



# WTO-IPR Bulletin

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

## From the Vice Chancellor's Desk



Our Agriculture Sector is poised for a big leap forward this year. With good monsoon and fairly well distributed rains throughout July, during the last Kharif season, the Sector is looking for a record harvest. Advance estimates indicate that the Sector is expecting a record output of rice, pulses and coarse grains, estimated at 93.88, 8.70 and 32.45 million tonnes respectively.

With a view to maintaining the tempo of agricultural production, the University organises a number of measures in addition to teaching and research. One such measure is Kisan Mela (Farmers' fair) which attracts a large number of firms belonging to agribusiness segment such as seeds, fertilisers, animal feeds, farms equipment, dairy equipment. Besides, a structured interaction takes place every afternoon between scientists and farmers. Also, there is a system of recognising outstanding farmers of Uttarakhand drawn from each district.

This year, the Kisan Mela was organised from 17<sup>th</sup> October to 20<sup>th</sup> October, 2016. About 198 firms of "large category" and 110 firms of "small category" had set up their stalls in the Kisan Mela. About 70,000 farmers, students, ladies and gentlemen visited the fair. A note worthy feature of Mela was recognition of farmers for their varieties. Three farmers for their outstanding contribution in growing and maintaining the farmers' varieties, duly recognised by the Plant Variety Protection Authority, New Delhi were handed over the certificates at the inaugural ceremony of the Kisan Mela, by the Chief Guest, Dr. K.K. Paul, the Hon'ble Governor of Uttarakhand.

For all-round growth and development of agriculture and other sectors efficient energy use is vital. There are 30 Centres of Excellence (COEs) in the country under the World Bank assisted Technical Education Quality Improvement Programme, Phase-II and one of the Centres of Excellence is established at the College of Technology at the University. During 6<sup>th</sup> to 8<sup>th</sup> October a Conclave for Research Excellence was organised at the campus. This served as a veritable platform for research scholars to highlight their research work and share key research areas, being

pursued by them. It also emphasised the need for collaborative effort in research on energy issues, so that the strength of each of the COEs is productively utilised. This three day conclave also discussed issues relating to technology transfer and commercialisation of technologies, and prospects of exploring international linkages. Besides, it discussed various themes relating to energy systems, Nano-technology, Bio-technology electronic system, Data mining and computer science, process control, disaster management, technological intervention for Hill Agriculture and several other vital issues. Needless to say, the proceedings of the conclave will go a long way in mitigating energy problems in various areas in the country.

In the area of the intellectual property rights, the momentum for protection of inventions has picked up. While 'Patent Search' has been made mandatory for P.G. Students, a new course on IPRs has since commenced this semester. This course AGP 615 is a two credit hour course for P.G. Students and aims at familiarising the P.G. Students about patents, trademarks, copyrights, industrial designs, plant variety protection, geographical indications and layout designs of integrated circuits. This course will equip our P.G. Students in selection and development of such research proposals as are useful and patentable.

**(J.Kumar)**  
**Vice-Chancellor**

## II. INTERNATIONAL

### 2.1 India Takes Up Markets Access Issues

The Government of India is reported to have said that it recently raised the issue of greater market access for goods and services in China with a view to increase exports and bridge the widening trade deficit. Commerce and Industry Minister Nirmala Sitharaman said that in a recent meeting with the China's Ambassador designate to India, she has flagged various issues in areas like IT and Pharmaceutical. "He has assured me that he would look into it and come back to us," she said. Sitharaman mentioned direct exports to China, operational freedom for Indian banks in that country and lack of response from a Chinese delegation visiting to see domestic labs for phytosanitary clearance are some of the issues.

### 2.2 Bayer Chitches Monsanto with Improved \$66-B Bid

German drugs and crop chemicals company Bayer has won over US seeds firm Monsanto with an improved takeover offer of around \$66 billion, ending months of wrangling after increasing its bid for a third time. The \$128 a share deal, up from Bayer's previous offer of \$127.50 a share, is the biggest of the year so far and the largest cash bid on record. The deal will create a company commanding more than a quarter of the combined world market for seeds and pesticides in the fast-consolidating farm supplies industry. However, competition authorities are likely to scrutinise the tie-up closely, and some of Bayer's own shareholders have been highly critical of a takeover plan which they say risk overpaying and neglecting the company's pharmaceutical business.

The transaction includes a break-fee of \$2 billion that Bayer will pay to Monsanto should it fail to get regulatory clearance. Bayer expects the deal to close by the end of 2017. If this happens this will probably be one of the biggest deals in the history of takeover in seed industry.

### 2.3 India, US may Discuss Ecomm's Entry at WTO

Ecommerce is likely to be high on agenda on Obama administration's last big engagement with India. The US Trade Representative Michael Forman was to **meet** Commerce Minister Nirmala Sitharaman on October 20 and was likely to urge India to consider discussing ecommerce at the WTO. Forman is visiting India to attend the India US Trade Policy Forum meeting. India has been vehemently opposing the inclusion of new issues such as ecommerce in the multilateral organisation. "The discussions will be focused on bilateral trade and our relations in the WTO. The new traction in WTO is coming from ecommerce and there is energy on this front, especially because India is not party to the Information Technology Agreement (ITA 2)," a person aware of the development said. Ecommerce is first of the new issues that the developed countries have been pushing to be included in the WTO's agenda for the next ministerial meeting in Buenos Aires in Argentina next year. In the last ministerial in Nairobi, developed countries were successful in clinching the deal away from India by allowing new issues to be taken up in the WTO's mandate. "Developed countries want debate on new is sure and the progress has to be reported to the WTO Director General Roberto Azevedo recently called ecommerce a "transformative force in global trade, supporting growth, development and job creation".

The Nairobi Ministerial Declaration had acknowledgment that members have different views on how to address the future of the Doha Round negotiations. Any decision to launch negotiations multilaterally on new issues would need to be agreed by all members, it said. Even though India has not favoured discussions on ecommerce till now, it has begun studying papers submitted in the WTO on the issue to understand the various views. The US has floated a non-paper on ecommerce prohibiting digital customs duties, enabling cross-border data flows, promoting a free and open internet and preventing localisation barriers. On the bilateral front, the two countries are likely to discuss the nature of trading arrangement, especially non-tariff barriers and protectionist measure such as rise in H1B and L1 visa fee.

## **2.4 Welspun sued over Egyptian towels, sheets**

Two class action lawsuits filed against Welspun India Ltd, that allege the company fraudulently labelled its bed sheets and towels as premium Egyptian cotton, is the latest setback for the supplier after Target Corp cut ties with the manufacturer over the same. Welspun committed a “wide spread fraud” in which “consumers who have purchased Welspun bed or linens have overpaid for an inferior product,” a plaintiff alleged in an August 29 lawsuit filed in a New York Federal Court. The suit was filed by Hagens Berman Sobol Shapiro LLP, a consumer-rights action law firm that represented consumers on a \$400 million suit against Apple Inc. A Welspun spokesperson declined to comment on the law suits, while Welspun’s stock fell 202 per cent to ₹ 56.60 in Mumbai on Thursday.

The controversy over Mumbai based Welspun has widened since Target Corp said it’s halting business with the vendor after discovering sheets and pillowcases that were made with cheaper fibres were mislabeled as Egyptian cotton for two years. India’s largest home textile manufacturer has seen its market value plummet by about half since then, with Walmart last week pulling the company’s sheets from its stores while other big box stores including Bed Bath and Beyond Inc are reviewing the authenticity of its products..

## **2.5 A battle to trademark the champagne of honeys**

There’s a fight down under over manuka honey, the so-called superfood famed for its antibacterial qualities. On one side, New Zealand beehive owners say they should have exclusive rights to the manuka name. On the other, Australian producers say that the manuka tree that gives the sticky stuff its name is an Aussie native and their honey is just as super as its Kiwi cousin. Manuka honey is a favourite of celebrities like Novak Djokovic and Kourtney Kardashian. More importantly for the honey industry, the product is in high demand in China, where middle-class shoppers suspicious of locally-made food are willing to pay a lot for honey from clean countries. New Zealand- based Comvita, one of the world’s top producers of manuka honey, this week reported 15-month profit of NZ\$18.5 million (\$13.5 million) on sales of NZ\$231 million, about half of which went to Chinese consumers. As a result, there’s a lot of money at stake over the manuka name. The honey is made by bees that pollinate the *Leptospermum scoparium*, a shrub-like tree that goes by many names, including Tea Tree, Red Damask and Manuka. *Leptospermum scoparium* grows in both New Zealand and Australia. While the Kiwi variety gets most of the attention, Aussie beekeepers say their honey is legitimate manuka, too. The dominant Australian brand, Capilano Honey, boasts on its website that it sells three types of manuka-low, medium and high strength-all made from 100 per cent pure Australian manuka honey source from

Leptospermum. John Rawcliffe, spokesman for New Zealand trade group, the Unique Manuka Factor (UMF) Honey Association has said that only honey products by Kiwi bees deserve the manuka moniker. Rawcliffe's group of beekeepers, producers and exporters accounts for about 80 per cent of New Zealand's manuka honey sales. "The consumer expects that if it's manuka honey, then it comes from New Zealand," he said. "Manuka is a Maori word. We are aiming to protect it."

Manuka deserves the same kind of protection as Champagne or other prestige products associated with a particular region or country, Rawcliffe said. "I could take some corn and make some whiskey," he said. The UMF Honey Association last year submitted an application with the government to trademark the name, saying the move was "fundamental to protecting an internationally recognised premium product that is unique to New Zealand." On August 9, the association sponsored a symposium, called This is Manuka, that featured scientists from New Zealand, Australia, Japan and China discussing the chemical identity of true manuka honey.

New Zealand doesn't have a monopoly on manuka, said Trevor Weatherhead, executive director of the Australian Honey Bee Industry Council. "We have exactly the same plant that they made-in-Australia manuka is similar in quality to New Zealand manuka bloom.

### **III. NATIONAL NEWS**

#### **3.1 ITC Wins Biscuits Packaging Battle Against Britannia**

The Delhi High Court directed Britannia Industries Ltd to withdraw its Nutri Choice Digestive Zero biscuits in their current packaging in four weeks from the market after ITC Ltd alleged the former had copied the packaging of its Sunfeast Farmlite Digestive All Good biscuits. A Britannia spokesperson said it was exploring all legal options following the injunction passed by the court recently and that the product would soon be available in compliance with the order. The court said the yellow and blue colour scheme of the wrappers and other features appeared the same. "The court is, therefore, satisfied that the impugned packaging for the Nutri Choice Digestive Zero Biscuits launched by Britannia is deceptively similar to the packaging of ITC's Sunfeast Farmlite Digestive All Goods biscuits and this biscuit is likely to confuse the consumers of such biscuits" the order said. Since Britannia has a 66% market share, it would be able to win over ITC customers, it said. Since it "is just about two months since Britannia has introduced its variant with the impugned packaging, it is likely to suffer a far less damage if the injunction were to be granted when compared to the damage that ITC is likely to suffer if it is not granted," the court said. Britannia "can adopt any packaging which is distinctively different from the packaging that is currently used by ITC for its Sunfeast Farmlite Digestive All Goods biscuits.

The court order said ITC's biscuits had posted sales of Rs 5 crore in five months of launch, an indicator of its growing reputation. ITC has spent around Rs 14 crore as marketing expenditure on the product, it said. The Britannia spokesperson said: "The packaging architecture for NutriChoice has been built on the brand's own strategy and has not been influenced by any other brand." Britannia NutriChoice has a dominant market share of around 70% in the premium health category. The Britannia spokesperson said the NutriChoice Digestive Hi-fibre biscuit was unaffected by the court order and will continue to be available in the market. The product in question, which is the Zero variant of NutriChoice Digestive, will also continue to be available while staying in line with the court order. In the ₹ 26,000-crore biscuit market, the digestives

segment is estimated at around Rs 500 crore. United Biscuits' Mc Vities dominated the category. Parle Products, Britannia and ITC are vying to gain a greater share of the segment.

### **3.2 Quantitative restrictions removed for marble import but duty raised**

The Government of India has removed all quantitative restrictions on import of marble, beside a lower Minimum Import Price (MIP), while raising the duty. It takes effect from October 1, 2016. Existing policy, notified in 2014-15, allowed total annual import of 800,000 tonnes, with an MIP of \$325 a tonnes, for rough marble and travertine, a form of limestone deposited by mineral springs. The MIP for these two would be \$200 a tonne; on import of marble slabs would be \$40 a sq metre. Alongside, it has increased the basic customs duty on import of marble and travertine blocks to 40 per cent, from 10 per cent at present. Similarly, that for import of marble slabs and granite slabs has been doubled from 10 per cent to 20 per cent in the new policy. Marble dealers have been asking for being allowed to import rough marble blocks under Open General Licensing, alleging that the present system favours big traders in the business. "Of over 5,000 marble stakeholders, the licence quota of 800,000 tonnes is being availed by only 472 big ones," the Delhi Marble Dealers Association has said after meeting Commerce and Industry Minister Nirmala Sitharaman in February.

Scrapping the quota system would see the availability of raw material to go up and reopening of sick processing units, they say. There exists a large demand-supply gap, especially for rough marble blocks. The Association has also argued for MIP removal, saying this would help check over invoicing by importers and create barriers for money laundering. The Special Investigation Team on undisclosed money had supported this. India meets the bulk of its rough marble requirement through imports. Demand is pegged at 48 million tonnes and domestic supply is capped at 116 mt. The marble industry is concentrated in Rajasthan and Gujarat. The country imported nearly \$260 million of marble and travertine blocks in 2015-16, up from \$238.8 mn a year before.

### **3.3 Need to Setup a Biotechnology Regulatory Authority**

India's Genetic Engineering Appraisal Committee (GEAC) has cleared a strain of mustard as safe for human and animal consumption. Unfortunately, this is not enough for commercial production of this genetically modified (GM) strain, called DMH 11, with traits that occur naturally in certain bacteria. India does not have clarity on either regulatory standard or a regulatory authority. The Biotechnology Regulatory Authority Bill 2013, meant to create a regulator, has lapsed. The Supreme Court is yet to deliver on the recommendation of a Technical Expert Committee it appointed to pronounce on GM trials and safety certification. These cannot be circumvented. So, the Environment Ministry's invitation of public comments on the GEAC report on GM mustard is infructuous. India must make use of GM technology but must do it with full regulatory capability, meaning the ability to carry out independent tests and a credible regulatory system. The US, China, Canada, Spain and the EU have adopted GM foods, though individual EU members have their regulations. Yet, many nations harbour serious doubts about GM food. Japan, New Zealand and France prohibit it outright; many others, like Germany, Switzerland and Ireland allow only a few GM crops.

These concerns have to be addressed and resolved that can be done through honest, rigorous research and testing by independent institutions. We should not accept the claims of agrotechnology companies at face value. Apart from safety, the impact of GM foods on biodiversity and the environment have to be assessed carefully. The rewards of GM food have to far outweigh



any risks involved. The point is to avoid shortcuts but commence the long, hard journey without delay. The above are editorial comments from Economic Times Dated 9<sup>th</sup> September, 2016.

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

Ever Since the inception of Intellectual Property Management Centre (IPMC) in June, 2015 efforts have been made for compiling applications for patents and creating requisite awareness about IPRs in general among faculty members and PG Students. In this endeavours so far 11 Applications for patent have been filed and 7 applications are in advance stage of compilation. In the meantime, a culture of “Patent Search” has been introduced in the University academic system. It is now incumbent upon each PG Student to incorporate ‘Patent Search Report’ in his/her synopsis proposal for thesis research in PG Programe. Besides, efforts have been made to educate farmers for registration of Farmers’ Varieties. This year three (03) farmers and their societies have been provided with registration certificate from PVP authority, New Delhi.

While patenting has been accorded top priority at the Intellectual Property Management Centre (IPMC) of the University, new activities have also been undertaken as discussed briefly below:

##### **4.1 Registration of Extant Variety**

The Protection of Plant Varieties & Farmers’ Rights Act (PPV & FR Act) 2001, envisages registration of new varieties, farmer varieties and extant varieties. Dr. Y.V. Singh and Dr. Hari Har Ram (Retd.) of the Department of Vegetable Science have developed a variety of pea viz. Pant Sabji Matar-3 (PSM-3). This variety has been very popular with farmers and as such it has been decided by the Central Variety Release Committee to have this variety registered. Consequently the University has filed an application for the registration of this variety with PPV & FR Authority at New Delhi.

##### **4.2 A New Course on IPR for P.G. Students**

With the approval of the Academic Council of the University, a new course on IPR viz. Intellectual Property Rights AGP 615 (2 credits) has been introduced for P.G. Students. The course being offered during the current semester, is a two credit hour optional course and aims at familiarizing the students about various IPRs viz., patents, trade marks, copyright, industrial designs, plant variety certificate/registration, Geographical indications and so on. Through this course, it is hoped that the culture of protection of intellectual properties will get firmly entrenched in the minds of the University students.

##### **4.3 Proposals for Patents under considerations**

Proposals from the Deptt. of Clothing & Textiles and Deptt. of Foods & Nutrition of the College of Home Science and from the Department of Molecular Biology & Genetic Engineering and Deptt. of Microbiology of the College of Basic Sciences & Humanities are under process at the IPMC. Thus very soon a good number of applications will be ready for submission to Patent Office from this University.

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**Patron-Vice Chancellor**

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