Hon'ble Vice-Chancellor is obtained for filing the applications for patents. In this manner delays have been curtailed and the process of filing of patent applications has gathered momentum. During the year 2015, ten patent applications were processed and compiled, six of these have already been submitted to Patent Office, New Delhi and the remaining are in the process of submission to the Patent Office. In Table-1, below the details of applications submitted to the Patent Office are presented.

**TABLE-1****Titles of Inventions with Names of Inventors and Colleges, filed during 2015-16**

File No.	Invention Title	Inventors & Colleges
1	Pant-ICAR Apricot Pit Decorticator	Adinath Eknath Kate, Umesh Chandra Lohani, Navin Chandra Shahi & Jai Prakash Pandey Deptt. of Post Harvest Process and Food Engg. College of Technology
2	Pant Low Glycemic Index Buns	Neha Tiwari & Sarita Srivastava Deptt. of Foods & Nutrition College of Home Science
3	A Novel Milkweed Floss/Lyocell Blended Fabric	Jyoti Joshi & Alka Goel Deptt. of Clothing and Textiles College of Home Science
4	A Device to Scare Away Wild Animals From Crop Damage	Arvind Kumar Tyagi Deptt. of Soil Science College of Agriculture
5	Isolation of Malu Fibers and Development of A Novel Blended Fabric From Malu-Viscose	Ruchi Kholiya & Alka Goel Deptt. of Clothing and Textiles College of Home Science
6	Pant-ICAR Finger Millet Dehuller-cum-Pearler	Shiv Shankar Verma, Anupama Singh, Navin Chandra Shahi, T.P. Singh & Khan Chand Deptt. of Post Harvest Process and Food Engg. College of Technology

The patent applications which are complete in all respect and are in the process of submission are mentioned in Table-2 below:

**TABLE-2****Titles of Inventions with Names of Inventors and Colleges which are ready for submission to Patent Office:**

File No.	Invention Title	Inventors & Colleges
1	A Composition and process to develop a substitute for nitrite in processed meat food products without compromising food safety	P. Prabhakaran, Prateek Shukla, V.K. Tanwar and Praneeta Singh Deptt. of Livestock Production Technology, College of Veterinary and Animal Science
2	"A process for crop regulation in guava under high density plantation"	Pankaj Nautiyal and Shant Lal Deptt. of Horticulture, College of Agriculture
3	"Pant Low Glycemic Index Instant <i>Pulav</i> "	Shweta Joshi & Sarita Srivastava Deptt. of Foods & Nutrition College of Home Science
4	"Parachlorella kessleri GB-1: A novel strain able to produce Omega 3 fatty acid"	A.K. Sharma, Thiyam General, Neha Trivedi, Suvigya Sharma, Ram Prasad Talahalli R and Martin Romantschuk Deptt. of Biological Sciences College of Basic Sciences & Humanities

**Dr. Mangala Rai**  
**Patron-Vice Chancellor**

**Published by Dr. J.P. Mishra, Chief Executive Officer, Intellectual Property Management Centre, G.B. Pant University of Agriculture & Technology, Pantnagar- 263 145**