

Training Programme on Intellectual Property Rights (IPRs) and Related WTO Issues

Jaipur, November 3-7, 2008

Context

In this age of globalisation and increasing harmonisation of rules and practices for multilateral trade, investment and intellectual property rights (IPRs), participants in economic activities need to stay abreast of developments in many areas including the World Trade Organisation (WTO) rules. This applies equally to scientists and technologists working in various capacities in the Government of India.

Global rule making in the area of intellectual property was primarily in the domain of the World Intellectual Property Organization (WIPO) until a decade back. The Paris Convention (1967), the Berne Convention (1971), the Rome Convention (1961) and Washington Treaty (1989) of WIPO governed cross-border disciplines for intellectual property. While these treaties have been ratified by many countries, their implementation and enforcement left much to be desired. The emergence of the WTO in 1995 and the inclusion of the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPs) under its *acquis* has obliged members to follow a set of uniform minimum standards in IPR protection.

The WTO TRIPs Agreement has the objective of protecting and enforcing IPRs in order to contribute to the promotion of technological innovation and transfer and dissemination of technology to the mutual advantage of producers and users of technological knowledge in a manner which is conducive to social and economic welfare and to a balance of rights and obligations.

In this context, women are comparatively more at risk of being left in a disadvantaged position in many societies. Structural inequalities between men and women in terms of access to resources such as land, credit and technical assistance require particular sensitivity in the area of IPRs to enhance the welfare, efficiency, equality and empowerment of women and to ensure gender equity. The patriarchal system, leaving women in the informal sectors of the economy with their innovations being unaccounted for and excluding them from social decision-making processes has to be challenged on all levels if the intellectual heritage and property of women is to be secured.

The universe of IPRs in the WTO TRIPs Agreement comprises of patents, copyright and related rights, trademarks, geographical indications, industrial designs, patents, layout designs of integrated circuits and trade secrets. While scientists would benefit from an exposure to the basic rules pertaining to all these IPRs, patent and copyright protection with regard to women's interests is of particular relevance to their functions of innovation and applied research.

This programme is aimed to facilitate an overview of the basic principles of multilateral trading system enshrined in the WTO and an understanding of the trade rules that apply to IPRs under its TRIPs Agreement. It will develop the capacity of Indian scientists and technologists to better exploit the opportunities that arise from the use of IPRs and sensitise them on IPR issues of particular relevance to women.

Objectives

- To meet the imperative of having trained scientists/technologists in various departments of the Government of India who are involved with IPR issues; and
- To enhance skills by developing/strengthening capacity for taking effective part in the IPR regime in India and in others parts of the world

Content

An overview of the WTO

Emergence of the new multilateral trade order - from GATT to WTO, understanding of the process, mechanics, key aspects, approaches of multilateral trade negotiations, etc

Linkages between trade and gender with a focus on IPR issues

Meaning of gender, relationship between gender and trade, gender and IPR issues

An overview of the WTO TRIPs Agreement

General features and forms of intellectual property, structure, components and principles of the WTO TRIPs Agreement

Enforcement under the WTO TRIPs Agreement

Requirements containing the WTO TRIPs Agreement relating to enforcement of IPRs at national level, existing domestic enforcement framework on IPRs, emerging issues in global IPR enforcement

Current negotiations on the WTO TRIPs Agreement

An overview of ongoing negotiations in the WTO in context of the TRIPs Agreement and relationship of these negotiations with ongoing work in World Intellectual Property Organisation and other organisations

Patents in the WTO TRIPs Agreement and the Indian law

An overview of provisions of the TRIPs Agreement and corresponding Indian legislation on patent and the protection of plant varieties and farmers' right

Trademarks and copyright laws in India

An overview of provisions in the WTO TRIPs Agreement and corresponding Indian legislation on trademarks and copyrights

Patent protection and the Indian agriculture sector

Major issues that concern IPR in agricultural research and development in India such as issues of patents and *sui generis* IPR protection system in agriculture and the way forward

Relationship of IPRs with biotechnology

The importance of biotechnology and plant varieties protection given the demand for increase in agricultural productivity

Traditional knowledge and access and benefit sharing

The importance of traditional knowledge and access and benefit sharing given the rich heritage of culture and biodiversity in India

Patent drafting and filing

The conceptual and practical aspects of drafting and filing patents including drafting of descriptions and claims, compliance with procedural requirements and skills required while interacting with potential investors

Simulation exercise on drafting of a patent application

Participants will be taken through all the steps from the conception of a patentable subject matter to the successful filing of a patent claim before a patent office

State of the Art

A series of interactive sessions will be conducted by a team of eminent and experienced resource persons. They include: lectures, case analysis, simulation exercises and group discussions. It will provide strategic understanding, develop core skills, and encourage in-depth knowledge of the dynamics involved in IPRs and related WTO issues.

Who should Attend

Senior and middle level female scientists and technologists working with various ministries/departments/councils/institutes/research laboratories of the Government of India

Resource Persons

- Rashmi Banga, Senior Economist, UNCTAD India Programme*
- Sachin Chaturvedi, Fellow, Research and Information System for Non-aligned & Other Developing Countries, New Delhi*
- Prabuddha Ganguli, Chief Executive Officer, VISION-IPR, Mumbai*
- Rajeshwari Hariharan, K&S Partners, New Delhi*
- Archana A. Jatkar, Assistant Policy Analyst, CUTS International
- Atul Kaushik, Adviser (Projects), CUTS International
- Pranav Kumar, Policy Analyst, CUTS International
- B. K. Zutshi, Former Indian Ambassador to GATT

** To be confirmed*

Venue

Hotel Golden Tulip, Nirwan Marg, Bani Park, Jaipur 302 016

APPLICATION FORM

***Training Programme on
Intellectual Property Rights (IPRs) and Related WTO Issues***

Jaipur, November 3-7, 2008

Name: _____

Designation: _____

Department: _____

Address: _____

Phone: _____

Fax: _____

Email: _____

Completed application form should be sent to CUTS not later than October 31, 2008



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