

MHRD Scheme on Global Initiative of Academic Network (GIAN)

PATENTS, SPECIALIZED LICENSES & ISSUES

April 13-17, 2017

Resource Person
Prof. Srividhya Ragavan

Coordinator
Dr. Gargi Chakrabarti



GLOBAL INITIATIVE OF ACADEMIC NETWORKS
(GIAN)



Ministry of Human Resource Development
Government of India



National Law University, Jodhpur

ABOUT GIAN

Govt. of India approved a new program titled Global Initiative of Academic Networks (GIAN) in Higher Education aimed at tapping the talent pool of scientists and entrepreneurs, internationally to encourage their engagement with the institutes of Higher Education in India so as to augment the country's existing academic resources, accelerate the pace of quality reform, and elevate India's scientific and technological capacity to global excellence.

GIAN is envisaged to achieve the following objectives:

- a) Provide opportunity to our faculty to learn and share knowledge and teaching skills in cutting edge areas;
- b) To provide opportunity to our students to seek knowledge and experience from reputed International faculty;
- c) To create avenue for possible collaborative research with the international faculty;
- d) To increase participation and presence of international students in the academic Institutes;
- e) Opportunity for the students of different Institutes/Universities to interact and learn subjects in niche areas through collaborative learning process;
- f) Provide opportunity for the technical persons from Indian Industry to improve understandings and update their knowledge in relevant areas.

About the course:

This course will have three components. The first component which will be introductory in nature will deal with specialized patents by focussing on software and biotechnology industry with a view to outline the legal, economic, and social issues therefrom. The discussion on software will focus on the mobile and telecommunications technology while the discussion on biotechnology will focus on pharmaceutical patents.

The second component of the course will concentrate on the trade aspects of intellectual property law that gives students an appreciation of how why these areas are critical to India. Thus, students will get a deep sense of how in the two chosen sectors- being, software and biotechnology – trade impacts market within India. The discussion will focus on the international regime, its flexibility, the choices that are presented by other countries and what options are available for a country like India. In gist, this component seminar will help students appreciate the level and the influence of trade law and the institutions that govern trade to the proper functioning of the economy.

The third component will focus specifically on different types of licenses that prevails in the chosen areas specifically discussing the current trends and the issues presented therefrom. In this, the class will examine FRAND licences which have become integral of the telecommunications industry, the issues therefrom and end with a discussion where India is in the spectrum. The discussion on pharmaceutical patents will focus on reverse payment settlements and other licenses that are meant to slow the development of generic drugs.

Importantly, for the various technology specific industries that are heavily based on licenses such as software, telecommunications or pharmaceuticals, students aspiring to become lawyers have to appreciate the techniques of strategy and planning. For instance, a generic drug industry that has a license to manufacture a patent expired drug will have to navigate the ANDA application requirements and FDA clearance issues in the US in order to benefit from the market. A mobile phone manufacturer with a license to android technology needs to navigate patent thickets and strategize to uncover them. The open innovation model of Campbell Soup and Quirky is an example of a license based commercialization model. The objective is for students to learn about the industry, innovative licenses used by such industry, issues that a select industry experiences (GE's failure of open-patent experiment, for instance) and then produce a strategy identifying the pitfalls and benefits from commercialization.

Date: April 13,-17, 2017

Location: National Law University, Jodhpur

Objectives

- a) Determine parameters that are considered essential to enter into any license transaction especially those that involve business and technological innovation, in any specialized industry such as music, software, oil and gas, brand-reliant companies such as Sonic and more;
- b) The students will learn how terms of licenses helps commercialize technology in different industries, especially focusing on software, business methods and oil and gas.
- c) Students will also work on understanding the documentation requirements for license, for creating an organization that sets licensing standards (Standard Setting Organization) and appreciate the requirements of licensees (that needs the technology on certain universal terms) and the licensor (that is willing to license on existing terms). Students working as licensee and licensor groups to identify issues that plagues the licensing regime currently such as – remedies under the statute, prevention of importation under the International Trade Commission jurisdiction for the representatives of licensees and issues relating to take-over effects on the representatives of licensors.
- d) The course will also help students develop important skills as attorneys such as appreciating client business, knowing the facts that help them work in a situation, prioritizing negotiable issues based on the legal effect, negotiation, setting up license based organizations, contract drafting, extent and reach of disclosure issues and more.

Who can attend

- Students at all levels (LL.B.; LL.M., M. Phil, Ph.D) or Faculty from reputed academic institutions.

Course details:

1. **Software & telecommunication patents – 1.30 hours**
2. **Biotechnology patents – 1.30 hours**
3. **International trade issues and questions therefrom – 2 hours**
4. **Licenses – in telecommunication patents – 3 hours**
5. **FRAND licences & issues – 1 hours**
6. **FRAND issues in India – 1 hour**
7. **Biotechnology licences – 2 hours**
8. **Biotechnology issues and social impact – 1 hour**
9. **Biotechnology license, trade and India – 1 hour**

Examination for students: 17 April, 2017

Important Dates:

Registration Opens: 10 February, 2017

Registration Closes: 1 April, 2017

Accommodation Requests: Before 1 April, 2017

Registration Fees

- **External Participants** :Rs. 3000/-
- **Internal Participants** :Rs. 500/-

The above fees include all instructional materials, computer use for tutorials, free internet facility. Free accommodation shall be provided on a sharing basis. The participants will be provided with single bedded accommodation on payment basis. Food options are available on campus on payment basis.

Mode of Payment:

Participants are requested to send a Demand Draft in favor of “Registrar NLU Jodhpur” payable at Jodhpur with a print out of the filled in Registration form, by Courier/ Speed Post/ Registered Post before 1 April 2017 to:

Dr. Gargi Chakrabarti,
Associate Professor of Law,
NLU Jodhpur
NH 65, Mandore
Rajasthan-342304

Please label the envelop, ‘**GIAN: Patents, Specialized Licenses & Issues**’.

You may email a scanned copy of the DD and the signed registration form by the deadline to **Dr. Gargi Chakrabarti** at 73.gargi@gmail.com.

How to reach Jodhpur

Jodhpur is well connected by Air, Road and Rail with all the major cities and railway stations in India. It is about 579 kms from New Delhi. It has direct flights from New Delhi (1.5 hrs), and Mumbai (2 hrs).

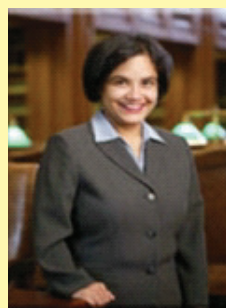
The Institute is prominently located on NH-65 and is 30 minutes away from the Airport. It is 12 kms away from the main Railway Station and around 10 kms away from the Bus Stand. You easily find taxis and autos 24 hrs.

Places to visit

Jodhpur is famously called the Sun City, as the sun is visible here first every morning. If you are passionate about things of the past, you will love the city that is rich in palaces, forts and museums. The city is also famous for its sweets. You could indulge yourself in a great purchasing spree as the city offers unique handicrafts, antiques, miniature elephants, silver jewelry, clothes and many more. The main attractions include Mehrangarh Fort, Jaswant Thada, Balsamand Lake, Kailana Lake, Rao Jodha Desert Rock Park, Umaid Palace, Mandore Gardens, Clock Tower, Maha Mandir and so on.

Brief Profile of the Resource Person:

Prof. Srividhya Ragavan



Prof. Srividhya Ragavan is Professor of Law at A&M University School of Law, Texas. Before joining A&M Texas she was Professor of Law at the University of Oklahoma College of Law. She teaches patent law, intellectual property law, trademarks law, international intellectual property seminar and the law of contracts.

Ragavan's scholarship focuses on the interplay between international trade law and intellectual property issues with a developmental perspective. Her work emphasizes issues that affect developing nations from embracing the trade regime. Her publications have expounded diverse topics like traditional knowledge, pharmaceutical patenting and agricultural subsidies. Her recent book titled *Patent and Trade Disparities in Developing Countries*, Oxford University Press, 2012, has been republished in the South Asian market.

Ragavan's work is featured in *Human Rights and Intellectual Property: Mapping the Global Interface* - a book published by Cambridge University Press. This book remains the leading book on the interface of intellectual property law and human rights.

Ragavan's work has been recognized abroad, particularly in India. Ragavan served as a visiting faculty with the NALSAR's University's IP-PRO program and authored the course modules that are still being used by the

students at the university. Ragavan has also been closely associated with the National Law School of India (NLSIU) which is the top ranked University in India. In 2010, Ragavan served as a blogger for LiveMint, which is one of India's leading newspapers. Ragavan has served as an Adjunct Fellow with the Research Information System for Developing Countries which is based out of New Delhi. Ragavan has been associated with the various departments of the Government of India such as the Ministry of Human Resource Development as well as Science and Technology during her tenure at the NLSIU in Bangalore.

Ragavan has been nominated thrice by the law school for the University's research award. In 2008, Ragavan was awarded the Student's Access to Justice (SATJ) Association Certificate for Distinguished Pro Bono Service. Ragavan was instrumental in establishing Memorandums of Understanding between the University of Oklahoma with NLSIU and NALSAR in India. In 2011, Ragavan secured the Fulbright Nehru CORE Teaching Grant to work in India where she has been associated with the NLSIU and has also made numerous presentations on the importance of IP law as a Fulbright Fellow. In 2013, Ragavan became a Fulbright Specialist for the South Asia Region.

Ragavan graduated with a BA. LLB (Honors) from the National Law School of India University in Bangalore where she was a holder of the University merit-certificate. Further, Ragavan received the Overseas Development Agency Shared Scholarship Scheme (ODASS Scholarship) administered by the Administration of Commonwealth Universities to pursue her LL.M from King's College, University of London. Later, Ragavan completed her SJD from the George Washington University Law School. Ragavan was the First Texas Instruments Visiting Scholar at the Center for Advanced Study & Research on Intellectual Property at the University of Washington at Seattle.

Principal Coordinator:

Dr. Gargi Chakrabarti,
Associate Professor of Law,
NLU Jodhpur
NH 65, Mandore
Rajasthan-342304



National Law University, Jodhpur



NATIONAL LAW UNIVERSITY, JODHPUR PATENTS, SPECIALIZED LICENSES & ISSUES

Under
Global Initiative of Academic Networks (GIAN)
Ministry of Human Resource Development
Govt. of India

REGISTRATION FORM

Name (In Block Letters): _____

Designation: _____

Qualification: _____

Institution: _____

Address: _____

Email Address: _____

Mobile No.: _____

Payment by DD in favour of **“The Registrar, NLU Jodhpur, Payable at Jodhpur”**

Details of Demand Draft:

DD No.: _____ Bank _____

Amount Rs. _____ Date _____

Place _____

Signature of the Candidate