INDIA-COUNTRY REPORT

by

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1. While IPR legislation in India goes back to the first half of 19th century, the academic study of IPRs, as a separate discipline in the higher education system in India, is of comparatively recent origin. For sometime now, IPR law has been offered as one of the optional papers in the undergraduate law course by some colleges and a selected few universities have been offering the facility for specialization in IPRs at post-graduate and doctoral levels. However, major initiatives for encouraging the study of and research in IPRs have been taken only during the last decade. A great impetus for this came at the time of preparation for the WIPO Diplomatic Conference on Copyright and certain Neighbouring rights Questions in December 1996. At that time the government initiated a process of wide spread consultation with all stakeholders before formulating the stand that India was to take at the Diplomatic Conference. It was then that the government realized the need for a large body of well-informed and articulate academics and professionals in the field of IPRs to give competent advice to the government in policy formulation and in international negotiations. It may be recalled that it was the time when the TRIPS Agreement was being brought into force and IPRs have really shed their esoterism and become a subject which affect almost all spheres of human endeavour. These developments prompted the government, the academic community and the industry organizations to devise ways and means to encourage and develop the study of IPRs in the academic institutions, as well as for spreading general awareness about IPRs among professionals, academics, industry and among the general public.

2. As a first step, the government addressed selected universities, Indian Institutes of Technologies (IITs), Indian Institutes of Science (IISc), Indian Institute of Management (IIMs), in April 1996, requesting them to set up multidisciplinary IPR groups in their universities. In response, the IITs of Mumbai, Delhi, Guwahati, Kanpur, Kharagpur and Madras, IIMs of Bangalore and Ahmedabad, National Law School of India University, Bangalore and Universities of Hyderabad, Madras, Calcutta, Aligarh, Baroda and Cochin set up such groups.

3. After the Diplomatic Conference, the government—in collaboration with the National Law School of India University, Bangalore and the IIT, Delhi—organized a Seminar in February 1997 to study the implications of the new treaties for the country. One of the sessions of this Seminar was devoted to the study of IPR in India. Taking

advantage of the presence of vice-chancellors, directors of IITs, etc., it was decided to develop systematic study of IPRs. The Seminar recommended networking of institutions in IPR studies and organizing a workshop for developing IPR curriculum.

4. The Government, in collaboration with the NLSIU, organized an eight-days workshop on Intellectual Property Law & Practice for teachers and researchers at Bangalore from July 22 to 29, 1997. There was a very strong participation in the workshop by IITs, IIMs, IISc, and Regional Engineering Colleges, besides some universities. The workshop aimed at sensitizing the academic community in the fields of science, technology, management and economics to the ever-increasing relevance of IPRs in the context of recent globalization of the economy. The consensus that emerged at the end of the workshop was that there is a need to develop academic courses of varying duration and content aimed at clientele of different configuration on IPR matters. The workshop prepared syllabi for basic and advanced courses on IPRs. The courses can be introduced in the graduate and post-graduate curricula so that the students would have adequate knowledge about the issues of IPRs in their areas of study.

5. The workshop also recommended constitution of an Academic Advisory Committee to formulate as detailed IPR Action Plan. Accordingly, a nine-member committee under the chairmanship of Professor K.L. Chopra, formerly Director, IIT, Kharagpur, was set up on August 29, 1997.

6. Following the workshop, the Education Secretary addressed Directors of IITs, IIMs, and IISc. towards the end of August 1997 requesting them to take appropriate measures for introduction of IPR courses in the sessions commencing in academic year 1998-99 in their institutions.

7. At the time of formulation of the Ninth Five-Year Plan, the Ministry of Human Resource Development proposed a scheme for giving financial assistance to universities for study and research in IPR matters. During the last four years of the existence of the scheme, a number of universities and other educational institutions have taken assistance from the scheme for organizing workshops, developing documentation centres on IPRs, scholarship for students who opt for specialized IPR courses, and so on. The scheme also provides for financial assistance for setting up of IPR chairs.

8. The Ministry of HRD has also another Ninth Five-Year Plan Scheme for giving financial assistance to institutions for organizing seminars and workshops on copyright matters. The institutions which have received assistance under the scheme are mostly universities and the seminars and workshops are contributory to IPR teaching and research. During the last couple of years more than sixty academic institutions have organized programmes on teaching, research and awareness building of IPRs with financial assistance under their schemes.

9. Once the tempo of awareness building picked up and students and teachers started evincing keen interest in the study of IPRs, the government thought it appropriate that IPR Chairs be set up in universities for boosting the study of the subject. At the initial stage, the Government decided to give full financial support for setting up five IPR Chairs in universities in different parts of the country. Accordingly, the government extended financial assistance to the following five institutions, last year, for setting up IPR Chairs:

(i) National Law School of India University (NLSIU) Bangalore
(ii) University of Allahabad, Allahabad
(iii) University of Madras, Chennai
(iv) Delhi University, Delhi
(v) University of Pune, Pine

Teaching of IPR has come a long way and taken as a very serious subject for study in number of institutions. Some of these institutions need special mention.

10. The NLSIU is one of the pioneer institutions in the teaching of IPR. IPR teaching here reflects certain trends which may be of interest to others. The University started IPR teaching in 1992. The full credit undergraduate course provided a basic conceptual understanding of the three basic forms of intellectual property: patents, copyright and trademark. This course was taught through 60-70 one-hour lectures that relied predominantly on the case method.

11. Given the rapid development in the internationalization of intellectual property rights during that period the course took a turn towards policy analysis. Substantial effort was made to help students understand the political economy and policy concerns of developing countries with respect to intellectual property. The nature of international treaty making was given special emphasis. This was often at the cost of an insight into the practical dimensions of an intellectual property practice.

12. In the last couple of years there has been a marked shift at National Law School to emphasize the practical skills involved in intellectual property lawyering e.g. patent claim drafting and the School has decided to completely revamp the intellectual property-teaching programme.

13. The first innovation has been to introduce short one-credit courses. In these courses, the university intends to invite distinguished visiting faculty to teach specialized one-credit courses in a 15-hour lecture series. The University had organized the first of these short seminars titled 'Intellectual Property rights protection in computer Software.' This course met with high student ratings.

14. The second innovation was to introduce full-length optional seminars in specialized areas of intellectual property law. The first of these seminars titled 'Biotechnology and the Law' was completed in June this year. Though the course met with a good student response it is felt that greater effort needs to go into the development of course materials for this course to reach the desired level.

15. The third innovation is an Indian Intellectual Property Law Resources website that was launched on the 9th of July. This website provides legal resources on a wide range of resources free to the public. What is more, it provides the ideal platform to launch a distance educational programme. The University is in the process of putting together the first of these courses which is a four week basic Introduction to Intellectual Property Law.

16. National Law Institute, Bhopal, has also introduced two full papers on IPR in its five years B.A., LL.B. Programmes. University of Cochin has two full years LL.M. Course on all, aspects of IPR and covers national and international procedures and cases.

17. The Department of Management Studies of IIT, Delhi, has developed a full semester course (SM802N) on "Management of Intellectual Property Rights." This course has been found popular among the post-graduate as well as undergraduate students of the institute. This course is taught during the second semester of every academic session. In order to enable more students at Undergraduate level to take the course on IPR, a two-credit course has been developed at the institute. Besides it also help industry in filing the patent papers.

18. An important aspect of IPR teaching and research in Indian universities is that it is not limited to the law faculty. IPR modules are built into the curricula for subjects such as economics, management, science, technology and engineering. Of course, these courses are available in selected institutions only. Many of the technology and management institutions have set up special IPR cells that take care of the IPR modules and many others are in the process of evolving the same.

19. IIM, Bangalore, has a very strong IPR content incorporated in the core courses. The objective is to explore the domain of Intellectual Property Rights in its philosophical, economics, legal and business set-ups.

20. Various Regional Engineering Colleges like Sardar Vallabhbhai Regional College of Engineering & Technology, Surat, REC, Durgapur, Karnataka Engineering College, to name a few, have already included IPR in the regular curricula of BE Degree course.

21. Besides universities, other institutions have also taken up programmes on teaching and training in IPRs. Technical Teachers Training Institute, Chandigarh, which is

engaged in promotion of entrepreneurship and self-employment, conduct Education Development Programme for diverse groups, which has 2/3 sessions inbuilt on IPR awareness.

22. The Indian Law Institute in New Delhi conducts one year Diploma Programmes on IPRs and Cyber laws for lawyers, teachers, business people, technocrats and bureaucrats. It also conducts seminars and workshops on IPRs. IPRs are also included in the Refresher course for Law Teachers being conducted by the Institute.

23. The National Academy for Customs, Central Excise and Narcotics, the national training institution for customs and excise officers, have introduced a module on IPRs in their induction training programme for new recruits. It also conducts refresher courses on IPRs for in-service personnel.

24. Similarly, the National Police Academy, the apex training institution for police personnel in the country at Hyderabad, has included IPRs in its curriculum for the training of police personnel. The State Police Training Schools have also been requested by the government to include modules on IPRs in their curriculum. Meanwhile, the Government of India with the help of academic institutions organized IPR training workshops for police personnel in different parts of the country. It also brought out a 'Handbook of Copyright Law' in English and Hindi for the police personnel. The Handbook is being translated into and brought out in different regional languages.

25. Initiatives in IPR teaching and training have been taken not only by the government but also by private industry. A case in point is the Institute of Intellectual Property Development. It is one of its kind in our country. It is an industry initiative, its promoter being the Federation of Indian Chambers of Commerce and Industry, the apex industry association of our country, which directly speaks for over 100,000 businesses big, medium and small.

26. The Institute has been conceived on the lines of the International Intellectual Property Training Institute (IIPTI) in the Republic of Korea, Max Plank Institute for Foreign and International Patent, Copyright and Competition Law at Munich, the Centre for International Industrial Property at the University of Strasbourg, France, the Common Law Institute of Intellectual Property at London and the Japan Institute for Invention and Innovation in Tokyo.

27. Till now, very few corporate houses have industrial property cells which furnish their engineers and technical staff with advice on the latest technology trends, R&D priorities and patent strategies. This was basically due to a lack of intellectual property awareness amongst the managers of corporate India. It was therefore with the objective of spreading awareness on the various issues relating to intellectual property that the

institute was set up. The institute aims at promoting the patenting culture amongst scientific and technical community. It loudly promotes the slogan "Patent or Perish."

28. The copyright societies in India have also contributed significantly to create and spread IPR awareness. The IMI and the IPRS organized a number of training workshops, particularly targeting on police personnel in different parts of the country. This has helped in more effective implementation of the protection of IPR of music and phonogram industry besides creating great public awareness about intellectual property.

29. Different Ministries and Departments of the Government of India have also set up special institutional structures for providing IPR training to different target groups. The Patent Facilitating Centre and the Defence Research and Development Organizations deserve special mention. The PFC so far conducted 100 IPR awareness workshops sensitizing about 10,000 scientists, technologists and policy makers from 104 universities, 183 R& D institutions, and 212 industries. It also conducted workshops in Sri Lanka and Namibia. The DRDO also has been regularly organizing IPR awareness workshops for the scientific personnel working under it.

CONCLUSION

30. While serious efforts have been made during the last few years for development of teaching and training in IPRs in universities and other training institutions in the academic firmament of India, IPR is a waxing crescent and much more remains to be done. It is necessary that IPR as a separate discipline finds a place in all universities and other teaching institutions in the country. Similarly, modules on IPRs need to be built into all related courses in all higher educational institutions. An area where the country needs to make significant progress is research in IPRs. There is also need to make a kind of networking between the academic institutions so as to benefit from the best faculty available and the good work done by the institute. The curricula of the higher education needs to be so designed that all aspects of education can emphasise the need and importance of protecting intellectual property, which is available in abundance in this country, and which is the tool for economic development of the society and will provide atmosphere for greater inventions, innovations and researches and ultimately wealth for the country.