



WTO-IPR Bulletin

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

From the Vice-Chancellor's Desk



In the area of world trade, two developments of great significance are in the offing; one, the next WTO Ministerial conference scheduled to held in December 2015 in Nairobi, Kenya and second, the proposal for creating a separate and new trading bloc viz; Trans-Pacific-Partnership (TPP). The WTO

Ministerial conference will set out rules of business of international trade in commodities for the next two years, in addition to enlisting agenda and proposals from Member countries. It is believed that the agenda for expending WTO Negotiations will occupy centre stage in the Nairobi Ministerial. Reports indicate that India would not be interested in a expanding WTO Negotiation Agenda and rather be keen to consolidate on Doha Round which among other things envisaged Govt. intervention in matters of food security and also liberalisation of IPRs in the area of compulsory licensing. In any case the outcome of the WTO Ministerial at Nairobi will be interesting to watch as international trade is vital for all of us.

The US initiative for the creation of TPP is a matter of extreme importance. In this bloc, Australia, Canada, Japan, Malaysia, Mexico, Peru, United States, Vietnam, Chile, Brunei, Singapore, a NewZealand are slated to be members. With such a grouping of powerful countries like USA, Japan, Australia and Canada, it will dictate the rules of international trade. No wonder it has been claimed elsewhere that "The Trans-Pacific-Partnership (TPP) will write rules for global trade rule that will help increase Made-in-America exports, grow the American economy, support well paying American jobs and strengthen the American middle class." Thus joining such a powerful bloc will be in the interest of India. We have seen how the European Union has metamorphosed into a formidable bloc in matters of trade and how this has brought prosperity in Europe, particularly in the area of agriculture. Before the creation of EU or formerly European Community, Europe was a net importer of food. It is well known that it has become a net exporter of food. On this basis, it would be worthwhile if India joins TPP. However, it is a matter for consideration for the policy makers at the helms of affairs.

At home, we took stock of research for crop varieties during the year and decided to take them to farmers. It is heartening that 31 varieties of the University of have been released in 2015. This comprises six (6) varieties of rice, four (4) varieties, each of rapeseed/mustard and soyabean, three (3) varieties, each of wheat and gram, two (2) varieties, each of maize, grain cow pea, pea and Moong and one variety, each of oat (Jai), Urd and lentil. We decided to reach the farmers in the first week of October, which is the most opportune time of year for farmers. During this week, they have respite from the busy operations of Kharif season and are generally in a mood to plan and prepare for the next Rabi season. Thus a Kisan Mela was organised from 1st to 4th October at the University campus. This Kisan Mela was perhaps the biggest event for farmers in whole country as it attracted 491 firms of big and small of categories. It attracted farmers from Bihar, Jharkhand, Maharashtra, Rajasthan, Madhya Pradesh, Haryana, Punjab, Himachal Pradesh, Uttar Pradesh and also from our neighbouring country Nepal. In the afternoons of each of the four days of Kisan Mela, Farmers' Meets were organised where various problems of the farmers were discussed and the significance of our newly released varieties was also discussed. During this Mela, various colleges had also set up their stalls for display of their inventions in the areas of agricultural machinery, implements, food and textile clothing, agricultural chemicals, veterinary medicine, animal feeds and seeds of various type of crops. Thus, this Kisan Mela among other things proved to be a great platform for dissemination of the technologies of the University among farmers. I take this opportunity to compliment my University staff who worked day and night for making the Kisan Mela a great success.

In the area of IPRs, the Intellectual Property Management Centre (IPMC) has begun filing applications for patents. Lectures were organised in various colleges for awareness on Patents/Utility Patents. 'Patent Search report' has been made an integral part of synopses for thesis work for Masters and Ph.D. students. With these developments, it is hoped that the culture of patenting will get firmly entrenched in the research system of the University. I extend my best wishes to Masters and Ph.D. students and the IPMC of the University, in their endeavour for furthering the cause of patenting.

(Mangala Rai)
Vice-Chancellor

II. INTERNATIONAL NEWS

I. PM promises IPR policy, Transparent Tax Regime at ASEAN

Prime Minister Narendra Modi said at a recent Association of Southeast Asian Nations (ASEAN) Business and Investment Summit that India would have a comprehensive National Intellectual Property Rights (IPR) policy by the year-end, and a national investment and infrastructure fund for leveraging public investments. He further said that India was committed to protecting the IPRs of all innovators. It was also moving fast to ensure a transparent and predictable tax regime.

The Prime Minister added that world-class infrastructure remained a dream for India and his government would be focussing on building futuristic infrastructure, besides encouraging the public-private partnership (PPP) model to increase investments in infrastructure. "We are also coming up with tax-free infrastructure bonds with a view to broadening the corporate bond market and providing long-term finance for infrastructure. We are eager to work with Malaysia, Singapore and other ASEAN countries in this regard."

He said 50 Indian cities were now ready to put up metro rail systems. The government was committed to building 50 million affordable houses. The requirements of rail, road and waterways were enormous. "Hence, India is a land of immense opportunities for investors." "Most of the ASEAN economies have done their bit for Asia's resurgence. Now, it is India's turn. And we know that our time has come. We are at a take-off stage. I invite all of you to come and see the winds of change in India. Winds do take time to cross the borders. That is why I am here to invite you," he said.

To revitalise flow of funds from global investors, he said the government had launched the second set of structural and financial reforms. These included more FDI in such key sectors as insurance, defence and railways; rationalised FDI policies in other sectors, including construction, plantation and medical devices; and liberalisation of the licensing regime to improve the ease of doing business.

II. Govt Against Expanding WTO Negotiation Agenda

The Government of India is not in favour of any move to expand the negotiation agenda at the World Trade Organization (WTO) and instead wants member countries to stick to the issues under the Doha Round at the Ministerial meeting in Nairobi in December 2015.

While accusing the developed countries of shying away from Doha Round after pushing the developing world into negotiations 14 years ago in the Qatari capital, Commerce Secretary Ms. Rita Teotia accused several advanced economies of "stonewalling" the issues which are already on the table and instead introducing new ones. There have been efforts to include issues such as competition policy, labour and environmental standards on the agenda and India believes several of them don't belong to WTO.

"What we are looking at Nairobi is that the Doha Round must not be abandoned at the conference. It is true that we have rough patches, there are difficulties. But, it is inevitable in a

body as large as this what we would look for is to consolidate what we have achieved so far and then move forward,” she said at a conference organized by FICCI. The issue has been a major worry for India as it fears that the current limits are unrealistic and could limit the ability of the government to procure food grains from farmers in the developing world.

III. India, Africa discuss WTO food stock issues

Ahead of the World Trade Organization’s (WTO) Ministerial Conference, India and Africa on recently discussed their respective positions, especially those pertaining to a permanent solution for food stockholding programme.

The WTO Ministerial Conference will take place in Nairobi, Kenya, during December 2015. “We discussed the food stockholding issue and also heard them say that India and Africa are on the same page on all issues related to WTO,” Commerce and Industry Minister Ms. Nirmala Sitharam said recently, after the India-Africa trade ministers meeting. Trade ministers from 28 countries out of a delegation of 37 African nations attended the meeting.

Mike Bimha, Trade Minister of Zimbabwe, said: “Food stockholding is of prime importance to us. We discussed what we are going to talk in Nairobi and also the possible outcomes. We believe in the multilateral trading system.”

IV. How China is becoming an Innovation Dynamo

The Economic Times has quoted a report in The Economist, based on research by McKinsey Global Institute and PwC, that confirms China’s transition to a global innovation powerhouse. The private sector drives innovation in China, going by the ability of companies to expand revenues and raise profits as proof of successful innovation, rather than the number of patents filed. A PwC survey also shows that Chinese companies are increasing investments in R&D faster than competitors in any other market. It debunks the notion that Chinese companies are mere copycats, capable only of incremental improvements. Data shows that Chinese companies compare with Silicon Valley firms in innovation.

China is an innovation heavyweight due to its massive catch-up in R&D investment and education. World Bank data shows China’s R&D spend at about 1.98% of GDP in 2012. It wants to eventually match the R&D spend in the US, at 2.8% of GDP. That’s huge compared to India’s paltry 0.9% of a much smaller GDP. Indian companies spend minuscule sums on R&D and often pass off market research expenses as R&D outlay to get a tax break. The best R&D should happen in Indian universities and companies, not just India-based R&D centres of multinational companies, if India is to excel in manufacturing.

Huawei spends about \$5 billion a year on R&D, on par with Ericsson, and is in the forefront of research in 5G mobile communications. There is no Indian player in this space. We Chat, developed by Tencent, is seen as a good example of Chinese innovation. Chinese firms also adapt new technologies to the mass market quickly. To get there, India needs to build on its own strengths. It should align research with teaching institutions, instead of R&D being consigned to specialised state-run laboratories. This will enable industry to commission serious

research projects to university departments. Indian companies also need to be more imaginative, and that requires quality education.

III. NATIONAL NEWS

I. National Intellectual Property Rights Policy

Govt. of India Department of Industrial Policy and Promotion had constituted an IPR Think Tank to draft the National Intellectual Property Rights Policy and to advise the Department of Industrial Policy and Promotion on IPR issues, vide their order no. 10/20/2013-IPR III dated 13th November, 2014.

The composition of the IPR Think Tank was as under:-

1. Justice Prabha Sridevan, Chairperson, IPR Think Tank;
2. Ms. Pratibha Singh, Sr. Advocate, Member;
3. Ms. Punita Bhargava, Advocate, Inventure IP, Member;
4. Dr. Unnat Pandit, Cadila Pharmaceuticals Limited, Member;
5. Shri Rajeev Srinivasan, Director, Asian School of Business, Thiruvananthapuram, Member;
and
6. Shri Narendra K. Sabarwal, Retired DDG, WIPO, Member and Convener.

The Think Tank has since submitted its report. The National Policy on IPRs will go a long way in promoting the interest of owners of intellectual properties.

II. Doha Round should Continue: Prime Minister

Ahead of the ministerial talks at the World Trade Organization in December, Prime Minister Narendra Modi has pitched for a permanent solution for public stockholding of foodgrains for the poor by developing countries and continuation of the Doha Development Agenda.

“When we meet at Nairobi Ministerial of the WTO in December, we must ensure that the Doha Development Agenda of 2001 is not closed without achieving these fundamental objectives,” Modi said at the inaugural ceremony of the third India-Africa Forum Summit here.

“We should also achieve a permanent solution on public stockholding for food security and special safeguard mechanism in agriculture for the developing countries,” he added. Modi's statement assumes importance in the wake of developed countries trying to wind up the Doha round post the Nairobi Ministerial, something that developing countries are opposed to. As for a permanent solution, the WTO's General Council had last year approved a proposal for indefinitely extending the peace clause, under which the public stockholding programmes of developing countries for food security purposes can't be challenged. The peace clause will remain in place in perpetuity until a permanent solution regarding this issue has been agreed and adopted. Besides, India has also been pushing special safeguard mechanism or a right to

raise tariffs on farm goods if flooding of imports or fall in their prices threaten livelihood of its poor farmers.

III. A Surat Company Drags Flipkart, Amazon to Court for Copying Saree Designs

Siddhi Vinayak knots & Prints, a Surat-based saree manufacturer and retailer, has filed cases against Amazon, Flipkart and several of their sellers in the Bombay High Court for allegedly selling sarees that are copies of its registered designs. In some cases, it has dragged Flipkart founders Sachin Bansal and Binny Bansal as a party.

“My allegations are that these companies are infringing upon my copyright and design,” said Siddhi Vinayak’s lawyer Bhushan Mahdik. He said sellers on Amazon and Flipkart even used Siddhi Vinayak photographs that the company has shot using model Shreya Sabharwal.

“They are using my original model and images of products but selling fake copies of my products. By doing so, they have caused damage to my reputation and goodwill,” Mahdik said. Amazon and Flipkart are “shrugging” off the matter, saying they are marketplaces that merely offer a platform for seller, he alleged. Siddhi Vinayak sells sarees under the flagship Laxmipati brand through company-owned outlets and other stores.

“We take the issue of fake and counterfeit products being sold on our marketplace by sellers very seriously,” an Amazon spokesperson said in an e-mailed statement. “If it is brought to our notice that sellers are using our marketplace platform to sell fake or counterfeit products, we work with the sellers to bring such products down from our website. In case of repeated offenders, we do not hesitate to take strict action and may even go the extent of delisting them from our marketplace.”

IV. RBI Proposes Changes to ECB Guidelines

The Reserve Bank of India has proposed substantial changes to external commercial borrowing (ECB) norms for companies such as allowing rupee-denominated loans and permission for lenders to hedge in the on shore market.

It has widened the list of eligible investors including pension“ funds and sovereign wealth funds as well those industries that can raise funds by including real estate investment trusts and infrastructure investment trusts.

“An attempt has now been made to replace the ECB policy with a more rational and liberal framework, keeping in view the evolving domestic as well as global macroeconomic and financial conditions, challenges faced in external sector management and the experience gained so far in administering the ECB policy,” RBI said in a statement.

The central bank has also proposed raising the all-in costs for borrowings of more than 10 years with some industries such as real s estate prohibited from accessing this avenue.

IV. IPRs AT THE UNIVERSITY CAMPUS

1. Pantnagar Varieties of 2015 Since Released

It is heartening that 31 varieties of the University have been released in 2015. This comprise six (6) varieties of rice, four (4) varieties each rapeseed/mustard and soyabean, three (3) varieties, each of wheat and grain, two (2) varieties, each of maize, grain cowpea, pea and moong and one variety, each of oat (Jai), Urd and lentil, as under:

Crop	Varieties Released		Total No.
	By CVRC	By SVRC	
Wheat	-	UP 2748, UP 2784, UP 2785	3
Rice	Pant Basmati – 1 Pant Basmati – 2	Pant Sugandh Dhan 23, Pant Sugandh Dhan 25, Pant Dhan-26, Pant Sugandh Dhan-27	6
Maize	-	Pant Sankar Makka 2, Pant Sankar Makka 4	2
Lentil	-	Pant L 9	1
Gram	-	Pant Gram-3, Pant Gram-4, Pant Gram Kabuli 2	3
Pea	-	Pant Pea 155, Pant Pea 157	2
Moong	-	Pant Moong 7, Pant Moong 8	2
Urd	-	Pant Urd 6,	1
Grain Cowpea	Pant Lobia 4	Pant Lobia 5	2
Soybean	-	Pant Soybean-20 Pant Soybean-21 Pant Soybean-22 Pant Soybean-23	4
Rapeseed Mustard	-	Pant Hill Toria-1 PT 508 Pant Shweta Pant Rai- 21	4
Oat (Jai)	-	UPO 06-1	1

2. University IPMC commences filling of Patent Application

Due to God's grace and under the direction of Hon'ble Vice-Chancellor the newly created Intellectual Property Management Centre (IPMC) of the University has since commenced filling of applications for patents. The first such application came from inventors viz., Er. Adinath Eknath Kate, Er. Umesh Chandra Lohani, Dr. N.C. Shahi and Dr. J.P. Pandey, College of Technology for their invention viz., "Pant ICAR Apricot Pit Decorticator." This invention has largely emanated from the M.Tech. thesis of Shri Adinath Eknath Kate. May God grant speed and further success to IPMC of the University in its endeavour to promote patenting and commercialization of technologies of the University.

3. Patent Search Report Mandatory for Thesis Synopsis

As per Academic Regulations of the University, all the Masters and Ph.D students are supposed to prepare and submit the synopsis of their thesis work towards the end of II semester from the time of the their joining their programmes. With a view to entrenching the culture of patenting and also converting the thesis work into a valuable item, the Hon'ble Vice-Chancellor has since decided in the 3rd Meeting of the Advisory Committee of IPMC that 'Patent Search Report' will be an integral part of synopses of thesis proposals, in future. This decision of the Vice-Chancellor will go a long way in improving the quality of thesis work at the University.

4. Utility Patents Emphasised in the College of Technology

In the present era of heavy emphasis on innovations and in keeping with the policy of the Govt. of India to promote innovators through amendments in Micro & Small enterprises Development Act and Patent Rules, a lecture on "Utility Patents for Engineers" was organised by the IPMC in the College of Technology on the 31st October 2015. The Hon'ble Vice-Chancellor has time and again emphasised that the academic and research staff and students of the College of Technology can play a great role in developing new and patentable technologies and thus can add to the 'Patent Portfolio' of the University in a significant manner. With this lecture, it is hoped that the response of the College of Technology will be salutary.

Dr. Mangala Rai
Patron-Vice Chancellor

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