



# THE TAMIL NADU Dr. AMBEDKAR LAW UNIVERSITY, CHENNAI



P.G. DEPARTMENT OF INTELLECTUAL PROPERTY RIGHTS

Organises

UGC Sponsored

One Day National Level Workshop

on

**Patentability: Ever greening and Compulsory Licensing  
in Indian Context and Global threats**

on

26<sup>th</sup> April, 2014

in celebration of World Intellectual Property Day

## About the University

The Tamil Nadu Dr. Ambedkar Law University is a premier institution for legal education, established in the year 1997 in pursuance of the Tamil Nadu Act No.43 of 1997. His Excellency Shri.K.R.Narayanan, the then President of India inaugurated it on September, 9, 1997. As a sui generis model, the University is the first of its kind in the country offering legal education both on its campus and through the affiliated law colleges in the State of Tamil Nadu. It is endowed with the authority to grant affiliation to law colleges in the state to promote legal education, to institute Degrees, Titles, Diplomas, other academic distinctions and to pursue higher legal research. All the seven Government Law Colleges and one Private Law College stand affiliated to the Tamil Nadu Dr. Ambedkar Law University. The University has established the School of Excellence in Law in the University Campus. In the race for reaching heights in legal education and legal specializations, The Tamil Nadu Dr. Ambedkar Law University is in the forefront with renewed efforts in offering quality education, skills, training and furthering the focus on the Post Graduate studies in Law with the visionary leadership of its present Vice-Chancellor Prof.(Dr).P.Vanangamudi.

## World Intellectual Property Day

World Intellectual Property Day is celebrated on April 26 every year in order to promote discussion on the role of intellectual property (IP) in encouraging innovation and creativity. This year theme, as declared by World Intellectual Property Organisation (WIPO), is "Movies – A Global Passion". The importance of Intellectual Property Rights in India is well demonstrated at all levels namely, Statutory, Administrative, and Judicial. India ratified the agreement establishing the World Trade Organization (WTO) and consequently the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS) which came into force from 1st January 1995. (It came into full force from 2005, in India). It lays down minimum standards for protection and enforcement of intellectual property rights in member countries which are required to promote effective and adequate protection of intellectual property rights with a view to reduction or distortions and impediments to international trade, promotion of effective and adequate protection of intellectual property rights, and ensuring that measures and procedures to enforce intellectual property rights do not themselves become barriers to legitimate trade. India has amended existing laws as well as enacted new laws in the domain of intellectual properties in order to be in full compliance with Agreement on Trade Related aspect of Intellectual Property Rights (TRIPS).

## Background of the Workshop

Recent decisions on patentability in Novartis case by the High court of Madras and the Apex court as well as the decision on compulsory licensing by the Controller General and Intellectual Property Appellate Board (IPAB) in Nexavar case are looked at in awe as well as in dismay. Indian public and developing countries are awed, whereas the patent holders are in dismay. Consequentially, threats and veiled attacks are mounted on the Indian Patent system. US Chamber of Commerce is impressing upon the US Trade Representative (USTR) to classify India as a 'Priority Foreign Country' - a tag that is generally given to the worst intellectual property offenders. On the other hand, Countries like South Africa, Brazil, and Argentina and even China are closely monitoring the assertion made by India in applying the flexibilities available within the framework of Agreement on Trade Related aspect of Intellectual Property Rights (TRIPS). Though the verdict given by the Supreme Court of India, in Novartis case, clarifies that it does not mean a blanket ban on incremental inventions, the pharma industry expresses their concerns on the possible adverse impacts on direct investments, research and developmental activities in India. The order on the NEXAVAR by the Controller General was agitated before the IPAB in vain and now it lies before the Bombay High Court. It means that in both Novartis and Nexavar cases India has, on its part, fairly offered the due process of law to the patent holders. Any grievances in Indian IP system must only be tested on the anvil of compliance of TRIPS and in case of any deviant behaviour, it shall be taken up with Dispute Settlement Board and WTO and not by any other means of threats and pressurising techniques. India, on her part without any doubt, stresses due importance to strong IP regime, however, she focuses her attention not to lose sight of balancing the rights of the private and public interests.

## Themes of the Workshop

- Patentability Criteria
- Evergreening of Patents
- Comparative studies on Evergreening: India vis-à-vis other countries
- Compulsory Licensing
- Comparative studies on Compulsory Licensing: India vis-à-vis other countries
- Critical studies on TRIPS and the Indian Patents Act
- Health Care and Pharmaceutical Sectors – Patent Vs Patients
- Domestic and global Impact of Novartis Judgement
- Judicial Activism and Patent Law
- Section 301 of US Trade Act and Special Report 301

## Participation

The workshop requires full day attendance and participation. The last list of selected participants will be announced on 23<sup>rd</sup> April, 2014. Therefore, the participants are encouraged to apply early with their name, institution, mobile number and e-mail address in the registration form annexed below. Academicians from the field of Intellectual Property Law and allied fields, Justice Practitioners, Members from Judiciary, the NGOs, Lawyers, students from the disciplines mentioned above and others who are interested are invited to participate.

## Registration Fee

Request for registration of delegates should reach Director of the Seminar, the Tamil Nadu Dr. Ambedkar Law University, Chennai -600 028 in the enclosed registration form, along with a demand draft favouring the 'Director of the Seminar' payable at Chennai.

FacultyMembers/Advocates/others: Rs. 300/-

Research Scholars/Students: Rs. 150/-

**Last date for Registration is 20<sup>th</sup> April, 2014**

## Registration Form

Name: ..... Sex: Male [ ] Female [ ]

Designation: .....

Department/Institution/University:.....

Mobile:.....

E-mail:.....

### Details of Payment

Registration Fee amount:

D.D. No.

Date:

Bank:

### Address for correspondence:

### Venue

P.G. and R.D. Block, The Tamil Nadu Dr. Ambedkar Law University, Chennai - 600 028.

### Director of the Workshop

Prof.Dr.A.Raghunadha Reddy,  
Dean, P.G & Research Studies,  
HOD, Dept of Intellectual Property Rights  
Tamil Nadu Dr.Ambedkar Law University, Chennai

### Co-ordinators of the Workshop

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