## ICFAI UNIVERSITY, TRIPURA

**ICFAI Law School** 

Report

On

"One Day Workshop on IPR Regime – 25<sup>th</sup> April 2024"

Time: 12:00 PM - 4:00 PM

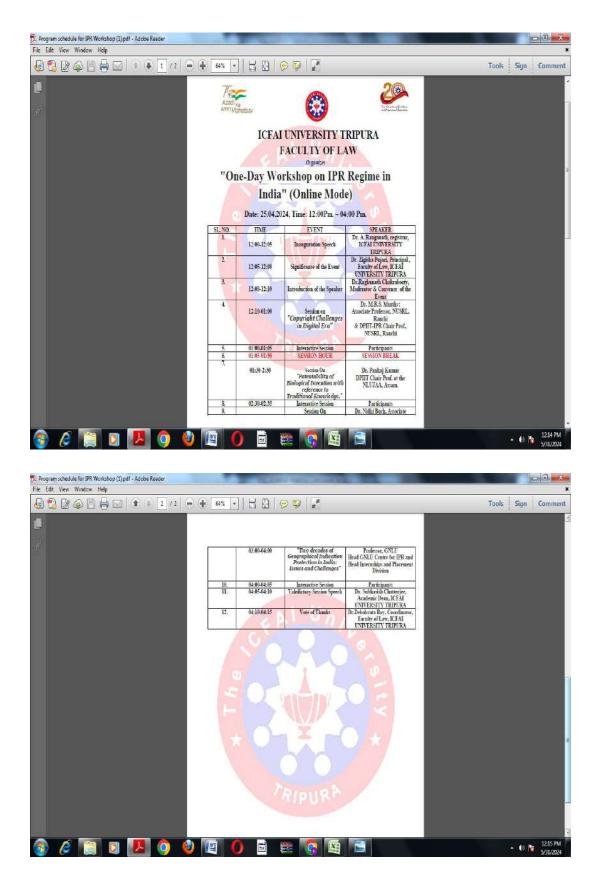
### **CONVENER OF THE EVENT:**

Dr. Raghunath Chakraborty

Assistant Professor

#### **Flyer of the Event:**





**Program Schedule of the Event:** 

#### Gist of the Lectures given by the Resource Persons:

#### 1. Dr. M.R.S Murthy, Associate Professor & DPIIT-IPR Chair,

NUSRL, Ranchi Topic :- " Copyright Challenges in Digital Era"

💭 Digital Piracy
Enforcement of copyright laws across different jurisdictions.
ft Balance between 'fair dealing' and 'copyright protection'
Impact of emerging technologies, such as AI on copyright enforcement
The need for effective digital rights management system
As the digital landscape continues to evolve, every now and then, stakeholders must address these or challenges in order to ensure that creators are fairly compensated for their work and that JPR's are respected in the distal reads.

- History 500 Years (Gutenberg Printing Work Copyright)
- TRIPS (Trade Related Aspects of Intellectual Property Right) Agreement,1995
   1<sup>st</sup> International Agreement governing IPR
- Conventional Copyright Protection in relation to ITs Include ; Dramatic Works (must be performed/ live performance for protection); Book Publication (must be digitally available); Cinematography (film must be released); Broadcasting (available in Theatres)
- S.18 of Copyright Act, 1957 Expansion; Recent developments Use of Digital platform like OTT, Television services etc.
- IT Communication Piracy distribution of such Copyright Works to be avoided without Owner's permission (S.19); Right of Performer S.38
- Copy only 1<sup>st</sup> owner can grant permission for commercialization u/s. 17, either through Assignment, Operation of Law & Licensing.
- IT & Technology Law, 2000 Emphasizes more on Copyright Protection
- Recent Problem use of A.I. for automation or creation of similar fake work ; indecent representation of work of the actual owner, Scan original copies to sell unaware due to advancement in technology, by A.I. one form of expression can be converted into another expression
- To combat A.I. issues Digital System Set up to be build to understand & recognize real work, Copyright grant Differ from U.S where only Natural Person is granted ; India any Legal Juristic Person is granted copyright holder and protection
- One must recognize that Human Intellect is real & valuable then A.I. generated works even if it's published
- Solution Linking, DRM, Watermarking, Fair Use guidelines. Etc.

#### 2. Dr. Pankaj Kumar, DPIIT Chair & Professor, NLUJAA, Assam

#### Topic:- "Patentability of Biological Invention with reference to Traditional Knowledge"

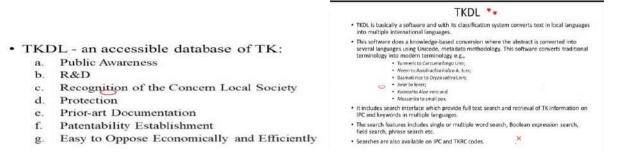
		S.No.		Indigenous use	Use as claimed under patent	Mare
I applications for patent relating to TK are			N(gella sativa (Kalajim)	Oral hygiene     Jaundice     Skin disorders	Dental healing     Hepatitis Treatment     Chapped skin	(*
<ol> <li>applications for patent relating to TK are entified, screened and classified as "Traditiona iowledge" by RECS Section.</li> </ol>	of Traditional knowledge biotechnology	6.	Emblica officinalis (Amla)	Skin diseases     Grey hair dyeing     composition     Health tonic	Cosmetic formulations     composition for Grey hair     formulations for nutrition	
per the guideline, the Examiner needs to carry	It is noted that around 50 % of such applications		Piper nigrum <sup>(1)</sup> (Kalimirch) 👝	Trenting skin diseases     Arthotic     As a condiment	Skin diseases     Joints care     Flavouring agent	an -
t a careful prior-art search in TKDL and other tabases to examine the applications	were objected under 8.3(p)		Ranvalfia serpentua (Chandra bhaga)	Schizophrenia, Epilepsy     High blood pressure	• skin diseases • heart diseases	

- Technology for everyone is technology everywhere
- Monopolistic Practices on Bio Invention not commercialized without proper information, Thus Patent was required
- Under Biodiversity Act,2002 Bio Invention ; certain portions of profit to be shared to the Shareholder, established National Biodiversity Authority (NBA) ; to use those profits for the welfare of the shareholder.
- Patentability prevented wrongful use ; Patents Act, 1970 including 2005 Amendment

Provided criteria for Pre & Post Grant application of Bio Invention:- Novelty with Opposition (S.25), Inventive Step (S.2 definition), Due care and diligence should be exercised, the geographical origin of the biological material used must be declared in Form 1, If the biological material is from India, permission from the NBA is required, If the biological material is not from India, the claimant must declare the country of source and geographical origin, Mentioning the geographical origin requires tracing the history or lineage of the material used, Failure to disclose or incorrectly mention the source or geographical origin of the biological material can be grounds for pre- and post-grant opposition

- Inventions not Patentable S.3 of Patents Act
- Solution: S.6 Biodiversity Act Prior Approval of NBA, SIPPR scheme for start- ups (no charge required with a period of 4 to 3 years).

TKDL – The Traditional Knowledge Digital Library (TKDL) is a pioneering initiative of India, under the joint collaboration of the Council of Scientific and Industrial Research (CSIR) and AYUSH, to prevent exploitation and to protect Indian traditional knowledge at Patent Offices worldwide.



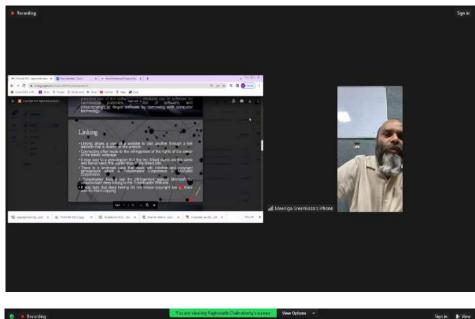
# 3. Dr. Nidhi Buch, Associate Professor & Head for Centre for IPR, Internship & Placement Division, GNLU

Topic :- "Two Decades of Geographical Indication (G.I.) Protection in India : Issues and Challenges"

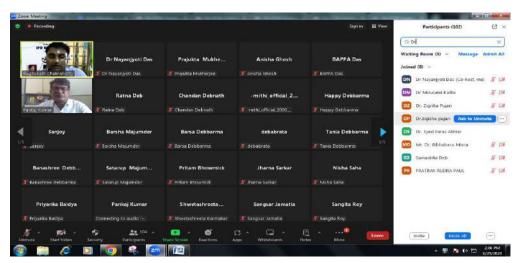


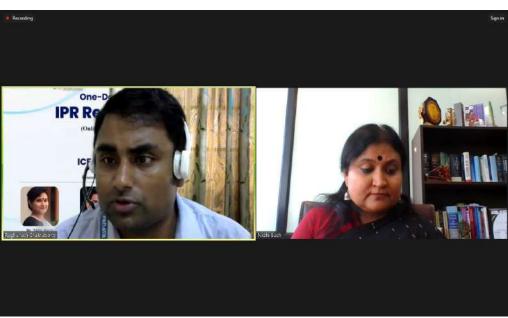
- 1999-2003 G.I. Act was enforced; World Intellectual Property Organization (WIPO) – was sleeping beauty before G.I. introduction (now provides appropriate protection to G.I.s)
- Rationale & Salient Features of G.I.s S.2 : Uniqueness, Place of Product, People belonging to that region, Rights granted to a community, non transferable:- thus, G.I was created.
- Lacunas Absence of Assigning, Licensing, Minimal protection of Natural Products (3%)
- Authorised user concept someone who only has right to Use G.I tag product, also included perpetual succession 10 Years + can be renewed forever
- Definition 'goods' got widen for G.I. tags : Most famous Agriculture & Handloom & Handicraft goods(Maximum protection); sui generis system of protection
- Registered total G.I. tag 642 products; 343 Handloom & Handicraft, 200 Agriculture Kesar, Mango, Darjeeling Tea etc.
- 5 Categories of different products are protected with the help of producers
- Existed gap in rights if G.I. people themselves weren't aware .i.e., Artisans themselves weren't aware due to which pre registration challenges arose
- State & Company concerned to aid with concept of 'local to global'; Post Registration 'Grey area'; no particular framework
- CoP Code of Practice (method of making G.I), since G.I products has no logo, no additional mechanism, thus an identity establishment must be present, there was also rise of insufficient registration user due to lack of awareness
- Absence of inspection scheme, no structured member; thus proposed for body a body for inspection with composition and function for quality check of G.I products for G.I. tags
- Recommendation Provide govt. Organizational scheme, post registration enforcement mechanism to be involved, States to be involved in providing funds, assistance and other necessity which is not present in post registration, G.I. Protection Council establishment – Sole authority to ensure other bodies function properly, proper G.I Database, mass awareness.

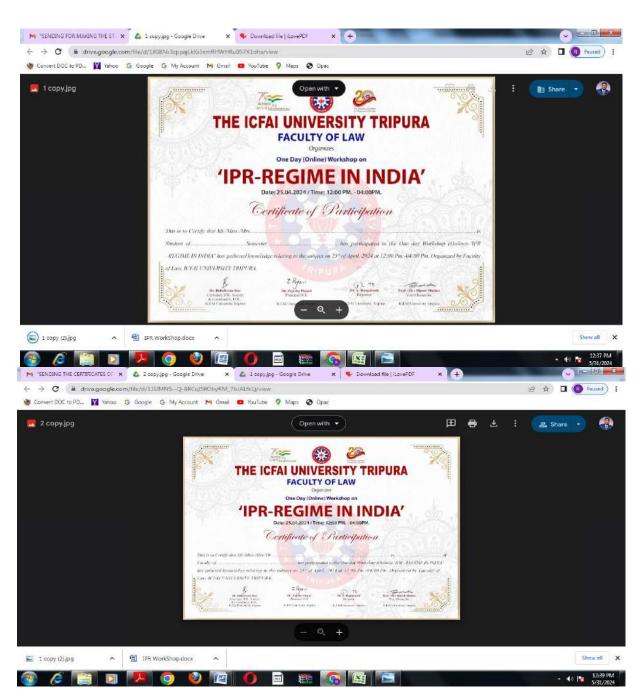
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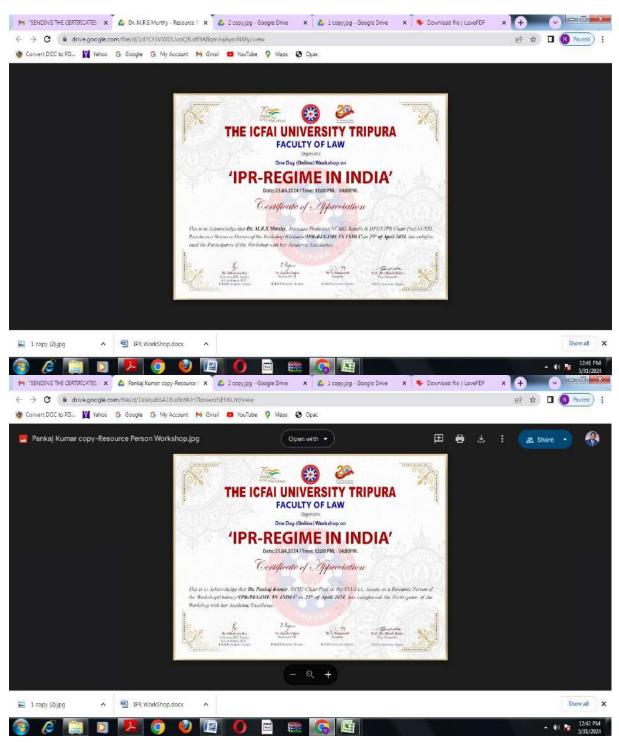






#### Participation & Appreciation Certificates:

### **<u>CERTIFICATE OF APPRECIATION FOR RESOURCE PERSONS</u>:**





<u>Students Participation:</u> Total 243 Students have participated the Event.

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