



WTO – IPR Bulletin

G.B. Pant University of Agriculture & Technology, Pantnagar, Uttarakhand – 263 145



From the Vice-Chancellor's Desk

It has been 20 years since the World Trade Organization (WTO) was formed. Prior to the WTO, the world was beset with the bottlenecks in trade through various problems, chief among them being quantitative restrictions and massive subsidies to agriculture, especially in advanced countries, such as the USA and the countries of the European Union. Things have improved a lot during these 20 years.

The WTO came up with various agreements and many of them had considerable relevance to our Agriculture Sector, viz. Agreement on Agriculture, Sanitary and Phytosanitary Standards, Trade Related Aspects of Intellectual Property Rights (TRIPRS), Dispute Settlement Provisions etc. Among the various agreements, TRIPs has been of great relevance to agriculture, for it has opened opportunities for motivating scientific community for undertaking research for new plant varieties and 'inventions' leading to innovations. With the increase in supply of 'inventions' through patents, the industrial sector of the country will expand and ultimately both producers and consumers will benefit.

At this University, a fresh initiative for the protection, maintenance and commercialization of technologies, has been taken by creating a new outfit viz. Intellectual Property management Centre (IPMC). This outfit is manned by a Chief Executive Officer and equipped with all modern facilities. Thus there is a new and fresh wind for IPRs at Pantnagar. Professors and entire teaching and research staff of various colleges are being contacted by the IPMC. Initiative for commercialization of technologies is at hand. M.Sc. & Ph.D students are being exhorted to undertake such research topics as may give rise to patentable inventions. Scientists of the University have started visiting the IPMC and compilation of applications for patents is in progress.

The above developments are healthy and will bring reward to the University and scientists in due course. While I appreciate the interest of scientific community of the University in the subject of IPRs, I wish the best of luck to the new outfit viz. Intellectual Property Management Centre in their endeavour to fulfill the objectives of the University in the area of IPRs.

(Mangala Rai)
Vice-Chancellor

II. INTERNATIONAL NEWS

I. HUGE PROSPECTS FOR INNOVATIONS

Thomson Reuters have compiled a report viz., **“The future is open: 2015 State of Innovation”** The report covered 12 industries broadly from aerospace and defence to automotive, biotechnology, cosmetics and well being, food beverages tobacco, home appliances, information technology, medical devices, oil and gas, pharmaceuticals, semiconductors and telecommunications. It is a must to read for every scientist, teacher and administrator in academics and innovation. According to the report, leading businesses/companies are embracing and encouraging ‘open innovation’ against ‘closed innovation’ practiced in the past. Patent information has become an increasingly strong indicator of a company’s value. According to the report, innovation activity is at an all time high. More inventions were published as applications or granted patents over the last year than ever before in the history of mankind. It further stated that scientific literature is a precursor to patenting by approximately 3-5 years. The discovery phase in the lifecycle of innovation happens before protection and commercialization and scientific research leads the discovery. Seventy percent of top ten global innovators in food, beverage and tobacco sector were Chinese. Among most influential scientific research institutions in Food Science and Technology (2004-2014), University of British Columbia, Canada stood first with 400 papers with a citation impact of 1.99. Unversitat de Lledia of Spain with 565 papers stood second with citation impact of 1.81. The other universities as per the rank are as follows – South Dakota State University, US, Aarhus University, Denmark, University of Reading, UK, University of Wisconsin, US, University of Massachusetts, US, Cornell University, US and University of Padua, Italy, Technical University, Czestochowa, Poland stood First in information technology beating Stanford University, US by a wide margin.

II. Stanford World’s Most Innovative University

Stanford edged out tech giants such as MIT and Ivy League stalwart Harvard to emerge No. 1 in a Reuters ranking of the world’s top 100 innovative universities. Fifty of the 100 institutions are from the US while 27 are European, according to the listing compiled by the Intellectual Property & Science business of Thomson Reuters. Japan is home to nine of the 100, second only to the US. Eight universities each in France and Germany found place in the ranking. While no Indian university made it to the list, China’s Tsinghua University, a research varsity located in Beijing, came 77nd. The ranking criteria, based on 10 metrics, focused on academic papers and patent filings. Top-listed Stanford’s faculty and alumni have founded some of the biggest tech companies in the world, including Hewlett Packard, Yahoo and Google. According to a 2012 study by the University, companies formed by Stanford entrepreneurs generate total global revenue of \$2.7 trillion annually.

III. Livestock Keepers' Rights (LKR)

A voice has been raised for the protection of LKRs. Livestock Keepers' Rights (LKR) is a concept developed by civil society (including non-government organizations and herders' associations) during the "Interlaken process" in the run-up to the First International Technical Conference on Animal Genetic Resources held at Interlaken by the Food and Agriculture Organization of the United Nations (FAO) in September 2007 (FAO, 2007). They are advocated for by a group of non-government organizations, livestock keepers, pastoralist associations and scientists who support community-based conservation of local breeds and form the LIFE (Local Livestock for Empowerment of Rural People) Network. LKRs are based on the rationale that many breeds in developing countries disintegrate owing to the loss of the traditional rights of livestock keepers to sustain their livestock on common property resources, as well as policies that are adverse to small-scale livestock keepers. The cornerstones of this concept include:

- Recognition of livestock keepers as creators of breeds and custodians of animal genetic resources.
- Recognition of the dependency of the sustainable use of traditional breeds on the conservation of their ecosystems.
- Recognition of traditional breeds as collective property, products of indigenous knowledge and cultural expression.
- The right of the livestock keepers to make breeding decisions.
- Right of livestock keepers to participate in policy making processes on issues relating to animal genetic resources.
- Support for training and capacity building of livestock keepers in the provision of services along the food chain.
- Some governments, including India and African countries, support the concept of Livestock Keepers' Rights, but other governments regard them as unexplored legal or political ideas. Some experts believe that Livestock Keepers' Rights could conflict with patents on genes.

If LKRs are recognized in the above manner, the canvas of IPRs will increase in size.

IV. Apple inc Targets 2019 as Date for Electrical Car

A huge innovation in the Automobile Sector is in the offing. Apple has designated building an electrical car as a "committed project" and has set a target shipping date for 2019, the Wall Street Journal (WSJ) reported on Monday. The project has been code-named Titan and its leaders have been given permission to triple the 600-person team, the WSJ said. For Apple, a "Ship date" doesn't necessarily mean the date that customers receive a new product; it can also mean the date that engineers sign off on the product's main features, the WSJ said. Reuters

III. NATIONAL NEWS

I. Govt. of India will Ensure Free Trade pacts as Mutually Beneficial

In recent years Free-Trade Agreements (FTAs) between India and other countries have proliferated. Our Finance Minister Sri. Aurn Jaitley made it clear recently. Speaking at the 'India Summit 2015' hosted by The Economist, the Finance Minister said the government will not go soft on black money, promised measures to protect the steel industry from dumping, resolve outstanding tax issues quickly and press ahead with tax reforms. "We are certainly going to look at trade deals which are mutually beneficial to both the trading partners. Trade deal merely because it is part of economic diplomacy is not essential," Jaitley said, replying to questions on FTAs and India's decision to defer negotiations with the European Union (EU) on the proposed trade pact. The domestic industry, exporters and policy makers have time and again raised concerns over these pacts, saying that they have negatively impacted the domestic industry while benefiting India's trading partners.

"We have entered into large number of trade deals but entering indiscriminately into (free) trade agreement and then having concerns a few years later is not the wise thing. I think it's better to move carefully but surely," he added. Expressing disappointment and concern over the EU banning the sale of around 700 pharma products clinically tested by GVK Biosciences, India last month deferred talks with the EU on the proposed free-trade agreement.

II. A High Court Decision Against Misuse of Brandname, through a Similar Sounding Trademark

Gujarat High Court has restrained Rajasthan-based tea manufacturer from using the Trade mark 'Sher Bakri' after Ahmedabad-based 'Wagh Bakri' tea producer alleged infringement of its Trade mark rights. High Court ordered Bhagaram Ganchi not to sell his product under 'Sher Bakri' brand until final disposal of the case. Last year, Wagh Bakri tea owners had moved a City court requesting it to stay Ganchi from selling his tea under the brand name that was similar to theirs. However Court refused to order a stay on the ground that Ganchi has been selling tea since 1996 and Wagh Bakri owners had obtained registration of 'Wagh Bakri' Trade mark in 2004.

III. Patent for Valganciclovir revoked by Controller General

The Controller General of Patents revoked a patent granted to Roche for Valganciclovir, a drug used for the treatment of active cytomegalovirus retinitis infection. One of the principal grounds on which the patent was revoked was anticipation by prior art. The Controller also reportedly observed that all claims including process claims are obvious to a person skilled in the art. It was also reportedly held by the Controller that the invention was also not patentable under section 3 (d) of the Patent Act, 1970.

IV. HC notice to Government over MNCs' Patent Disclosure

In a development that could have major ramifications on intellectual property cases in pharmaceutical and technology sectors, the Delhi high court issued a notice to the Government on Tuesday in a PIL (Public Interest Litigation) filed by IP expert Shamnad Basheer. The petition exposes the weak enforcement of an important statutory provision, Form 27, which disclosed patent data of a company. It says pharma and technology MNCs are not complying with this law, and are using it to block the entry of affordable versions in the market. The lack of transparent disclosure will have detrimental impact on competitors, which will finally affect the public, who are denied access to more affordable technologies, a concern most starkly felt in the context of medicines, the petition says.

Around 35% of the patentees surveyed failed to disclose their patent working status from 2009 to 2012, and other companies filed incomplete or incomprehensible information, the petition says. Experts say India is perhaps the only country which seeks Form 27 and patent working disclosure from MNCs when they apply for patents, which is an important step to get crucial information to ascertain affordability and availability, particularly in the case of medicines. For instance, in the case of the country's first compulsory licence, Natco used this data to stake their claim to launch a more affordable version of a life-saving cancer drug, showing MNC firm Bayer's (Form 27) patent filings where it was supplying the drug to only 2% of the patient population.

Patent working data is critical for triggering compulsory licensing and revocation provisions, and revocation provisions, and if this trigger is made more difficult by keeping the data secret and opaque, it will ultimately affect consumers by denying them potentially more affordable technologies and goods.

V. Ayush Ministry Red Flags Genetically Modified Crops

Just as the government struggles to find some middle ground on Genetically Modified (GM) crops, another potential controversy has landed on its plate giving a fresh twist to this politically sensitive issue. The Ayush ministry, which deals with Ayurveda and other Indian systems of medicine, has shot off a letter to the environment ministry raising serious concerns on the adverse impact GM crops will have on certain wild varieties of medicinal plants used for Ayurvedic purposes. And in this context, the ministry has officially sought representation in the Genetic Engineering Appraisal Committee (GEAC)-the apex body that clears GM field trials in India. In 2010 too, the ministry had issues with Bt Brinjal, but did not quite broaden its case until last year.

"The request was made because of several representations from practitioners of Ayurvedic and Unani medicines who feel cross-pollinated GM crops may affect other wild varieties of plants used for medicinal purposes, "Somita Biswas, CEO of the National Medicinal Plants Board, a body under the ministry, told Economic Times. This intervention of the Ayush Ministry may negatively impact research in transgenic varieties.

IV. IPRs at the University Campus

1. Discussions on Prospects of IPRs at Various Colleges

Structured discussions on the prospects of IPRs were organized by the Deans of various colleges in the month of September. The college of Veterinary & Animal Sciences organized such discussion, on the 11th September 2015, the college of Agriculture on 14th, the College of Home Science on the 16th, the College of Basic Sciences & Humanities on the 21st and the College of Fisheries on the 23rd September. The CEO, IPMC made presentations at each of the colleges.

2. The University Gets a U.S. Patent

A U.S. Patent no. 9057058 has been granted to the G.B. Pant University of Agriculture & Technology for the invention made by Dr. Reeta Goel and her team comprising Aditi Sah, Harshita Negi and Anil Kapri on the 16th June 2015 of the Department of Microbiology, College of Basic Sciences & Humanities. The invention entitled “Process for the preparation of Talc based formulation for LDPE Degrading Bacterial consortia” will go a long way in removing the problems caused by the waste generated by plastic material. The problems of plastic waste and it’s attendant threats to environment are well known to Governments and local bodies all over the world. No wonder, Dr. Reeta Goel was recognized by the Govt. of Uttarakhand in a function held on the 24th September 2015 at Dehradun.

3. Formation of Advisory Committee for the Intellectual Property Management Centre

To provide leads on IPRs an Advisory Committee has been constituted by the Hon’ble Vice-Chancellor. The Committee is headed by the Vice-Chancellor himself and comprises Dr. H.S. Chawla, Dr. Reeta Goel, Dr. Alka Goel, Dr. R.P.S. Gangwar & Dr. P.Prabhakaran. The Committee met on the 12th September, 2015. The Committee is expected to meet every month and circulate proceedings to all Deans and other authorities so that the subject matter of IPRs gets requisite attention at the University.

Dr. Mangala Rai
Patron-Vice Chancellor

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