OPENING SPEECH

THE IMPORTANCE OF INTELLECTUAL PROPERTY RIGHTS

by

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I am happy to be present here today in this International Conference on Intellectual Property Education and Training. Let me extend a hearty welcome to all of you to Delhi. While thanking the WIPO Worldwide Academy (WWA) for making this international conference possible, I warmly welcome Mr. Sinjela, the Director. He has always been fond of Delhi and this fondness has prompted him to persuade Mrs. Sinjela to join him in this visit. A warm welcome to Mrs. Sinjela also. I also extend our greetings to Shri Pushpendra Rai, Deputy Director, WWA. We hope that all of you will like this city and enjoy your stay here. We hope that you all will go back at the end of this conference intellectually enriched and culturally stimulated by this great city with its rich historical past. As you walk past the magnificent ramparts of this city, you would be walking past the history of centuries chronicling sagas of human endeavour. An endeavour of labour, love, ambition and, that all encompassing passion of the people which drive civilizations forward. India has a recorded history of many millennia. It is the land of a vibrant culture, which over centuries engaged multifarious explorations of knowledge. Explorations, which took its people into an inward journey into the mysteries of 'being' as much as to the mysteries of the outside world. Our rich ancient literature records this search for knowledge which brims with concepts some of which have a lot to offer even today.

We talk of going 'back to nature' these days. India believed in harmonious existence with nature all through its civilizational existence. Ayurveda today is recognized as a comprehensive system of medicine, which organically heals the body. In the field of science, contributions of ancient sages like Bhaskara and Aryabhatta are immense. Aryabhatta had proved the existence of solar system many centuries before modern science knew it. The Indian epics of the Ramayana and the Mahabharata are creations which survived thousands of years through oral and written traditions, maintaining their purity over millennia. The paintings, which adorn the walls of the caves of Ajanta and Ellora, painted hundreds of years back by Buddhist monks, are appreciated even today. The artistic works of magnificent temples and the world-renowned monuments like Taj Mahal are tributes to Indian creativity. Even the folk tunes and designs, which our communities developed and preserved, passed down from generation to generation, stands testimony to the creativity of the Indian people.

India over millennia always encouraged creativity and innovation with its own systems of fostering creativity. The enlightened rulers of ancient or medieval India took intellectuals in various fields into their courts and gave them royal protection and encouragement. From the Navaratnas in the Court of Vikramaditya to the Court of Akbar the Great, such protection only symbolized the importance this country attached to fostering intellectual pursuits.

No wonder that India was quick to grasp the modern concept of intellectual property rights as the concept emerged towards the end of 19th century. The concept of copyright was introduced in India as long ago as 1847 when the first Indian Copyright Act was enacted. Subsequently, in 1914, the British Copyright Act of 1911 was made applicable to India. Around the same time, a Patent Act and a Designs Act were also enacted. India joined the Berne Union as early as 1928. India was giving protection to literary and artistic works of all countries even when Europe was crying hoarse over the piracy of European works in the United States. Our commitments to support the culture of creativity and innovation were reaffirmed again by formulations of the Copyright Act of 1957. Technological innovations pose new challenges to enforcement of IPRs. To ensure protection we have been amending our IPR Acts periodically to make them modern and up-to-date. The very fact that India needed only a minor amendment in its Copyright Act and that too regarding the period of protection of performers' rights, to fulfil the obligations under the TRIPS Agreement, shows the contemporaneity of its laws.

After having put in necessary legislative measures we have also initiated steps focussing on enforcement of these rights. In the federal system of our country the enforcement of IPRs is done through the law and order machinery of rheostats Governments. In order to give a thrust to enforcement efforts we have set up a Copyright Enforcement Advisory Council at the national level having representatives of the industry and enforcement agencies. On our advice, the State Governments have set up special cells for enforcement of IPRs in their police headquarters with senior Police officers heading such cells. They have also appointed Nodal Officers for IPRs to facilitate interactions and information exchange between the industry organizations and the enforcement machinery. We held a national conference of such officers last month when I addressed them stressing the need for proper and strict enforcement. We had given our copyright industries a platform to interact with them in that conference. As a matter of fact, we are quite industry friendly. Industry representatives present here will tell you that we consult them before making any change in our laws or policies.

However viable an IP legal system in place is, the society at large will benefit only if the awareness about its importance is known to all, particularly to the academic community, the cradle for development of all intellectual pursuits. The understanding of the importance of IP protection generates respect for IP law, which fosters voluntary

compliance, a pre-requirement of effective enforcement in a field involving daily applications to everyone's life.

This has special relevance in to-day's India. We are the largest producer of feature films in the world. Sale volume wise our music industry is second only to the US. The strength of our software industry is known to one and all. Our pharmaceutical industry is vibrant and growing, with huge investments in IP resources and a number of patents to its credit. Our universities and research institutes have also started acquiring patents on their innovations

One of the most effective ways of demystifying IP and to reach out to people is through universities and other educational institutions. The Government of India had been taking steps in this direction from mid-nineties onwards. We have formulated schemes to provide financial assistance to IPR study and research in educational institutions. The government provides 100% financial assistance for organizing seminars and workshops, setting up resource centres and libraries. We have also instituted five Chairs on IPR studies in the Universities of Delhi, Pune, Allahabad, Chennai and National Law School of India University, Bangalore. These Chairs are expected to give a fillip to IP studies in the country. We are also considering instituting more Chairs on IPR to cover more institutions.

This International Conference symbolizes India's commitment and support to WIPO. Our association is long lasting and India has benefited out of it. Under the development cooperation programme, WIPO has been extending assistance in training Indian nationals abroad as well as providing the services of eminent resource persons from abroad in seminars and workshops being organized in India. It has given material assistance to Intellectual Property offices. It is a matter of pride that the number of enrolments from India for the Academy's distance education programme in IPRs is higher than in any other country. This reflects the intense interest the people of India have in IPR studies. It is also a reflection of the goodwill WIPO enjoys in India.

Of particular importance to us is developing expertise in teaching of IPRs in our educational institutions. Our institutions require access to the vast resource material available with WIPO and the Worldwide Academy. We would like to be more actively involved in the activities of the Academy. We would like to form a consortium of interested educational institutions for regular collaboration with the Academy. My department will provide necessary assistance in coordinating such efforts. In fact, we would like to have broad framework agreement with the WIPO in order to facilitate this cooperation.

The warm personal bond with the senior officials have further cemented our relationship. Dr. Kamil Idris, Director General, with his affable grace and disarming

warmth has always been supportive of India. The WIPO Worldwide Academy under the able stewardship of Mr. Sinjela has been exploring possibilities of cooperation. We would like to take this cooperation to new heights of mutually beneficial relationship. As I said earlier, India has gained considerably from WIPO's programmes. In areas like copyrights, we have gained considerable experience in legal matters including framing of law. In the field of IP law and theory, we have experts who can match international standards. We would like to share this expertise with other developing nations.

Friends, today we are living in the midst of information revolution. Intellectual Property is the result of conversion of knowledge into a commercially exploitable potential. It is for the betterment of all nations that we promote Intellectual Property Rights. Only societies where such rights are protected witness cultural advancement and economic progress. We need to bring down the concept of IP rights from the ivory tower of legalistic jargon to the common man. Some of the recent developments have made IP a part of common lore. Napster might have infringed copyrights and may be facing the music for that, but the awareness the case has generated on copyright issues is unparalleled.

Teaching and training in intellectual property rights are not issues of law faculty alone. They should span across all subjects, engineering, technology, applied science, economics, management, social sciences, and even literature. After all, intellectual property is spawned in all branches of human endeavour.

Universities are academic communities' organic link with society. Promoting IP education in universities is crucial to promoting IP in society. The future clearly belongs to innovative societies. You as teachers shape destiny of nations in your classrooms. Teaching of IP will be a new tool in your hands to contribute to our civilization's onward journey.

The topics slated for discussion over the next three days cover a wide spectrum of aspects of IPR teaching. I am sure these discussions and exchange of views will give a boost to teaching of IPRs in developing countries. I also hope that it will lead to more informed decision making at the policy making level.

With these words, I have great pleasure in inaugurating this Conference.