

## Appraisal Report (April, 2012 to March, 2013)

Under the scheme of Intellectual Property Education, Research and public outreach (IPERPO), Ministry of Human Resource and Development has established MHRDIPR chair at National law University, Jodhpur. A number of IPR research and learning initiatives including IPR awareness programs, formulation and conduction of various undergraduate and postgraduate IPR Courses, creation of Traditional Knowledge Digital Database for western Rajasthan, research and suggestions on IPR Law Reforms and IPR Policies are the core functional areas within the scope of IPR Chair.

Appraisal report from April, 2012 to March, 2013 is as follows:

### 1. Activities undertaken by IPR Chair from April 2012 to March, 2013:

(i) *Distinguished Speaker Series*

On 19<sup>th</sup> July 2012, as part of Distinguished Speaker Series-IV, the Chair invited Prof. David Abrams, University of Pennsylvania Law School to deliver a lecture on "Poisoning the Next Apple: How the America Invents Act Harms Inventors"

#### Abstract:

The Leahy-Smith America Invents Act, the most significant patent law reform effort in two generations, has a dark side: It seems likely to decrease the patenting behavior of small inventors, a category which occupies special significance in American innovation history. In this paper we empirically predict the effects of the major change in the law: a shift in the patent priority rules from the United States' traditional "first-to-invent" system to the predominant "first-to-file" system. While there has been some theoretical work on this topic, we use the Canadian experience with a similar change as a natural experiment to shed the first empirical light on the question.

The analysis uses a difference-in-difference framework to estimate the impact of the Canadian law change on small inventors. Using data on all patents granted by the Canadian Intellectual Property Office and the US Patent and Trademark Office, we find a significant drop in the fraction of patents granted to small inventors in Canada coincident with the implementation of first-to-file. They also find no measurable changes in patent quality and perform several additional analyses to rule out alternative explanations. While the net welfare impact that can be expected from a shift to first-to-file is unclear, their results do reveal that, contrary to the conventional wisdom, the March 2013 implementation of a first-to-file rule in the U.S. is likely to result in reduced patenting behavior by individual inventors.

David Abrams is one of the leading young economists working in empirical law and economics. His work covers a range of topics, tied together by goal of understanding and

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measuring how individuals respond to incentives in various legal contexts. Criminal justice is one of his major areas of expertise, where Abrams has investigated a variety of questions, including whether longer sentences deter crime, how defendant race impact judicial decisions, to what extent attorney skill affects case outcomes, and how much individuals value freedom.

Intellectual property is Abrams's other major area of expertise, where he has investigated the expected impact of the America Invents Act, examined the effect of patent duration on innovation, and is using natural language processing to establish more reliable measures of patent value. He has additional interests in law and health economics, labor economics, and corporate finance. His work has appeared in a number of top peer-reviewed journals and law reviews including the *Stanford Law Review*, *University of Chicago Law Review*, *University of Pennsylvania Law Review*, *American Economic Journal: Applied Economics*, and *Journal of Legal Studies*

**(ii) Special lecture Series**

**Shri T.C. James**, Director, National Intellectual Property Organization (NIPO), New Delhi and Consultant, RIS (Research and Information System for Developing Countries), New Delhi is on a two-day visit to our University during **20-21 March**. During which he delivered *Special Lectures* on the following topics to the students:

1. *Digital Copyright and Indian Law*
2. *Internet and IPRs*
3. *Current IPR Issues in WIPO/WTO*

A brief profile of the speaker is given below-

**T.C. James**, Director, NIPO, is former Director (IPRs), Department of Industrial Policy & Promotion (2001-2009). Earlier, he had been Deputy Registrar, Copyright Office (1996-2001). He had been leader/member of Indian delegations on intellectual property rights to WIPO, WTO and UNO. He had also been key negotiator on IPR matters in bilateral trade negotiations with many countries. James was Research Advisor of the project 'Geographical Indications and Localisation' of the University of Warwick, National IPR Expert, UNIDO-ICAMT and also IPR Consultant, FICCI.

Presently, he is also on the Faculty of Research and Information System for Developing Countries and Guest Faculty of Indian Law Institute, New Delhi and Indian Academy of International Law and Diplomacy, New Delhi, National Institute of Intellectual Property Management, Nagpur, Global Institute of Intellectual Property, New Delhi, FICCI, New Delhi, SAARC University, New Delhi and ASC, Thiruvananthapuram James is author of Patent Protection and Innovation, Geographical Indications: Frequently Asked

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Questions; Copyright: Frequently Asked Questions; and co-author of A Handbook of Copyright Law, besides chapters in several books on IPRs. He has published many papers on IPRs, education, history and religion, and poems, in journals and periodicals.

James had his education/training in the University of Kerala, Harvard University, WIPO Academy, Geneva, British Copyright Council, London, Swedish Copyright Institute, Stockholm, European Patent Office, Munich, and Hungarian Intellectual Property Office, Budapest

(iii) Designed and launched a new one year LL.M. program in IP Law from July 2013:

#### Introduction:

Increasing growth of scientific and technical knowledge and rapid developments in the fields of entertainment has necessitated the need for skilled intellectual property experts with a thorough understanding of both legal and technical subjects. This program is designed for law graduates with the objective of producing efficient professionals, in the field of IP law, to cater for contemporary market needs of IP attorneys, IP managers and legal technologists. This program is market-centric and is carved out with a wide spectrum of courses related to IP law as per the global needs.

**Intake through CLAT:** A candidate should have obtained a LL.B/B.L. Degree or an equivalent degree from a recognised University with not less than 55% marks in aggregate (50% in case of SC/ST /OBC and persons with Disability).

#### Course Structure:

Sl. No.	Courses
1	Research Methodology and Legal Writing
2	Comparative Public Laws/ Systems of Governance
3	Law and Justice in a Globalised World
4	General Principles of Intellectual Property Law and Policy
5	International Intellectual Property Law and Policy
6	Patent Law and Plant Variety Protection
7	Copyright Law and Designs Law
8	Trademarks Law and the Law on Geographical Indications
9	Patent Claims drafting and Transactional IP

Note: This course is operational from the academic year 2013.

(iv) Research Lectures, paper presentations and conferences by the Chair coordinator  
 1. 'Private Proprietary Standards and Public Law: Invoking WTO's Competition Dimension to Avoid Global Market Distortion' ASIL -IEL 2012 Conference, Washington-DC November 16, 2012, 29 Nov. to 1 December 2012.

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2. Discussant- National Seminar on 'Measuring Benefits of Competition Policy Reforms in India', 21<sup>st</sup> March 2013, *organised by Consumer Unity & Trust Society, New Delhi*
3. Panellist - "Educational Roundtable Discussion on Innovation", George Washington University and US- India Business Council and US Chamber of Commerce, December 13, 2012, USIEF, Fulbright House, New Delhi
4. 'Addressing the International Dimension of Proprietary Technical Standards: Through the Lens of Trade, Competition law and Developing Countries' in *3<sup>rd</sup> Biennial Conference of the Society of International Economic Law*, National University of Singapore, Singapore (12-14<sup>th</sup> July 2012)
5. 'India's Post-TRIPS Regime for Pharmaceutical Patents: Promoting Innovation and Access' *Global Mondays*, 26<sup>th</sup> Nov. 2012, University of Washington, Seattle
6. 'Open Standards for the Internet' in Roundtable on Emerging Issues in Indian IP Law, organised by University of Pennsylvania School of Law and National Law School of India University, Bangalore (17<sup>th</sup> July 2012)
7. 'Bayer/Natco decision: India's first compulsory Licence' Organised by WIPO-WTO Colloquium for Teachers of Intellectual Property, Geneva (June 2012).
8. 'Techniques in Teaching Intellectual Property Law in India', New Perspectives on Teaching IPR organized by Asian Law Centre, University of Washington-National Law University Delhi-WB National University of Juridical Sciences-Kolkata (Workshop on 13<sup>th</sup> Feb 2013 )

(v) Visiting Scholar at the Asian Law Centre, University of Washington: Mr. Yogesh Pai was awarded the short-term visiting fellowship at the University of Washington during November 2012. He delivered talks and audited classes as part of his fellowship.

(vi) In February 2013, nominated as a legal member in a committee constituted by the Ministry of Health, Government of India for recommending compulsory licenses under the Indian Patents Act, 1970, in the context of affordable healthcare. The committee is tasked with recommending the grant of compulsory licenses on certain cancer drugs within the framework of Indian law and in line with India's commitment under the WTO-TRIPS Agreement.

(vii) Selected to participate in the WIPO-WTO Colloquium for Teachers of Intellectual Property (June 2012), held in Geneva, Switzerland.

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## Expenditure Statement (April 2012 to March, 2013)

S.No.	Expenditure Head	Expenditure (Rs.)
1.	Salary	11,79,862
2.	Honorarium to Visiting Faculty	2,10,000
3.	Roundtable Symposium	25,820
4.	Travel and Participation in Meetings/Conferences	28,339
5.	Lecture Series	43,511
6.	Bank Charges	38
Total		14,87,570
Fourteen Lakh Eighty Seven Thousand Five Hundred Seventy Only		
Total Expenditure for 2012-2013		14,87,570

\* As on 31<sup>st</sup> March 2013 the MHRD Chair has a committed liability of approximately Rs.5,00,000/- (Rupees Five Lakh Only) for procurement of Books for the financial year April 2012 to March 2013.

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**Activities Proposed to be Undertaken from April, 2013 to March, 2014:**

**(1) IPR Awareness / Outreach/ Sensitization Activities:**

We propose to organize two outreach programs to spread IPR awareness amongst the holders and creators of IPR in collaboration with prominent national level institutes like IIT, AIIMS, ICAR, NIFT etc... in Jodhpur

**(2) Academic research in theory and application of IPRs :**

Towards achieving the objective of academic research as set by the norms, a system of a system of publishing (online-open access) papers in areas of law and policy of intellectual property rights is in existence. Two working papers involving good quality research will be published this year. The current papers may be accessed at:  
<http://nlujodhpur.academia.edu/YogeshPai>

**(3) Extended Research support for Government of India:**

As per "General conditions for grants", the MHRD IPR Chairs are expected to provide "policy advice to the Ministry in matters of Copyrights and related rights": It is suggested this should be one of the major activities of the IPR Chair at NLU, Jodhpur. Both national and international law and policy work in all areas of IPRs should be considered. In fact, the MHRD IPR chair at NLU Jodhpur is closely working with the Ministry on the issues of "Proposed WIPO Treaty on Protection of Broadcasting organizations" and "Proposed WIPO Treaty on Exceptions and Limitations for Library and Archives" as of 2013.

**(4) Workshops:**

- We propose to organize a 1 day workshop on "**Copyright Issues in Education: Bridging Creativity and Access**" in October 2013. This will be an invited conference to discuss recent developments in publishing industry and its impact on education and access to knowledge.
- We propose to organize a 2-day workshop for Judicial Officers from Rajasthan Higher Judicial Services tentatively in March, 2014 at National Law University, Jodhpur. The broad theme of this workshop will be **Enforcement of IPRs: Copyright and Trademarks**. We will invite resource persons/ experts from various parts of the country.

**(5) Conference:**

We propose to organize a 2-day National conference tentatively in January, 2014. We propose to invite IP Experts as speakers to deliver talks on contemporary IP issues of significance. Participation to the conference may be either by invitation or by research contribution. This will be in continuation to the MHRD Chair conference on Pharmaceutical IPR organized by the chair in 2012. The Ministry of Human Resource Development

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(MHRD) Chair on IPR at National Law University, Jodhpur in collaboration with the University Grants Commission hosted a two-day roundtable symposium on the 'Emerging Legal and Policy Landscape of Intellectual Property Protection for Pharmaceuticals in India' on 17th and 18th March, 2012. It brought together some of the prominent experts, legal practitioners, academicians, policy specialists, representatives from the pharmaceutical industry and non-profit organizations from different spheres such as law, economics and policy. It provided a stimulating environment to discuss many critical issues concerning IP protection for pharmaceuticals in India in the light of emerging scenario in the Post-TRIPs world.

Details can be accessed at: [http://www.nlujodhpur.ac.in/ip\\_events.php](http://www.nlujodhpur.ac.in/ip_events.php)

**(6) Distinguished Lecture Series:**

We propose to invite eminent speakers and experts in the area of Intellectual Property from various parts of the country. They will deliver lecture to undergraduate and postgraduate students pursuing different course of IPR. Moreover, we propose to organize interactive sessions with these resource persons to facilitate students and faculty members for extensive learning in the area of IPR.

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**Budget Requirement**  
(from April 2013- March, 2014)

For carrying out these proposed activities under MHRD IPR Chair, recurring and non-recurring grant is required. A detailed estimate of expenditure with break-up of the proposed programme i.e. revised budget estimate is as follows:

**Detailed recurring and non-recurring grant proposal for the MHRD IPR Chair (from April, 2013 to March, 2014)**

S.No.	Expenditure Head	Fund Required(Rs.)
<b>A. Recurring</b>		
1	Coordinator's Salary	9,00,584
2	Two Research Associates @ 35,000/- per month	8,40,000
3	One secretarial assistance and one Group 'D' staff	594132
4	Two Ph.D. fellows @ 12000/- per month (as per norms)	3,38,000/-
5	Travel grants ( for Participation in conference/seminars, meetings, Studies etc. and other academic activities)	2,00,000/-
6	Misc. expenses (telephone, internet, postage, stationary etc.)	1,00,000/-
	<b>Total Recurring</b>	<b>29,72,716</b>
<b>B. Non-Recurring Head</b>		
1	IPR Awareness / Outreach/ Sensitization Activities:	2,00,000/-
2	Workshops (2 x 2,00,000)	4,00,000/-
3	National Conference	5,00,000/-
4	IP depository books, Back volumes	5,00,000/-
5	Lectures by experts	1,00,000/-
	<b>Total Non-Recurring Expenditure</b>	<b>17,00,000</b>
	<b>Total Recurring (A)+ Total Non-Recurring(B)</b>	<b>46,72,716</b>
	<b>Balance Account as on 31<sup>st</sup> March, 2013</b>	<b>27,78,179</b>
	<b>Amount Requested from ministry</b>	<b>18,94,537</b>

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(M) 09413847774

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JODHPUR-342002 (Raj.)

Date 10 MAY 2013

Ref. No.

## NATIONAL LAW UNIVERSITY, JODHPUR

RECEIPTS & PAYMENTS ACCOUNT  
FOR THE PERIOD 01.04.2012 to 31.03.2013

OF IPR CHAIR PROJECT UNDER SCHEME FOR

INTELLECTUAL PROPERTY EDUCATION, RESEARCH AND PUBLIC OUTREACH

RECEIPTS	AMOUNT(₹)	PAYMENTS	AMOUNT(₹)
OPENING BALANCE		SALARIES	1179862.00
STATE BANK OF PATIALA, S..B. A/C, Jodhpur		645646.00 HONORARIUM TO VISITING FACULTIES	210000.00
INTEREST ON S.B.A/C		20031.00 TRAVELLING EXPENSES	28339.00
GRANT IN AID RECD.		3600000.00 LOAN PAID TO NLU A/C, JODHPUR.	1000000.00
LOAN RECD FROM NLU A/C, JODHPUR		1000000.00 ROUND TABLE SYMPOSIUM	25820.00
NLU A/C		72.00 LECTURE SERIES	43511.00
		BANK CHARGES	38.00
		CLOSING BALANCE STATE BANK OF PATIALA, S.B.A/C , Jodhpur	2778179.00
TOTAL	5265749.00	TOTAL	5265749.00

For : NATIONAL LAW UNIVERSITY

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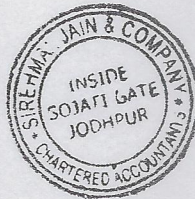
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UTILISATION CERTIFICATE

This is to certify that out of Rs. 360000/- only (Rupees Thirty Six Lac 81 only) sanctioned by the Ministry of Human Resource Development, Department of Higher Education vide No. FM/17-10/2008-1C dated 9 January 2013 under the Scheme of Intellectual Property Education, Research and Public Outreach, Rs. 1487570/- only (Rupees Fourteen Lac 87 Thousand 570/- only) has been actually incurred by the National Law University, Jodhpur. The amount has been utilized for the purpose, for which it has been sanctioned.



For SIREMA JAIN & CO.  
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(S. M. JAIN)  
Prop. (M.No. 008374) 22/07/2013

Signature of Head of Institution  
with rubber stamp

Registrar  
National Law University  
JODHPUR

Certified by Chartered Accountant/  
Authorized Auditor  
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