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Minutes of the First Meeting of the Sectoral Innovation Council on IPRs held on 7th September, 2011.

The First Meeting of the Sectoral Innovation Council on IPRs was held on 7th September, 2011 under the Chairmanship of Secretary, DIPP. The agenda for the meeting included the following items:-

Agenda Item No. 1: Roadmap to be adopted along with specific timelines for developing a broad framework of the National IPR Strategy.

Agenda Item No. 2: Discussion Paper on Utility Models

Agenda Item No. 3: To co-opt knowledge partner/research Institutions for preparation of draft report.

2. The members of the Council who attended the meeting are in the Annexure.

3. Secretary, DIPP welcomed the members of the Sectoral Innovation Council and invited Ms Kalpana Awasthy, OSD to Adviser to PM on Public Information, Infrastructure and Innovation to make a brief presentation to the members on the goal and objectives of setting up the Sectoral Innovation Councils. The presentation discussed the essential elements and the interventions that could be adopted in the field of governance, education, research and skills and public service delivery. She informed that the broad framework so decided by the Sectoral Innovation Council will aid the preparation of the road map for the 'Decade of Innovation'. A copy of the presentation is available on the website of the National Innovation Council.

Agenda Item No. 1: Roadmap to be adopted along with specific timelines for developing a broad framework of the National IPR Strategy.

4. The members of the Council were invited to give their views and suggestions on the broad framework of the National IPR Strategy. The submissions made by the members of the Council were as follows:

I) It was observed that a large number of SMEs innovate but lack awareness about the need to protect these innovations and have limited resources to file an IP application. The members unanimously expressed the need to handhold the Small and Medium Enterprise sector in the process of IP creation. To catalyze innovation in the SMEs sector and among individuals it was suggested that:

a) Access to Database on Patents and Non Patent literature to enable prior art search should be provided to premier institutions such as IITs, Regional Engineering Colleges etc by the Government. The role and responsibilities of the institutions that are provided such access would be to provide assistance to the SME

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sector/individual innovators by carrying out preliminary search and examination to determine novelty of an innovation and to assist the innovators to file patent applications. It was felt that 15-20 such organizations could be identified for this purpose. Dr. Anil Gupta, Dr. Anil Wali and Smt. Karuna Jain were requested to identify the 15-20 organizations within one month.

b) SME clusters could be encouraged to develop comprehensive database/catalogue on their products to ensure that a third person does not seek IP protection for unprotected innovation if any in public domain.

c) To assist the SME sector to remain competitive, it was suggested that the Government could acquire technology and make it accessible at low or no cost to the SME Sector.

II) Besides this the members of the Council also emphasized the need to develop expertise to file pre-grant opposition under Section 3(d) and Section 3(e) of the Patent Act to ensure that frivolous patents are not granted.

III) The need to track IP filings with a view to identify the areas where inventions were taking place and to develop the technology landscape to enable identification of 'white spaces' which could in turn guide invention activity were also stressed.

IV) The members of the Council also underlined the importance of introducing a course on IPR in the curriculum of all the technical programmes that are duly recognized by the AICTE and in the Post graduate/Research programme in Science and applied fields in Universities.

Action Point

5. The Sectoral Innovation Council decided that:

- Each member of the Council will prepare a Position paper on the framework of the national IPR Strategy including, inter alia, elucidating the philosophy behind adopting the recommended strategy, the key elements of the strategy with a view to address the concerns relating to sustainable development, inclusive growth and food security and the medium term building blocks of the envisaged strategy. The position paper can also elaborate on the submissions made and recorded above. The position papers would be prepared within one month of the issue of the minutes on the basis of the framework to be given by the Department of Industrial Policy and Promotion.

Agenda Item No. 2: Discussion Paper on Utility Models

6. The council unanimously agreed that the Indian IPR regime should provide protection to utility models through a separate legal framework. However, most of

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the members of the Council were of the view that the protection of utility models should not become a back door entry for ever greening of patents. Moreover the members were of the opinion that given the time required for completion of the procedure for grant of Utility Model protection and the need for reasonable time to allow commercialization of the said IPR, protection of utility models should be for a maximum period of 8 years and that the number of claims should be restricted to 5.

Action Point:

7. It was agreed that:

- all the members of the council will send their views on the draft legal framework on utility model (circulated earlier along with the agenda of the meeting) within a month so that the draft utility model bill could be prepared in the next 2-3 months.

Agenda Item No. 3: To co-opt knowledge partner/research Institutions for preparation of draft report

8. After discussing the issue, the council felt that the preparation of National IPR Strategy would require study/analysis of the present IPR scenario, needs assessment of the innovators, an evaluation of the available IP infrastructure, the practical difficulties faced by the IPR filers and would cover recommendations for creating an enabling environment for IP generation, reforms required in the IP institutions including advise on further modernization of the IP Offices and measures that should be taken to commercialize IP. In order to prepare a comprehensive document for National IPR strategy, it was suggested that National Law School, Bangalore should be co-opted as the knowledge partner for preparation of the draft report as per terms of reference of the Council.

Action Point:

9. The members of the Sectoral Innovation Council on IPR agreed:

- To co-opt National Law School, Bangalore as the knowledge partner for preparing the draft report of the Council. The report would be prepared on the basis of the position papers submitted by the members of the Council. In addition, NLS would need to conduct background research/ analysis of the IP environment in India and the strategy adopted by similarly placed developing countries

The meeting ended with a vote of thanks to the chair.

**Meeting of Sectoral Innovation Council on IPRs on 7th September, 2011
in DIPP, Udyog Bhavan, New Delhi.**

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List of members attended the meeting

Sl. No.	Name and Designation	Name of Department/ Organization	Telephone No./ Mobile No./ E-mail ID.
1	In Chair, Secretary (IPP)		
2	Shri P.L. Gautam, Chairperson	Protection of Plant Varieties and Farmers' Right Authority.	pl-gautam@yahoo.com
3	Smt. Karuna Jain, MHRD IPR Chair Professor	IIT, Bombay	kjain@iitb.ac.in
4	Shri Pankaj Jhunja	Tata Motors	Ph: 8308804527 E-mail: pankaj.jhunja@ tatamotors.com
5	Dr. Anil K. Gupta, Executive Vice Chairman	National Innovation Foundation.	Ph: 9825014437 e-mail: anilgb@gmail.com
6	Shri S. Lomash,	CEPD, BHEL, New Delhi	Ph: 9958112110 e-mail: slomash@bhel.in
7	Shri K. Srikanthan	CEPD, BHEL, New Delhi.	Ph: 9810424729 e-mail: ksrikanthan@bhel.in
8	Shri D.G. Shah, Secretary General	IPA	Ph: 9820080550 e-mail: dgshah@vision.india.com
9	Dr. Anil Wali, Managing Director	FITT, IIT Delhi.	Ph: 9811205294 e-mail: mdfitt@gmail.com
10	Dr. Praful Naik, Executive Director and Chief Scientific Officer	Bilcare Ltd.	Ph: 9371284501

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Framework for preparing position papers on the terms of reference of the Sectoral Innovation Council on IPRs

The first meeting of the Sectoral Innovation Council on IPR was held on 7th September 2011 under the chairmanship of Secretary, DIPP. The members of the Council discussed the need and the demands from the IPR regime with a view to build a robust ecosystem for innovation. The members had agreed to prepare position papers on the key elements of an IPR strategy that could address concerns related to sustainable development, inclusive growth and food security and to elaborate upon the medium term building blocks of such a strategy.

2. As decided at the meeting the framework for the position paper to be submitted by members could be as follows:

- A. The Paper could begin by elaborating upon the philosophy that should guide formulation of the National IPR Strategy.
- B. The paper should ideally discuss the framework that should be adopted and the medium term objectives for creating an environment that encourages IP creation. It may however be important to remember that given the mandate of the Council, the suggestions need to be limited to IPR framework and related areas only. At present the Department looks after four IPRs namely trade marks, design, geographical indications and patents. The papers could discuss each one of these separately and deliberate upon the steps that need to be taken to promote IP creation of each kind. Another aspect of looking at the issue could be sector specific i.e the measures that could be taken to promote IP creation in the SMEs sector, steps that need to be taken to build awareness about the need to protect innovation, and interventions required to build capacity and facilitate IP creation etc.
- C. Protection of IP is another aspect of the IPR regime. Members may like to suggest measures that could be taken to further modernize the IP Offices and streamline its operations. Institutional reforms if any required for improving the level of efficiency and for reducing the transaction costs of the IP creators could also be covered. Interventions that could be undertaken to generate awareness and build respect for IP could also be suggested.
- D. Commercialization of IPRs is perhaps the single most critical factor in an IPR framework. An ecosystem that promotes commercialization can create the incentive to create and protect IP. The members of the Council could identify the interventions required in this regard.