



Department for Promotion of Industry and  
Internal Trade  
(Ministry of Commerce and Industry,  
Government of India)  
Chair on IPR&CIPRA-  
**National Law School of India University,**  
Bangalore



&

**KIIT School of Law, Bhubaneswar, Odisha**

A Conference

On

## **Evolving trends for an International Regime on Intellectual property, Genetic Resources and Associated TK**

Date: 29.03.2023

Time: 1.30 pm to 6.00 pm IST

Zoom web conference, National law School of India University.

## Concept Note

### IP, Genetic Resources and Associated TK

The genetic resources that are 'genetic materials of actual or potential value' have increasing interlink with Intellectual Property and Traditional knowledge. The value of Genetic Resource as an IP as well as its association with IP has been discussed on different fora in different contexts. The WIPO-IGC established in 2000 has been debating for more than two decades issues pertaining to genetic resources, traditional knowledge and traditional cultural expressions. Beginning with an initial non-normative approach looking at defensive protection, to need for a legal instrument in 2003, through a 'text-based negotiations' decision in 2010-11, the 'inter-sessional working groups' leading progress, the emergence of single negotiating text and options around new patent disclosure requirement in 2012, and finally the Chair's draft international legal instrument on GRs and associated TK in 2019 WIPO-IGC has trodden the turfs. The Chair's draft is considered as the 'basic proposal' on which the negotiations will continue leading to diplomatic conference.

Extent of protection of Genetic resource, GR based inventions, and traditional knowledge associated with GRs are issues to be addressed from IP perspective. Beyond IP, the Convention on Biological Diversity, Nagoya protocol and others have regarded Genetic resource and associated TK as subject to ABS [Access and Benefit sharing] system. The patent system built on requirement of disclosure of invention [technical information] can be made more transparent by additional requirement of disclosure of origin/ source of genetic resources and associated traditional knowledge for inventions based on such GRs and associated TKs. Such disclosure requirements is supported on the ground of increasing certainty, transparency and efficiency of patent system as well as make ABS system effective and opposed on the ground that it creates uncertainty for applicants, investors, R & D sectors and is expensive and time consuming as well would amount to implementing objectives external to IP System [ABS].

The Chair's text, which is a 20 articles draft, refers to the mandatory disclosure requirement preventing grant of erroneous patents, to subject matter scope, exceptions as well as sanctions for non-compliance, establishment of databases of information about GRs and associated TKs, besides others.

In view of these developments and forthcoming sessions of WIPO-IGC and in the context of Indian Biological Diversity Act and the Patents Act, the DPIIT Chair on Intellectual property Rights of the National Law School of India University, Bangalore is holding this conference to debate on the developments in IP, Genetic Resources and associated TK.

The conference aims to discuss: Interrelationship of Genetic resources and associated Traditional knowledge with IP, mandatory disclosure requirement of source / origin of the genetic resource as well as associated traditional knowledge, the consequences or sanction associated with non-disclosure and the 'information systems' of GRs and associated TKs. These issues are addressed in three distinct but related sessions.

You are invited to join the conference and provide your valuable suggestions for addressing the issues discussed in the conference.

Prof. Dr. T. Ramakrishna  
Chair Professor, DPIIT Chair on IPR

Program Schedule:

Time (IST)	Agenda
Inaugural Session 1.30 to 2.30 p.m	<p><u>Welcome &amp; Opening remarks:</u></p> <p><i>Prof. (Dr.) T. Ramakrishna</i> Chair Professor, IP-Chair, NLSIU</p> <p><u>Introductory remarks:</u></p> <p><i>1. Prof. (Dr.) Sudhir Krishnaswamy / Prof. N.S. Nigam</i> NLSIU, Bengaluru.</p> <p><i>2. Prof. (Dr.) Bhavani Prasad Panda</i> Director KIIT School of Law</p> <p><u>Special Address :</u> <i>Mr. Karan Thapar (TBC)</i> Deputy Secretary, DPIIT , Ministry of Commerce and Industry.</p> <p><u>Vote of Thanks:</u> <i>Dr. Parimita Dash</i></p>
Session I 2.30 – 3.30	<p><i>IP &amp; Genetic Resources, Associated TK</i></p> <p><i>a) IP protection for Genetic resources &amp; associated TK</i> Prof. Biswajit Dhar, JNU Prof. Dr. iur. Claudia Seitz (TBC)</p> <p><i>b) Challenges in Protecting GRs &amp; associated TK</i> Prof. Topi Basar, Associate professor, Arunachal Pradesh.</p>
	<p><b>Mandatory Disclosure of origin /source of GRs and associated TKs</b> Chair: Ms. Rekha,</p>

<p>Session: II 3-40 to 5.00</p>	<p>Dy. Controller of Patents &amp; Designs, O/o CGPDTM. (TBC)</p> <p><b>a) The triggers of disclosure under patent system-need for additional disclosure</b> <i>Dr. K. S. Kardam, Joint Controller of Patents[Retd]</i></p> <p><b>b) ABS system and its impact on disclosure</b> <i>Ms. Sunita K. Sreedharan, S.K.S Law Associates</i> <i>Shri J. Justin Mohan , Secretary , NBA (TBC)</i></p> <p><b>c) The consequences of non-disclosure-remedies</b> <i>Dr. Padmavati Manchikanti , Professor , RGSOIPL,IIT Kharagpur</i></p>
<p>5.10 to 6.10 Session: III</p>	<p><b>The Data system of Genetic resources and associated TK Chair:</b> <i>Dr. Viswajanani J Sattigeri, Head, TKDL</i></p> <p><b>a) TKDL in India &amp; Data system in other jurisdictions</b> <i>Dr. Vijayalakshmi Asthana, Principal Scientist, TKDL</i></p> <p><b>b) Data system as a mechanism for defensive and positive protection.</b> <i>Dr. Parimita Dash, Asst Professor, School of Law-KIIT ,Bhubaneswar. Odisha.</i></p>
<p><b>6.10 – 6.20 Vote of thanks</b></p>	

## ORGANIZING TEAM

### **Advisory Committee:**

#### **Prof. (Dr.) Sudhir Krishnaswamy**

Vice-Chancellor, National law School of India University  
Bengaluru, Karnataka, India

#### **Prof. (Dr.) T. Ramakrishna,**

Chair Professor of Law,  
DPIIT, Ministry of Commerce and Industry, Govt. of India  
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National Law School of India University, Bangalore.

### **Coordinator:**

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