

# **REPORT OF THE EVALUATION COMMITTEE**

**ON**

**CONTINUATION OF THE SCHEME OF  
INTELLECTUAL PROPERTY EDUCATION,  
RESEARCH AND PUBLIC OUTREACH  
(IPERPO) IN THE XII FIVE YEAR PLAN 2012-17**

**SUBMITTED BY**

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# REPORT OF THE EVALUATION COMMITTEE ON CONTINUATION OF THE SCHEME OF INTELLECTUAL PROPERTY EDUCATION, RESEARCH AND PUBLIC OUTREACH (IPERPO) IN THE XII PLAN PERIOD 2012-17

## Introduction:

The Ministry of Human Resource Development, Department of Higher Education, Copyright Division constituted a three member committee to evaluate the Central Scheme of Intellectual Property Education, Research and Public Outreach (IPERPO) for continuing the same in the 12<sup>th</sup> plan period consisting of Prof. Sudhir K. Jain, Head, MHRD-IPR Chair, IIT Delhi; Shri T.C.James, former Director, DIPP and Shri J.R.Agrawal, former Director (Fin), Ministry of HRD vide its OM No 5-6/2012 – IC dated 12.09.2012. This was done following the directions of the Planning & Monitoring Bureau of the Ministry of HRD vide O.M.No.8-32/2011-P&M dated 23.08.2012 to conduct a comprehensive, in-depth and independent evaluation of an ongoing Central Scheme (CS), before its continuation in the XII Plan. The evaluation and scrutiny of the scheme should *inter alia*, yield recommendations with regard to the following:

- i. Whether the Scheme needs to be continued in XII Plan or dissolved forthwith;
- ii. In case it is to be continued, then:
  - a). Need for improvements;
  - b). Phasing of Expenditure in the XII Plan for each component of the Scheme;
  - c). Setting of physical and financial milestones/targets for the XII Plan for each component.

## 2. Objectives of the evaluation:

- To study the impact of the scheme on the teaching, learning and research in the discipline of intellectual property rights in the universities and other recognized institutions of higher education.
- To assess the impact of awareness created by the scheme about copyright and other IPR matters among public and academic community and other stakeholders through different means including seminars, workshops and training and utilisation of print and electronic media.
- To examine the steps taken towards developing specialized courses in IPRs in the education system, including in schools and encouraging study in these courses, under this scheme.
- To assess and evaluate the progress of the MHRD-IPR Chairs set up under the Scheme;
- To examine the procedure adopted for release of grants to MHRD-IPR Chairs and to propose uninterrupted funds flow to the MHRD-IPR Chairs with a strong financial support system;
- To suggest ways to improve the monitoring of the MHRD-IPR Chairs to achieve the ends for which they are set up;

- To examine the procedure adopted for release of grants to recognised universities, institutes and other eligible agencies for holding seminars, workshops and conducting research projects; and
- To explore widening the scope of the Scheme in terms of the activities to be undertaken during the XII Plan period.

### 3. Methodology:

- Comparative study of progress of the 20 IPR Chairs on the basis of the activities undertaken and proposed to be undertaken and data on expenditure of grants released and utilized;
- Analysis of data on expenditure of grants released to universities/institutions/colleges and NGOs for conducting seminars/workshops/projects; and
- Assessment of the reports submitted by universities, colleges, institutes after conducting seminars, workshops and research studies

### 4. Genesis of the Scheme:

4.1 Many efforts were initiated in the country after becoming WTO member, in 1995, for building a robust bank of capable human resources in the area of intellectual property rights (IPR) to face upcoming challenges. Protection, maintenance and management of IPR by institutes, universities, industries and individuals in an effective manner were at the centre stage. Even now these issues are extremely important and the initiatives of the Central Government are equally required even now. MHRD recognized the role to be played by universities and institutes in inculcating a new culture for promoting creativity, originality and innovations in the country and took a modest initiative by launching few schemes in the IX Plan such as Scheme for organizing seminars and workshops on copyright matters, Scheme for financial assistance for IPR studies and Scheme for financial assistance for WTO studies. The Ministry also introduced a scheme for establishing IPR Chairs in universities and institutes in 2001. Department of Higher Education, MHRD merged all the above schemes in 2002-03 and introduced a comprehensive scheme "Intellectual Property Education, Research and Public Outreach (IPERPO)" during the X Plan. A copy of the Scheme is at **Annexure I**.

4.2 IPERPO Scheme aims at encouraging studies and research in the area of intellectual property rights by setting up IPR Chairs in recognized Universities and Institutions of Higher Education and also to create awareness among public academic community by organizing workshops/seminars and training of enforcement personnel.

### 5. Aims and Objectives of the scheme:

- (i) Encourage study of intellectual property rights in the Universities and other recognized institutions of higher education.
- (ii) Creating public awareness about copyright and IPR matters among public and academic community
- (iii) Developing and encouraging study in specialized courses in IPRs in higher education system

- (iv) Training of enforcement personnel, nameiy, state police/custom officials about copyright and related issues
- (v) Organizing seminars and workshops on copyright matters/IPRs matters in colleges, universities, and other recognized institutions
- (vi) Creating knowledge resources on WTO matters
- (vii) Developing inputs for policy formulation on WTO matters
- (viii) Developing negotiating strategies on WTO matters
- (ix) Developing awareness on WTO matters; and
- (x) Evolving strategies of regional cooperation and regional training arrangements.

## 6. Scope of the Scheme:

Under the scheme, expenditure is to be incurred by the Ministry either directly or through financial assistance to UGC recognized University, other recognized educational institutions, registered voluntary organizations, registered copyright societies for the following purposes:

- (i) Institution of Chairs for IPR Studies for higher education and also on WTO studies
- (ii) Organization national/international workshops for developing teaching/learning material including syllabi
- (iii) Organizing seminars, workshops, etc. on study of IPR and GATS
- (iv) Setting up of a depositories for IPR and WTO literature/material/ case studies at a nodal institution
- (v) Preparation of instructional material for various levels of IPR courses/GATS in education services for direct teaching as well as teaching through distance education mode including commissioning of suitable resource persons for the purpose.
- (vi) Organizing orientation and training programmes for potential faculty of teaching IPR and courses on GATS: WTO Regime
- (vii) Providing of scholarships and fellowships for conducting research in economic, social, legal and technological aspects of new and merging IPR areas/WTO: GATS international areas of interests to the country
- (viii) Holding meetings of the Academic Advisory Committee set up by the Ministry of Human Resource Development and taking following action on its decisions
- (ix) Organizing national or international seminars on copyright and neighbouring rights issues
- (x) Organizing training courses on enforcement of copyright law; and
- (xi) Holding regional level meeting and organizing meetings with persons from the SAARC and Asian and Pacific Region
- (xii) Organizing Regional level meetings for developing Regional Trading Arrangements

## 7. Eligibility of Institutions/organization to be selected under the Scheme.

- (i) UGC recognized universities, institutions deemed to be universities and colleges and institutions affiliated to recognized universities in the area of IPRs and copyright matters

- (ii) Educational institutions recognized by a State or Central Government or be a university/institution set up by an Act of Parliament or a State legislature
- (iii) Copyright societies registered under the Copyright Act, 1957 with the Government of India in the area of copyright matters
- (iv) Voluntary organizations of authors, publishers, artistes, performers, film producers, book sellers, computer software producers or dealers etc. engaged in copyright activities which are registered under the Societies Registration Act, 1860 (Act XXI of 1860) in the area of copyright matters.

## 8. MHRD-IPR CHAIRS:

8.1. The Committee has been informed that the Ministry of Human Resource Development had initiated action for establishment of IPR Chairs in the year 2001. Under the scheme of IPERPO twenty MHRD –IPR Chairs have been set up so far in various universities and institutes for development and growth of IPR education, research and training. Out of these, six are in universities (i.e. CUSAT, Cochin; Faculty of Law, Delhi University; Delhi School of Economics; Jawaharlal Nehru University; Delhi, University of Madras and Tezpur University), six are in IITs (Delhi, Kanpur, Kharagpur, Bombay, Roorkee and Madras), five are in National Law Universities (NLSIU, Bangalore; NALSAR, Hyderabad; WBNUJS, Kolkata; NLIU, Bhopal; and NLIU, Jodhpur) and three are in IIMs (Kolkata, Bangalore and Ahmadabad). The details are as given at Table --1.

**Table -1**

(in Rs

Lakhs)

S.No.	Name of the University / Institute	Year in which established	Year of sanction	Grants released till date	Utilisation of Grants
1.	University of Madras	March 2001	2001	9.00	8.97
2.	National Law School of India University (NLSIU), Bangalore	March 2001	2001-02 2002-03 2003-04 2004-05 2005-06 2007-08 2008-09 2009-10 2010-11 2011-12 2012-13	5.00 10.00 5.00 5.00 16.11 14.40 04.33 15.00 --- --- 30.00	70.84
				<b>100.84</b>	

3.	University of Delhi	March 2001	2001	10.00	5.09
4.	Cochin University of Science and Technology (CUSAT), Cochin	March 2003	2002-03 2006-07 2007-08 2007-08 2008-09 2009-10 2010-11 2011-12 2012-13	10.00 11.50 11.39 7.16 35.00 20.00 45.00 51.00 50.00(Plan) 75.00(Non-Plan) <b>316.05</b>	191.05
5.	Indian Institute of Technology (IIT), Kanpur	February 2005	2006-07	25.00	17.82
6.	Indian Institute of Technology (IIT), Kharagpur	February 2005	2006-07 2008-09 2009-10	25.00 06.42 20.00 <b>51.42</b>	51.42
7.	Indian Institute of Technology (IIT), Madras	February 2005	2006-07	25.00	-
8.	Indian Institute of Technology (IIT), Bombay	February 2005	2006-07 2009-10 2010-11 2011-12 2012-13	25.00 30.00 30.00 50.00 55.50 <b>190.00</b>	135.00
9.	Indian Institute of Technology (IIT), Delhi	February 2005	2006-07	25.00	2.80
10.	Indian Institute of Management (IIM), Ahmadabad	February 2005	-	-	-
11.	Indian Institute of Management (IIM), Calcutta	February 2005	2007-08	10.00	-
12.	Indian Institute of Management (IIM), Bangalore	February 2005	2005-06 2007-08 2008-09 2011-12 2012-13	05.00 02.45 10.00 61.53 27.00 <b>105.98</b>	78.98

13.	Jawaharlal Nehru University (JNU), Delhi		2007-08	10.00	-
14.	Delhi School of Economics, DU, Delhi	February 2005	2007-08	10.00	-
15.	NALSAR University of Law, Hyderabad	March 2008	2007-08 2008-09 2009-10 2010-11 2011-12 2012-13	10.00 13.50 15.00 15.90 25.00 32.00 <b>111.40</b>	79.40
16.	National Law University (NLU), Jodhpur	March 2008	2007-08 2008-09 2009-10 2010-11 2012-13	10.00 04.00 15.00 40.00 36.00 <b>105.00</b>	69.00
17.	National Law University (NLU), Bhopal	March 2008	2007-08 2009-10 2010-11 2011-12 2012-13	10.00 20.00 25.00 20.00 25.00 <b>100.00</b>	75.00
18.	West Bengal National University of Juridical Sciences (WANUJS), Kolkata	March 2008	2007-08 2009-10 2010-11 2011-12	10.00 10.00 30.00 40.00 <b>90.00</b>	75.00
19.	Indian Institute of Technology (IIT), Roorkee		2010-11 2011-12	30.00	30.00
20.	Tezpur University		2010-11 2012-13	29.00 30.00 <b>59.00</b>	29.00

8.2. Initially, the Ministry set up three MHRD-IPR chairs in 2001, one each at University of Madras, Delhi and the National Law School of India University (NLSIU), Bangalore. The staff pattern followed for MHRD-IPR chair was one Chair Professor, two Research associates, one Steno-cum-Documentation assistant, and one group-D employee. Apart from the recurring expenditure towards salaries of the above mentioned staff, MHRD-IPR chairs had also been given a non-recurring provision for library, equipments and ancillary items. The appointment of MHRD-IPR chair Professor are to be made in accordance with the rules and guidelines of the UGC. The same staff pattern was followed for subsequent MHRD-IPR chairs as well. **The norms for creation, continuation and disbursement of funds for MHRD-IPR chairs were issued on 24.12.2009.** The grants released to these Chairs are subject to the following conditions.

- i. The accounts and records shall be maintained in accordance with the procedure prescribed by the Government of India.
- ii. The assets acquired by the University/Institute out of the grants sanctioned shall be subject to the rules and conditions prescribed by the Government of India from time to time in this regard.
- iii. A register of the permanent and semi-permanent assets acquired wholly or partly out of the Government grant shall be maintained in the prescribed form and a copy thereof is furnished to this Ministry. No item of the assets shall be transferred or otherwise disposed of without the concurrence of the Ministry.
- iv. Before the amount is paid, the University/Institute in respect of the grant shall execute a bond. The University/Institute receiving grant shall give an undertaking that no grant-in-aid has been received for this purpose from any other authority of the Central/State Government and that a grant or aid has not been applied for by the University/Institute to any of these authorities for the same.
- v. The University/Institute shall give an undertaking that the grant will be utilized for the purpose for which it is sanctioned.
- vi. Separate accounts for the grant shall be maintained and any information sought by the Ministry will be furnished within the stipulated time.
- vii. A Utilization Certificate, certifying that the amount has been utilized for the purpose for which it has been sanctioned duly supported by a statement of audited accounts from a Chartered Accountant, shall be furnished within one year of the sanction of grant.

8.3. Two committees namely, 'Coordinating Committee' and 'Review Committee', were set up in the Ministry to monitor the progress of work done by MHRD-IPR chairs. The Coordinating Committee of IPR Chairs under the chairmanship of Joint Secretary concerned monitors functioning of the IPR chairs and also discusses the proposed activities and resolves any pending issues. The Review Committee under the chairmanship of Secretary, Department of Higher Education reviews periodically the progress of all IPR Chairs.



## 9. Observations on performance of IPR Chairs:

- The main problem being faced by most of the grantee institution is that they are not able to find a suitable Professor level person to occupy the IPR Chair. So far, out of twenty MHRD IPR chairs, only eleven (CUSAT, Cochin; NLISU, Bangalore; IIM, Banalore; University of Madras; NALSAR, Hyderabad; NLUI, Bhopal; IIT Delhi; IIT, Bombay; IIT, Roorkee; Tezpur University and WBNUJS, Kolkata) have appointed Chair Professors. A common difficulty has been to find a specialist in IPR with a Doctorate degree preferably in IPR. So far only four MHRD-IPR chairs have appointed IPR-Coordinators to supervise the activities of the Chairs (IIT, Kharagpur; IIT, Kanpur; JNU, Delhi and NLIU Jodhpur). These IPR-Coordinators have certain years of working experience in the area of IPRs. It may be pointed out that other five MHRD-IPR chairs (JNU, Delhi; Delhi School of Economics; IIM, Kolkata; IIM, Ahmadabad and IIT, Madras) have not started any activity so far.
- It has been observed that no qualifications have been prescribed for the IPR Chair in the Scheme. Further, the scheme and the sanction letter do not explicitly mention about the specific activities to be undertaken by the IPR Chairs.
- Activities of most of the chairs have been limited to organizing one or two day seminars/workshops or delivery of few lectures by the IPR chair. All Chairs seems to have concentrated more on awareness creation which needs to be appreciated considering that very few Indian universities and institutes ever dealt with the basics of IPR in their curriculum earlier. The research component has been weak and this may be due to non-availability of researchers and lack of identification of research areas. There is very little evidence of published research papers. Very little effort has gone for developing human resource for IPR, curriculum for teaching IPR and teaching and reading material. While setting up of an IPR depository is a major component of the scheme, very few chairs have furnished details about the depositories they have set up.
- The setting up of the Chair, *inter-alia*, envisages appointment of one Professor, two Research Officers/Assistant, one Steno-cum-Documentation Assistant and one Group 'D' employee and also provision of library, equipments, and other ancillary items. Out of the twenty MHRD-IPR chairs set up so far, only a few IPR Chairs have appointed full complement of staff. It is noted that most of the IPR Chairs are being occupied by existing faculty members of the Institution concerned concurrently with other regular responsibilities. As a result the IPR Chair may not be able to devote full time to the functions of the IPR Chair to achieve the expected results. It is also understood that operationalisation of IPR Chair and its activities get delayed because of the internal procedures of the Institution concerned.
- Release of subsequent instalments to MHRD-IPR chairs is often held back on account of non-submission of Utilisation Certificate (UC) and the audited Statement of Expenditure (SOE) or, when submitted, in many cases, the

same not being in the format prescribed for that. As per the instructions of Department of Expenditure, Ministry of Finance no fresh grants should be issued if the UC or SOEs are pending. The UC and audited SOE have to be signed by an independent auditor (Chartered Accountant), the IPR Chair professor and the head (dean or registrar) of the institute or university. Moreover, these IPR Chairs have to submit the certificate of audits from their respective state audit departments or relevant extracts of CAG audit report for that particular year in which the expenditure was incurred. Non-submission of these makes IPR chairs ineligible to get further grants. These requirements have become stumbling blocks in the uninterrupted flow of funds to IPR chairs.

- Lack of certainty about the continuation of the IPR chairs seems to have affected the process of setting up and working of these chairs. Most of the institutes/ universities are also not sure of continuation of the MHRD-IPR chair for plan period as even the salary grant is issued only for one year. This is a major bottleneck since institutions want an assurance of continuance of regular grants without any hitch before they undertake financial commitments such as in appointing a Chair Professor.. They are also not happy with the release of token grants which is not sufficient to appoint a chair professor or to plan and undertake major activities. With the small amounts released by the Ministry the university may not be interested in undertaking activities with vigour. Further, there is no uniformity in the release of grants to various IPR Chairs..
- Grants have been released to **409** universities, institutes, and colleges for holding seminars and workshops on IPR awareness. It is estimated that each workshop and seminar has been attended by about 80 to 100 participants. Therefore, on this account the committee feels that by and large objectives have been met. In addition 4 institutes/colleges received grants for conducting studies in IPR matters and 5 others for setting up of depository of IPR literature and one for IPR Facility Centre. In the XI Five year plan, grants were released to only two collages and one NGO for conducting IPR awareness seminars/conferences. The Ministry should encourage more colleges and universities to hold IPR seminars and conferences in order to spread the importance of IPRs.

## **11. Plan allocation and Expenditure**

The total budget allocation for the XI Plan was an amount of Rs. 1832.00 lakh for IPERPO Scheme. Out of the revised estimates of Rs 1340.00 lakh an amount of Rs 682.65 lakh was utilized for releasing grants to universities, institutes and NGOs.

**Table -2: XI- Plan allocation and Expenditure**

(Rs.in lakhs)

Year	BE	RE	No. of Universities/ Institutions	Grant released	No of NGOs	Grant released	Total expenditure (5+7)
1	2	3	4	5	6	7	8
2007-08	433	433	40	150.80	2	2.19	152.99 (35.33%)
2008-09	500	200	36	199.99	--	--	199.99 (99.99%)
2009-10	300	300	05	98.152	1	0.28800	98.44 (32.71%)
2010-11	300	300	10	282.00	--	--	282.00 (94%)
2011-12	400	400	09	351.54	--	--	351.54 (87.88)
<b>Total</b>	<b>1933</b>	<b>1633</b>	<b>100</b>	<b>1082.482</b>	<b>03</b>	<b>2.478</b>	<b>1084.96 (66.4%)</b>

There has been wide variation in the actual utilization of funds. The mismatch of allocation and actual expenditure appears to be because of

- Non-receipt of requests for setting up of new Chairs.
- Lack of suitable proposals for workshops, seminars, conferences, etc.
- Non- receipt of UCs for already released grants.
- Lack of continued attention to the scheme.

## 12. Recommendations of the XIh Plan Working Group on IPERPO Scheme:

The XI Plan Working Group on Languages and Book Promotion gave recommendations on the scheme of Intellectual Property Education, Research and Public Outreach. Apparently, for the XII Plan no recommendations have been given by the Working Group. However, XI Plan Working Group recommendations are still relevant for the IPERPO Scheme.

### 12.1 New initiatives to be taken during XII Plan

Under the proposed revised Scheme, in addition to the existing programmes **new initiatives are needed to be taken to strengthen the Copyright Office with a view to expanding its activities according to the changing needs of the knowledge economy and world scenario.** Some of the major areas where new initiatives or strengthening of the existing facilities are required are as follows:

### 12.2 Establishment of new IPR Chairs

The field of IPR is exploding in size and gaining in complexities. Though not so at present, but with its vast human capital and intellectual property, India is likely to be a big player in this field. For this purpose, it is essential that the Government of India may initiate major steps towards capacity building. There can be many

dimensions of such capacity building exercise, one of which is the creation of professorial chairs in institutions of national excellence to encourage both research in the field of IPRs as well as creation of a pool of trained human resources.

All existing and new IPR Chairs should be given financial assistance during the entire Plan period according to the MHRD IPR Chair norms under the proposed revised Scheme of IPERPO. A minimum expenditure of Rs. 50 cr. during the XII Plan is anticipated under the scheme for the establishment of IPR Chairs.

### **12.3 Other IPR Centres/Cells**

In addition to MHRD many other government departments, educational institutions and PSUs have started their IPR cells. Prominent among the government departments/agencies are Department of Biotechnology, Ministry of Telecommunications and Information Technology, Indian Council of Medical Research, Indian Council of Agricultural Research, ISRO, Department of Atomic Energy, Defence Research and Development Organization and Indian Council of Forest Research. IITs at Delhi, Mumbai, Kharagpur and Roorkee have also set up separate IPR cells and evolved IPR policies. Among the PSUs, Indian Oil Corporation and Bharat Heavy Electricals Ltd. are worth mentioning. At the same time, all publicly funded institutions and agencies will have to come to terms with the new ground realities and take positive steps to direct research suitably to generate more intellectual property rights, protect and manage them efficiently. In order to maintain a continuous stream of new ideas, innovations and creations, public private partnership in R&D would need to be nurtured to arrive at a win-win situation.

More IPR centres/Cells are to be set up in the selected educational institutions in the country. Net-working between these centres, IPR Chairs etc. are to be established for sharing of information on their programme and activities such as latest international developments, outcome of research projects undertaken etc.

### **12.4 Internal Monitoring and Information System**

Under the proposed revised scheme of IPERPO, it is planned to develop an appropriate Internal Monitoring Information System for the effective implementation of the scheme. The system will also share the R&D information available with all concerned, legal aspects of IPR, new laws and regulations formulated. Appropriate detailed MIS proforma needs to be prepared and finalized for the purpose.

### **12.5 National Seminars/conferences**

It is also recommended that national seminars/conferences on various aspects of Intellectual Property Rights be organised in different parts of the country. The participants should be experts from Universities, IITs, IIMs and other national level institutions and NGOs engaged in research and popularization of IPR. Separate Plan provisions for the purpose need to be provided in the revised scheme. These seminars, conferences and workshops are absolutely necessary to finalize the programmes to be carried out annually, preparation of its action plan and implementation strategy.

## **12.6 Celebration of World Intellectual Property Day**

It is also recommended that the World Intellectual Property Day be celebrated every year in a befitting manner, at par with such celebrations in other developed/ developing countries, on various themes as decided by the WIPO to highlight the significance of creativity and innovation in people's daily lives and in the betterment of the society. The programmes could include television and radio broadcast of events, interviews with dignitaries in the relevant fields, features and newspaper articles, presentation by Ministers and other officials, conferences, seminars, workshops, videos/films, instituting awards at national level, posters, entrust programmes involving music and dance, rallies organized by school children, and so on. All programmes should be aimed at drawing attention to the importance of creativity, knowledge and the process of innovation to put ideas into practice. The proposed programmes will be successful only if adequate financial and physical supports are provided by all concerned. The details of the celebrations, its planning, ways of celebrations, action plan, its execution, etc. should be worked out in consultation with the Departments and organizations concerned.

## **12.7 Public Awareness Programmes**

Wide publicity through print and electronic media is absolutely necessary to make the general public aware of various aspects of copyrights and other IPRs. It will also prevent the exploitation of the public by the interested groups and organizations. The following activities are recommended for achieving the goal: advertisements in print and electronic media ii) Radio/TV spots iii) Brochures iv) Talk shows v) Sponsored programmes. It is necessary to issue advertisements twice or thrice in a year in selected national and regional newspapers, on issues relating to copyrights and other IPRs such as what is IPR/Copyright, its applicability, what does it protect, what are one's rights and how they are protected. It is also recommended that brochures on various IP related matters be prepared and brought out in all major Indian languages for wide distribution. These brochures will also need periodical updating /modifications to reflect the changes made in the relevant laws, decisions taken in various national and international conferences, agreements etc. Necessary financial provisions need to be provided under the proposed revised scheme for implementing during the XII Plan period. It is necessary to initiate these activities during the 1<sup>st</sup> year of XII Plan by meeting the expenditure from the budget provision available under the scheme.

## **12.8 Strengthening/ Modernization of the Copyright Office**

The modernization and upgradation of the copyright Division of the Ministry to international standards like the copyright offices in the USA, UK and other countries is absolutely necessary to ensure that the public and IP professionals get easy approach to the office for any kind of information documents on copyright and related rights. It is also necessary to enhance the facilities for online registration, filing of petitions with the Copyright Office and also for speedy clearances of matters including registration.

The Hon'ble Minister for Information & Broadcasting had constituted five Core Groups to look into various aspects of the film industry and recommend different

areas where further action needs to be taken for promotion of Indian film industry. These Core Groups comprise of members from film industry representing all the sectors apart from officials of Government of India. Among the issues that have been recommended by the Core Groups following issues require attention of Ministry of Human Resource Development:

- (i) Anti-piracy measures would be strengthened by provision of hologram as practiced by Government of Malaysia in respect of copies of films.
- (ii) The Copyright Office which is currently only in Delhi should be opened in different parts of the country for facilitation of copyright.

The strengthening of Copyright Office is needed to provide protection in more effective manner to all original literary, dramatic, musical and artistic works, cinematographic films, sound recordings and performances. The recent changes in the Copyright law bring sectors such as satellite broadcasting, computer software and digital technology under copyright protection. The speedy disposal of all matters relating to copyrights, complaints on legal matters, settlement of legal cases filed with Copyright Board, etc. will also be possible only if the Division is modernized and updated. The E-governance and on-line registration facility started in the Copyright Office in the year 2009 on test basis may be revived and strengthened. It is recommended that digitization of all the records be completed within a year.

The details of tentative XII Plan allocation proposals are given below:

**Table -3: XII- Plan allocation under the scheme of IPERPO**

(Rs.in lakhs)

(in Rs Crores)

S.N o.	Item of Expenditure	Annual Plan					Total
		2012-13	2013-14	2014-15	2015-16	2016-17	
1	2	3	4	5	6	7	8
1	Establishing New MHRD IPR Chairs in Universities/Institutions	1.00	1.00	1.00	1.00	1.00	05.00
2	Grants to existing MHRD IPR Chairs in Universities/Institutions	6.00	7.00	8.00	8.00	8.00	37.00
3	Organizing seminars/workshop by Educational Institutions	1.00	1.00	1.00	1.00	1.00	5.00
4	Internal Monitoring and Information System	0.25	0.25	0.25	0.25	0.25	1.25
5	Organizing and attending National Seminars/	2.75	2.75	2.75	2.75	2.75	13.75

	Conferences and international Copyright meetings						
6.	Celebration of World Intellectual Property Day.	2.00	2.00	2.00	2.00	2.00	10.00
7.	Public awareness programme	5.00	4.00	8.00	3.00	3.00	23.00
8	Strengthening/ Modernization of Copyright Office, including hiring of staff	2.00	2.00	2.00	2.00	2.00	10.00
<b>9.</b>	<b>Total</b>	<b>20.00</b>	<b>20.00</b>	<b>25.00</b>	<b>20.00</b>	<b>20.00</b>	<b>105.00</b>
10.	Revenue Expenditure	17.00	17.00	21.00	17.00	17.00	90.00
11.	Capital Expenditure	03.00	03.00	03.00	03.00	03.00	15.00
12.	Grand Total:	<b>20.00</b>	<b>20.00</b>	<b>25.00</b>	<b>20.00</b>	<b>20.00</b>	<b>105.00</b>

### 13. XII- Plan Expenditure

The total allocation for IPERPO scheme under the XII Plan is yet to be finalised. An amount of Rs.600.00 lakh has been allocated during 2012-13 under this scheme and Rs.265.97 lakh have been utilized till 31<sup>st</sup> December, 2012.

### 14. Specific Recommendations:

- i. It is amply clear that several grantee institutes have not been able to find suitable incumbents for IPR Chairs. If these are only open to faculty members from within the institute the problem may continue to persist. Therefore, a provision should be there to attract IPR professionals from outside as well. It is recommended that following qualification may be considered for the IPR Chair. (i) the incumbent should ideally be a PhD in Law, Physical Sciences, Life Sciences, Engineering, Social Sciences (particularly Economics or Management) or equivalent with a minimum teaching experience of 15 years and record of good research publications in IPR. These requirements may be relaxed in case eminent persons in the area of IPR. (ii) The incumbent may be at the level of a professor/associate professor. (iii) In case of non-availability of a suitable person for the IPR Chair a Coordinator or IP specialist be appointed to conduct the activities of the IPR Chair.
- ii. MHRD-IPR Chairs may be given functional autonomy for conducting activities of the Chair within the approved budget and grantee institutions may be advised accordingly.
- iii. The norms for appointment of staff including research officers and other academic and administrative staff need to be revised periodically. The remuneration/salary structure will have to reflect market conditions. For

example, it is necessary to increase the salary of the Research Officer to Rs. 35,000 p.m. immediately in order to attract qualified persons. In the appointment norms also, provision needs to be made for appointment on deputation.

- iv. The scheme of IPR Chair should be available only to publicly funded universities and institutes of higher learning.
- v. The government should make a firm commitment for a long-term support to the IP Chairs for at least a period of five years through the sanction letter. The decision regarding further continuation beyond five years may be communicated two years in advance of the date of expiry of previous sanction. The progress of these IPR Chairs may be reviewed every three years.
- vi. The proposed activities and the achievements of these IPR Chairs should be posted on the web-site of the Copyright Office which is the implementing agency for the IPR scheme.
- vii. IPR Chairs should provide assistance to the Central Government by way of sharing their research experience as resource centres especially, providing solutions to policy problems and issues.
- viii. The conditions imposed by Department of Expenditure, Ministry of Finance for submission of the UC or SOEs and for settling accounts have to be followed but some flexibility can be followed to avoid unnecessary delays, which are causing problems in continuous flow of funds. The UC and audited SOE have to be signed by an independent auditor (Chartered Accountant), the IPR Chair professor and the head (dean or registrar) of the institute or university. However, the certificate of audit from the respective state audit departments or relevant extracts of CAG audit report for that particular year in which expenditure was incurred should not be made compulsory at the time of submission of UC/audited SOE. For release of further grants, an undertaking that IPR Chair would submit the same as soon as they are made available should be enough. Both central and state universities in respect of utilization of funds should be treated alike.
- ix. There is no provision for replacement/purchase of equipments and other items after the Chair is established with the initial funding. It is recommended that in every Plan period, a onetime grant of Rs. ten lakh be provided to each Chair for purchase/replacement of equipments and other items.
- x. The MHRD IPR Chairs which have not appointed either the Chair Professor or the Coordinator within two years of approval of the IPR Chair by the MHRD may be cancelled with the approval of the sanctioning authority.
- xi. The work of the IPR Chair needs to be explicitly stated in the Scheme and in the sanction. These could broadly be (a) conduct research in IPR issues; two Ph.D. Fellowships; (b) conduct of post-graduate and M. Phil courses in IPRs in consonance with existing policy of the grantee institutes; (c) development of



curricula and teaching & reading materials in IPRs, (d) organization of national and international academic seminars/workshop/conferences on IPRs (e) establishment of IPR libraries/depositories, (f) conduct of surveys and studies on IPR matters, (g) conduct of short /medium term IPR training programmes for development of resource persons (h) study on specific policy issues referred to by the government. In this regard the recommendations of the Coordinating Committee may be incorporated.

- xii. Each IPR Chair should conduct at least four long term training programmes in advanced areas of IPR at the national level such as IP valuation, risk analysis and upcoming international issues in IPR.
- xiii. The ultimate objective of setting up the Chairs is to develop centres of excellence in IPR teaching and research as well as extension activities. One possible way of doing that is by converting the Chairs into IPR Centres. The current IPR Chair norms serve to encourage research by the professors directly and not geared to the development of research centres. It is professor centric and there is not much scope for converting the Chair into an institutional setup - say a Centre. It is worth considering having a scheme for converting the well functioning Chairs into Specialized IPR Centres with the participation of MHRD. Such Centres could even be jointly funded by the State and Central governments. This will help some of the Chairs to have limited permanent staff and more long terms programmes. The present UGC funding is of limited scope. It may be necessary to develop separate norms for such Centres so that they will also get UGC funding.
- xiv. It is considered essential to educate children in IPR in schools for a long term effect. Chapters on IPR may be introduced in school books at primary, middle and secondary levels.
- xv. IPR awareness is still at a low level in the country. New challenges and issues with significant economic impact for the country are cropping up every year. In order to facilitate informed policy and decision making in these areas, larger of consultations with stake holders and interested parties including academics are necessary. Holding of seminars and workshops on IPR issues and problems, including holding the same under the IPR chairs, needs to be encouraged. The cost ceiling limits for such seminars should be realistic and may have to be revised upward keeping in view the fact that to maintain quality participation in such seminars and workshops, resource persons will have to be brought in from different parts of the country. For the seminars and workshops involving international participation the ceiling necessarily has to be really high, considering the international travel cost. Wherever, the IPR Chairs are organising such seminars, the Chairs should be given more flexibility within the overall funding. It is also worth considering having a separate head for international conferences.
- xvi. The universities and colleges should ensure that at least 75 participants attend the IPR seminars/conferences for which they are seeking grants

- xvii. The Committee studied the recommendations of the XII Plan Working Group and is of the view that its recommendation for modernization of the Copyright Office may be taken up on priority basis to enhance the public outreach through easy access and also to make copyright registration easier and faster.
- xviii. The Committee after a detailed study and analysis of the scheme from 2001-02 onwards is of the view that the scheme has been successful in meeting the objectives for which it was launched, but that is only the beginning and much more needs to be achieved, considering that copyright industries contribute significantly to the Indian economy and it is government's bounden duty to protect and encourage that industry. The scheme has also taken pioneering steps in establishing a new concept of setting up of IPR Chairs in public funded universities and institutes. Considering that it is still the early stage of promoting the field of IPR in the country's education system, the Committee strongly feels that the scheme should continue during the XII Five Year Plan and beyond. Similarly all the programmes for creating awareness in public, academic, enforcing agencies etc. have been conducted according to plans and the results can be seen by the fact that many universities have taken steps to start separate courses on IPR. Training of enforcement officers has seemingly resulted in better enforcement of IP culture. The committee also noted that financial discipline has been exercised according to government norms. In conclusion, the committee strongly recommends the whole scheme as indicated in the report along with the suggested recommendations be implemented during the XII - Plan.

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**Place: New Delhi**  
**Date: .02.2013**