

REPORT
ON
INTERNATIONAL CONFERENCE
ON EMERGING TREND IN
INTELLECTUAL PROPERTY
RIGHT

CONDUCTED ON:- 22nd and 23rd
APRIL, 2022

SCHOOL OF LAW, PRESIDENCY UNIVERISTY,
BENGALURU



PRESIDENCY UNIVERSITY

Private University Estd. in Karnataka State by Act No. 41 of 2013



International Conference On Emerging Trends in the Intellectual Property Rights

Dates: 22nd – 23rd April, 2022
(CALL FOR PAPERS)

Organised by:
INTELLECTUAL PROPERTY RIGHTS CELL
SCHOOL OF LAW
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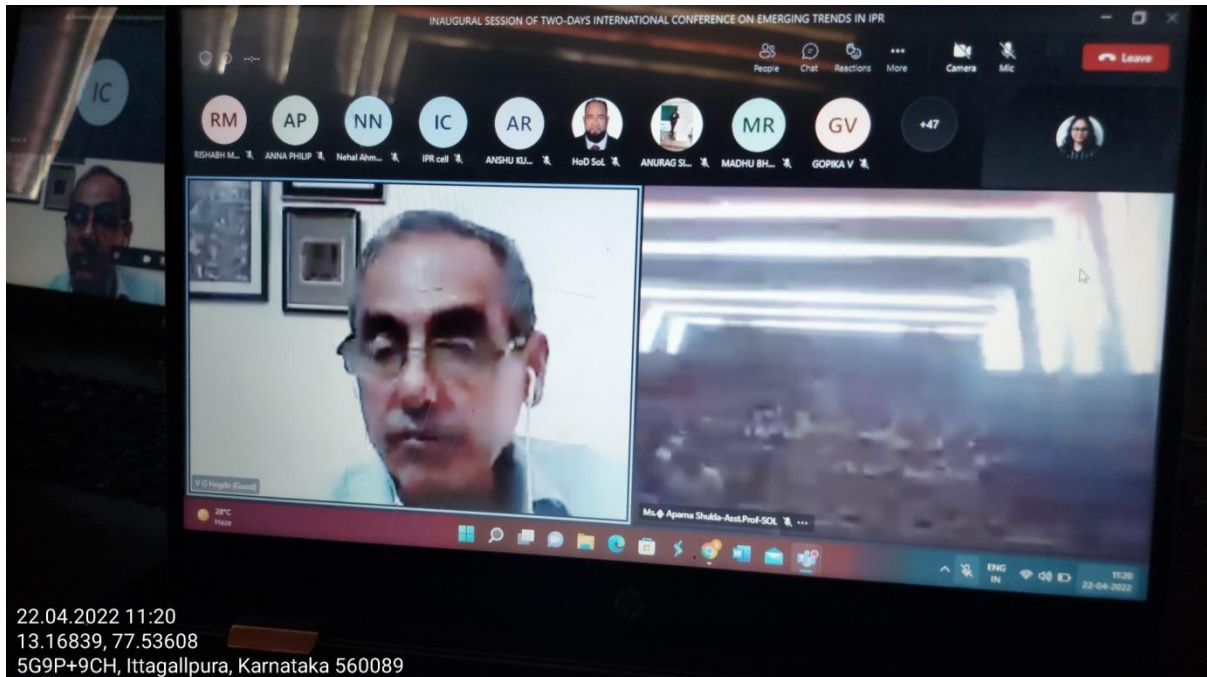
Dr. Tufail Ahmad Khan
(HoD, Sol)

Convenors:
Mr. Hamza Khan
(Faculty In-Charge IPR Cell,
Assistant Professor)

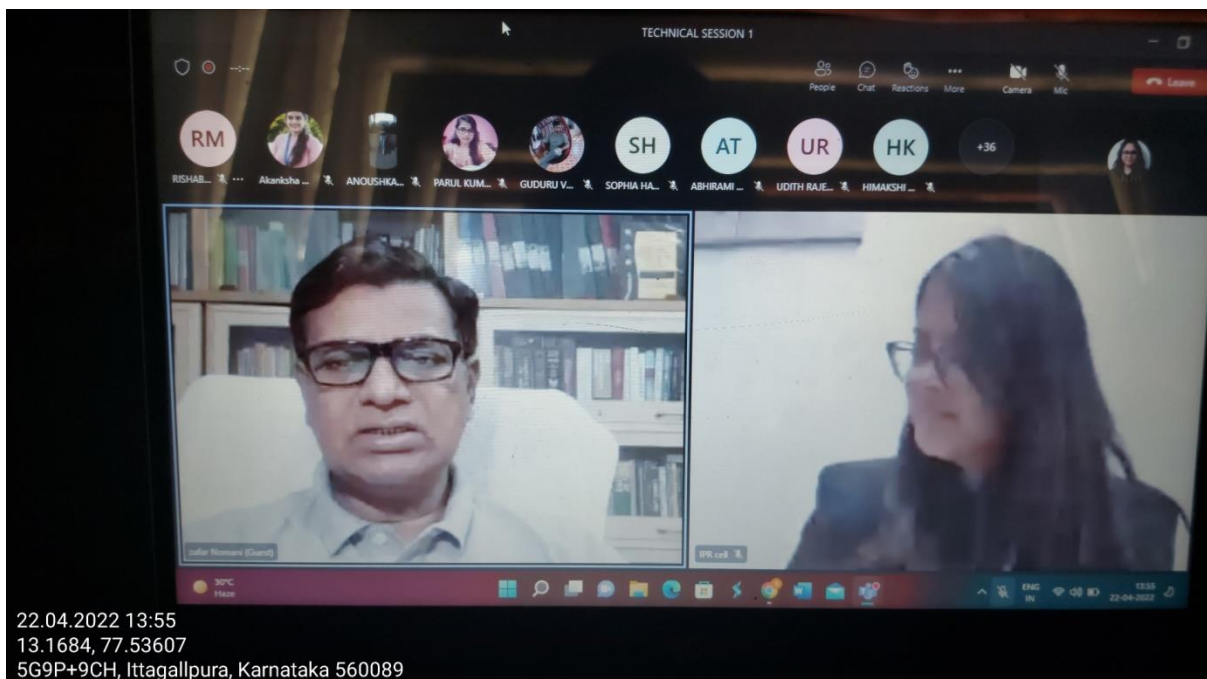
Ms. Aparna Shukla
(Faculty In-Charge IPR Cell,
Assistant Professor)

Emerging trends on IPR – Technical Session Day -1

On the first day of the International Conference on Emerging trends of IPR, the technical session one began after the inauguration ceremony with a Speech by Chief Guest Hon'ble Justice Brigadier Rajiv Sethi followed by a session by the keynote speaker V G Hegde (Prof. JNU) and finally a special session by Dr. Zafar Mahfooz Nomani.



(Speech by Prof. VG Hegde)



(Special session by Dr. Zafar Mahfooz Nomani)

The technical session for the day began shortly after that. Dr. Sukhvinder Singh Dari presided over the session (Director of Symbiosis Law School, Nagpur).

THE FOLLOWING IS THE REPORT FOR DAY 1 TECHNICAL SESSION 1:

Rishabh Manocha and Malvikka Arya convened the meeting (T2). Their study was titled *Publicity Rights In The Modern Era: Determinants And Challenges Under IPR*, and it explored celebrity rights exclusions under copyright law. The presenters discussed Indian judicial tendencies as well as worldwide trends. The presenter completed the presentation by introducing the concept of sui generis legislation and remedies at various levels, such as injunctions and cease-and-desist orders.

Following that, Aathira Nair and Shruti Devan gave a presentation (T-10). In their article titled *Emerging Trends in Digital Copyright Law*, the team highlighted in depth the need for laws for copyright, which they built on by presenting the brief history of copyright law and treaties. Furthermore, they discussed the scope of copyright law in digital space, which they substantiated by providing examples of software misuse. The team finished by discussing the benefits of WIPO digital rights management and the future of copyright law in digital space. The judges questioned the team about Section 79 of the IT Act and any court precedents that supported it. The team highlighted how, under the specified provision, internet services are not liable.

This was followed by Amlan Chakraborty's (T-3) talk on the topic *Role of Standard Setting Organizations Within IPR Policy Framework: A Critical Analysis of India's ICT Sector*. The presentation began with an explanation of standard setting organisations (SSOs), followed by a discussion of the many kinds of SSOs, as well as the concerns concerning SSOs and their processes. The presenter used 4G, LT, and auxiliary patents as examples and discussed the concept of "hold-up" if a patent is awarded but disclosure occurs later. During the presentation, the presenter also included a brief history of the Indian scenario in the 1990s and 2010s, as well as the cases of GISFI and DOSTI. The presenter went on to discuss why Indian SSOs are needed and what the problems with current domestic SSOs are. Furthermore, the presenter used the example of unfair competition in the market with respect to European courts to illustrate this point. The presentation closed with the statement that all SSOs must be standardised and harmonised, and that regulations requiring routine disclosure should be established to deal with the non-disclosure issue. The judge asked the presenter to compare Section 3 and Section 4 of the anti-trust agreement. The presenter responded that, as far as horizontal manufacture is

concerned, if there is no agreement, there can be no use of technology, whereas, as far as abuse of dominance patents grants a monopoly, there must be a tangible action to give a ground of abuse of dominance.

Abraham Joseph and Mariyam George (T-5) spoke sequentially on the topic *Copyrights Of Composite Creations: Individual Rights Versus Collective Rights*. The talk began by identifying composite creations, which included literary work, musical work, and sound recordings. The team defined the phrases by citing several portions of the Copyright Act. The team elaborated on elements of the Copyright Amendment Act 2012 in the second half of the presentation, including the addition of sections 19(9), 18(1), and 31. (D). The team discussed Rule 31 D of the amended act, which addresses shared rights. The speakers debated whether communication to the public constitutes exploitation of the owner's copyright. They went on to describe the concept of a licence to copyright of a composite creation using the case law "Music Broadcast Ltd. V The Industries Ltd. And Ors." The team also considered the infringement of composite creations' copyright. Finally, the presentation was ended by distinguishing between composite and collective rights. The judge inquired of the team regarding the effect of Section 31(D) of the Copyright Amendment Act of 2012 on the rights to composite creations. The team responded to the query by describing the legislative intent about composite creations and the mechanism for fixing royalty.

Following this presentation, Abhirami Thirumenit (T6) gave a presentation on *Stand-Up Comedy And Joke Theft: The Importance Of Copyright Protection*. The presenter began the presentation by discussing their objectives, which included addressing the issue of joke theft faced by stand-up comedians, as well as the loss of reputation faced by comedians, defining what exactly falls under the category of stand-up comedy, and defining the action of joke theft. She went on to explain how jokes are misused and when a joke can be copyrighted. The presentation addressed the scope of Section 13(1) of the Copyright Act, which addresses originality as a prerequisite. To support her theory, the presenter expounded on exclusive reproduction rights, fixation, and Article 19(2) of the TRIPS Agreement. She explained the RJ Anand case in order to support the TRIPS agreement's relationship with joke theft. The talk was finished with the observation that copyright can protect jokes that are technically original under the Copyright Act and that current legislation is no longer effective owing to the introduction of the internet.

Following that, the team of Sneha Mariyajames and Devika Dileep (T-7) presented on ***Internet Piracy and Education Under The Doctrine Of Fair Dealing***. They emphasised on the relationship between education and digital piracy and why digital piracy is more prevalent in developing nations than in developed ones, stating that the resources on pirated websites are valuable to a huge number of students from underprivileged communities. The team also provided an overview of the notion of fair use as defined in Section 52 of the Copyright Act. To further illustrate the notion of fair use and fair dealing, the team expanded on a few case laws. The team's conclusion was that India, as a developing country, lacked educational resources, and so there is digital piracy in India.

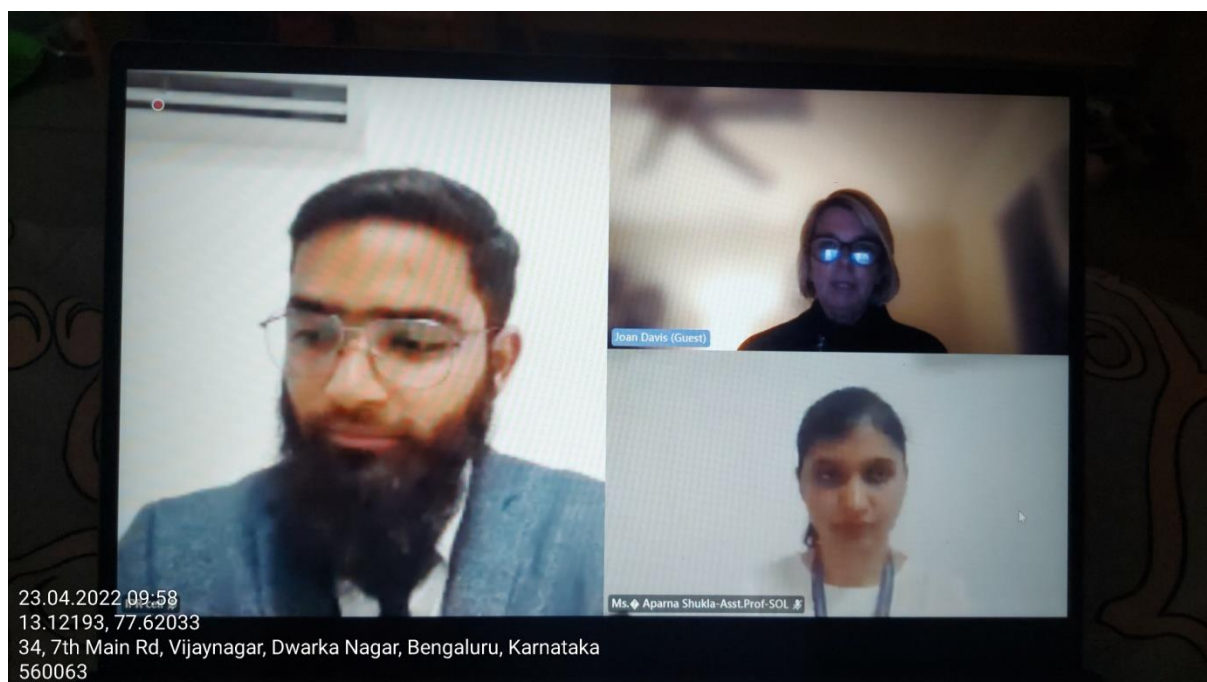
Following that, Bhavya Ac (T-8) discussed ***The Role Of Intellectual Property Rights In The Music Industry***. Her study objectives were to identify IPR of music creators and to investigate how IPR may be preserved in the music industry. The presenter also addressed issues such as the importance of intellectual property rights (IPR) in the music industry and the rights of artists and album creators. The presenter touched on the breadth of protection, individual artist protection, and the term of protection conferred. The presentation continued with an overview of music industry laws; trademarks, patents, and copyrights were discussed individually under this heading. To back up her claims, the presenter cited a few historic decisions and connection with TRIPS agreement. The presentation closed with the observation that, despite the existence of regulations and standards, there is still a gap between the requirements and application of protection laws in the music industry. The presenter suggested that there should be separate IP rules for the music industry, and that artists' rights should be strengthened.

Finally, Puneet Dhanoa and Anavi Parnami (T-1) spoke about the ***Role Of Intellectual Property In Food Security***. The presenter began the presentation by introducing food security and the role of IPR in food security. He then reviewed the causes of food insecurity, such as population growth, climate change, and urbanisation. Furthermore, policies to combat food insecurity were considered, including recommendations such as the use of technology and aspects of sustainable agriculture. The team elaborated on the right to food in light of the TRIPS Agreement and its role in defining standards in accordance with WTO Article 27. The presenter highlighted the Indian scenario by discussing plant variety and the Farmers Act of 2001. They also identified a lack of research and a lack of drive to revise procedures as the main difficulties in the Indian scenario. The researchers drew parallels between patent rights and breeder's rights not only in Indian legislation, but also in international treaties and how plant genetic resources are preserved. The presentation was finished with the observations that intellectual property

rights (IPR) are a motivating factor to instil new technology in the food business and agriculture in particular; giving patents to biotech methods directly contributes to the expansion of food security. When prompted by the judge, the presenter expanded on Article 27 of the TRIPS Agreement.

Emerging trends on IPR – Technical Session Day -2

On the Second day of the International Conference on Emerging trends of IPR, the technical session one began after a special session by Joan Davis, a practicing IP attorney in the US.

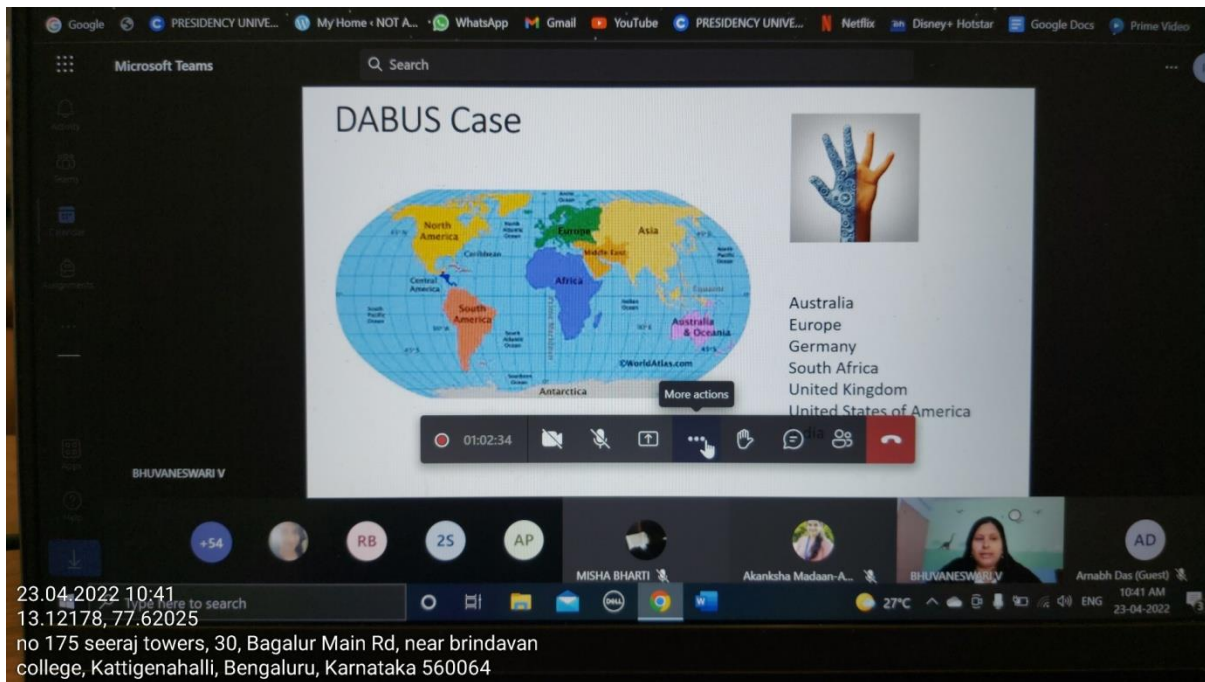


(Special session by Joan Davis, a practicing IP attorney in the US)

Soon after which, the two technical sessions for the day commenced parallelly.

THE REPORT FOR THE TECHNICAL SESSION-1 OF DAY-2 IS AS FOLLOWS:

The session was initiated by Bhuvneshwari Gurug (T-12). Her paper was titled *Inventions by Non-Human Entities -Issues and Need for Intellectual Property Legislation* and it covered various grounds such as Can non-human entities be inventors? And further her presentation covered brief explanation on judgements like DABUS case and the Ferret Abni Case. The Presentation was concluded by the presenter putting forward that the AI should be allowed to be patented and inventorship and ownership should be redefined in order to Accommodate AI.



This was followed by a presentation from Himanshi Jain and Chandrakala Bafila(T-13) their paper titled *Ip Protection to Computer Software* the team during the course of their presentation discussed in detail about the definition of computer software and the role of source code and object code in a computer programme and how reverse engineering of the same can result in infringement of intellectual property rights. Additionally, their discussion also included the ambit of the patentability of the software programme. One of the interesting conclusions put forward by the team was that the guidelines released by the IPO effects the start-ups in India which the panellists found intriguing and novel. Up next, the presenters were Aravind Prakash and Aiswarya P. S (T-14) on the topic *The Conundrums of Internet Service Providers' Liability for Copyright Infringements in Contrast with Freedom of Speech and Expression* The presentation of the team began by interpreting the scope and definition of Copyright, further the subject matter that is, the influence of internet over copyright and role of Internet Service Provider as an Intermediary. During the course of their presentation the team also incorporated the legislatures such as Digital Millennium Copyright Act, 1998 and the Information Technology Act, 2000 into their topic. Additionally, to support their thesis they drew reference from the My Space Landmark Case and concluded that the Laws governing the liability of ISP should be made clear and the same can be solved by implementing legislature such as the Digital Millennium Copyright Act. 1998. Sequentially, Jyotsna Singh (T-15) on her topic *Basmati Rice Patent Case and Intellectual Property Rights* the presentation mainly revolved around the case. The facts of the case and the issues raised in the case such as whether the USPTO's decision to grant the patent to Basmati Rice violates TRIPs agreement and

whether the patent granted to Ricetec must be revoked due to protest by various NGOs and Indigenous communities. The Presenter through her presentation answered negatively and affirmatively for the respective question raised above. The conclusion forwarded by the presenter is that hug companies such as RiceTec in this instant case is violating the traditional knowledge and is continually committing bio piracy. Followed by this presentation, Varun Agarwal and Rajrishi Ramaswamy (T-16) presented on their topic ***Pharmaceutical Patenting in India: Problems of Public Access to Health***. The team began the presentation by discussing their objectives such as to address the increasing arguments made in the support of allowing pharmaceutical patenting; to study the incumbent position on pharmaceutical patenting in light of Indian and International legal regimes; to analyse the implications of allowing the pharmaceutical patenting in India and establish why the law should remain as is; and finally to offer viable solutions to issue which arise in respect of allowing or disallowing of pharmaceutical patenting. In order to back their thesis, they explained about the Novartis Ag case and further discussed the implications of pharmaceutical patenting. The offered solutions by the team are as follows: improving the norms of compulsory license and the legislature to take extensive consideration of socioeconomic factors before formulating a policy. Up next the programme schedules the team comprising of Asma Maryam and Kanika Birje (T-17) presented on ***Ip Protection to Software: Conflict Between Indian Provisions and Practise***. The research methodology engaged by the team was doctrinal in nature. They elaborated on the primary challenge of the subject matter that is determining a practice in maintaining the balance in patent regime. Further the team gave a brief timeline as to the computer related guidelines released by the government which ensure the patentability of a software programme. The Conclusion put forward by the team was that the IP jurisprudence should be developed and the laws should be flexible and inclusive. Moving on, the team of Rohindeep P J And Mohamed Sabidh, a. S (T-18) presented on their topic titled ***Test Data Exclusivity: Significance in Pharma Sector***. The team emphasised on the information which are available under the TRIPs agreement regarding the compulsory licencing and trade secret patenting in the pharmaceutical sector. The ambit of the discussion was also extended to equity under good faith and domain of patent protection. The team elaborated on the problems pertaining to data exclusivity protection and drug related authorship. Ensuing the presentation, team consisting of Shibina Eldhouse and Merin Joyson (T-19) presented on ***Protection of Unconventional Trademarks Under Indian Trademark Act, 1999***. A very novel topic that is unconventional trademarks was discussed by the presenters Shibina Eldhouse and Merin Joyson. The objectives of their research were to gain more knowledge on the subject matter and study whether the existing

provisions are sufficient enough to protect the unconventional trademarks. The team also tackled on question like what are the various laws governing the unconventional trademark and what are the challenges protection the unconventional trademark. The Article 15 of TRIPS agreement was also discussed in this regard. Trailed by this presentation, the researcher, G. Amirdhavalli (T-21) presented on *Protection of Domain Names Under Indian Ip Laws the* Presenter initiated the discussion with an introduction on domain name and the roles of a domain and domain name, further, the presenter discussed about the technical aspects revolving around registration of domain name and the rules and guidelines one must follow for the same. Further the common type of domain name infringement and trademark infringement of the domain name was discussed. Consequently, the presenter put forth the conclusion that the domain name should not be used as an online commercial enterprise and the laws regarding domain name infringement should be made stringent.

And finally, Anna Philip presented on the paper titled *Copyright Ability Of AI*. She discussed in brief about the case of Amarnath Singh v UOI and emphasised on the moral rights of copyright ability of AI. The objectives put forward by the presenter was that ownership and authorship should be redefined, interference of human should be more in the process of AI's creations.

THE REPORT FOR TECHNICAL SESSION-2 DAY-2 IS AS FOLLOWS:

Day-2, Session-2 was presided over by Dr.RupalRautdesai, who is a professor and a practicing IP Attorney. The session began with Avanthika Banerjee (Code T-22) who presented her paper titled "*Growing E- Commerce Space: A Tool for transgression of Trademark*" and discussed brand copying, its consequences and remedy by ensuring due diligence required. Legal judgments were referred to establish standards followed by E-Commerce websites and also suggested remedies to combat the same such as good corporate governance and due diligence.

G. Sai Vaibhav (T-23) presented the paper titled "*The Role of IPR in India's quest to become the 3rd largest economy by 2025*". He discussed the need for technological development &promotion of creativity and innovation. The researcher established the presence of IPR in the economy of FDI, MSME, Start Ups and Exports. Using data, the researcher shed light on IPR increasing FDI considerably. The researcher also proposed e-Commerce platform for IPR protection to enhance IPR generation especially in low income countries.

Tatheer Fatima presented her paper on '*Non Fungible Tokens & Copyright: A Panacea or Eyewash ?*' and discussed the novel technology of NFTs and its implications on Copyright.

Discussions were made regarding whether amendments should be made in the laws to cover NFTs. Dr. Ashwini Hiremath (T-25) presented the paper titled '*Non-Conventional Trademarks: A Glance on Contemporary Issues*' and discussed the need for trademarks and the relevance of Non-Traditional trademarks such as smell, taste and texture. Nehal Ahmed (T-26) presented the paper titled, '*Analysis of secondary liability under Copyright Act*' and discussed its relevance and implications in the current legal landscape.

'*Intellectual history of trade secrets law*' was presented by Pooja Devi discussed the need for trade secrets and its benefits. Tarun Kumar (T-28) presented '*a critical study of traditional knowledge: intellectual property rights in the creation of collective intellect.*' In his paper he discussed the importance of traditional knowledge and the IPR implications. His study suggested the adjustment of non-IP and IP regulations to adapt in order to protect traditional knowledge and IPR together. Dr. Hina Kausar in her paper '*Performer's Rights Under Copyright Law: A Comparative analysis of U.K, U.S & Indian position*' elaborated on the essentials of copyright and its various related rights. She emphasised on the issues to be tackled with respect to performer's rights in India.

Finally, Shreya Singh (T-35) presented her paper titled '*Geographical Indications & TRIPS: A Twaii perspective*'. She talks about the challenges when implementing IPR on an international scale and its precarious institution and regulatory framework. Session-2 was a highly enlightening and inquisitive study on the various concepts of IPR, both old and new.

The conference concluded with a valedictory ceremony that included a speech by (Prof (Dr) Tabrez Ahmad) and a vote of appreciation from the Presidency University's IPR unit to all of the chief guests, resource persons, and participants.



(Valedictory ceremony)

ATTENDANCE OF PARTICIPANTS

DAY-1 SESSION-1

TEAM CODE	PARTICIPANTS	PRESENTERS	TITLE OF THE PAPER
T1		PUNEET DHANOA AND ANAVI PARNAMI	ROLE OF INTELLECTUAL PROPERTY IN FOOD SECURITY
T2		RISHABHMANOCHA ANDMALVIKKAARYA	PUBLICITY RIGHTS IN THE MODERN ERA: DETERMINANTS AND CHALLENGES UNDER IPR
T3		AMLAN CHAKRABORTY	ROLE OF STANDARD SETTING ORGANIZATIONS WITHIN IPR POLICY FRAMEWORK: A CRITICAL ANALYSIS ICT SECTOR OF INDIA
T5		ABRAHAMJOSEPH AND	COPYRIGHTS OF COMPOSITE CREATIONS: INDIVIDUAL

		GEMIMAMARIYAMGE ORGE	RIGHTS VERSUS COLLECTIVE RIGHTS
T6		ABHIRAMITHIRUMEN IT	STAND-UP COMEDY AND JOKE THEFT: RELEVANCE OF COPYRIGHT PROTECTION
T7		SNEHA MARIYAJAMES AND DEVIKA DILEEP	INTERNET PIRACY AND EDUCATION UNDER THE DOCTRINE OF FAIR DEALING
T8		BHAVYA AC	ROLE OF INTELLECTUAL PROPERTY RIGHTS IN MUSIC INDUSTRY:
T10		AATHIRA NAIR AND SHRUTI DEVAN	EMERGING TRENDS IN DIGITAL COPYRIGHT LAW

DAY-2 SESSION-1

<i>TEAM CODE</i>	<i>PARTICIPANTS</i>	<i>PRESENTERS</i>	<i>TITLE OF THE PAPER</i>
T12		BHUVNESHWARI GURUG	INVENTIONS BY NON- HUMAN ENTITIES -ISSUES AND NEED FOR INTELLECTUAL PROPERTY LEGISLATION
T13	CHANDRAKALA BAFILA	HIMANSHI JAIN	IP PROTECTION TO COMPUTER SOFTWARE
T14		ARAVINDPRAKASHANDAI SWARYAP. S	THE CONUNDRUMS OF INTERNET SERVICE PROVIDERS' LIABILITY FOR COPYRIGHT INFRINGEMENTS IN CONTRAST WITH FREEDOM OF SPEECH AND EXPRESSION

T15		JYOTSANA SINGH	BASMATI RICE PATENT CASE AND INTELLECTUAL PROPERTY RIGHTS
T16		VARUNAGARWALAN DRAJRISHI RAMASWAMY	PHARMACEUTICAL PATENTING IN INDIA: PROBLEMS OF PUBLIC ACCESS TO HEALTH
T17		ASMA MARYAM AND KANIKABIRJE	IP PROTECTION TO SOFTWARE: CONFLICT BETWEEN INDIAN PROVISIONS AND PRACTISE
T18		ROHINDEEP P J AND MOHAMED SABIDH, A. S	TEST DATA EXCLUSIVITY: SIGNIFICANCE IN PHARMA SECTOR
T19		SHIBINA ELHOUSE AND MERIN JOYSON	PROTECTION OF UNCONVENTIONAL TRADEMARKS UNDER INDIAN TRADEMARK ACT,1999
T21		G. AMIRDHAVALLI	PROTECTION OF DOMAIN NAMES UNDER INDIAN IP LAWS
T-11		SUSHMITA DESHPANDE	FAIR USE OF FAIR DEALING UNDER INDIAN COPYRIGHT REGIME
T-35		ANNA PHILIP	COPYRIGHT ABILITY OF AI

DAY-2 SESSION-2

<i>TEAM CODE</i>	<i>PARTICIPANTS</i>	<i>PRESENTERS</i>	<i>TITLE OF THE PAPER</i>
T22	MOHD IMRAN	AVANTIKABANERJEE	GROWING E-COMMERCE SPACE A TOOL FOR

			TRANSGRESSION OF TRADEMARK
T23		G SAIVAIBHAV	THE ROLE OF INTELLECTUAL PROPERTY RIGHTS IN INDIA'S QUEST TO BECOME THE THIRD-LARGEST ECONOMY BY 2025-26
T24		TATHEER FATIMA	NON-FUNGIBLE TOKENS AND COPYRIGHT: A PANACEA OR EYEWASH?
T25		DR. ASHWINI B HIREMATH	NON-CONVENTIONAL TRADEMARKS: A GLANCE ON CONTEMPORARY ISSUES
T26		NEHAL AHMED	AN ANALYSIS OF THE SECONDARY LIABILITY UNDER COPYRIGHT LAW
T27		POOJA DEVI	INTELLECTUAL HISTORY OF TRADE SECRETS LAW
T28		TARUN KUMAR	A CRITICAL STUDY OF TRADITIONAL KNOWLEDGE: INTELLECTUAL PROPERTY RIGHTS IN THE CREATION OF COLLECTIVE INTELLECT.
T-30	DR. MOHD SARIM	DR. HINA KAUSAR	PERFORMER'S RIGHTS UNDER COPYRIGHT LAW: A COMPARATIVE ANALYSIS OF UK, U.S.A AND INDIAN POSITION
T-35		SHREYA SINGH	GEOGRAPHICAL INDICATIONS & TRIPS: A TWAII PERSPECTIVE