

**Feedback Analysis Report of  
Training Programme on  
IPRs and Related WTO Issues**

**May 25-29, 2009, Jaipur, India**

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## 1. Introduction

CUTS CITEE<sup>1</sup> organised a training programme on 'Intellectual Property Rights (IPRs) and Related WTO Issues' on May 25-29, 2009 in Jaipur, with a purpose to build the capacity of scientists and technologists working with various ministries/departments/councils/institutes/research laboratories of Government of India. The Department of Science and Technology, Government of India supported the training programme and three training programmes will be organised in 2009. The first training programme was aimed at filling the vacuum that exists in terms of absence of adequate institutional base in India to offer training/education on issues related to IPRs that received increasing prominence under the aegis of Trade Related Aspects of Intellectual Property Rights (TRIPs) and related domestic legislations.

In the 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 rules of World Trade Organisation (WTO). This applies equally to scientists and technologists working in various capacities in the Government of India. Therefore, this training programme has the aim of facilitating an overview of the basic principles of multilateral trading system (MTS) enshrined in the WTO and an understanding of the trade rules that apply to IPRs under its TRIPs Agreement. Such training programme will prepare the scientists and technologists to better exploit the opportunities that arise from the use of IPRs.

The training programme was well attended by government officials, scientists and technologists from various ministries/departments/councils/institutes/research laboratories of Government of India. Participants handle work related to patents, copyrights and related WTO issues in their official work. The training programme brought experts/resource persons together to explore and deliberate various aspects of IPR and related WTO issues. Over the period of five days, the participants sharpened their skills on various aspects of IPR and related WTO issues through lectures, real life experiences of resource persons, simulation exercises, group discussions, etc.

*It was a good experience for me to understand the basic concept for IPR and to learn about filing of patent application. – Dr. Vikrant Singh Chouhan*

*It was indeed a very good briefing on all aspects of IPR especially the Indian scenario. My expectations have definitely been exceeded. – Dr. D.K. Rajeev Nambiar*

*Knowledge acquired through this training programme would be helpful in checking and analysing the draft towards patenting new product and managing the patent. – Dr. Debasis Dhar Roy*

*The expectations are fulfilled mainly because of good and highly experienced resource persons, who provided details and facts on IPR issues. They also supplied case studies related to issues associated in IPR related issues. The training programme was very knowledgeable and cognizant. – Dr. Chandrabhan Seniya*

*Expectations are fully met as we got exposure to intricacies of the issues dealt in this program. – Dr. C. Anand Rahu*

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<sup>1</sup> CUTS Centre for International Trade, Economics & Environment (CITEE) was established in 1996 with an aim to be a high-level global standard institution for research and advocacy on multilateral trade and sustainable development issues. Consumer Unity & Trust Society (CUTS), the parent body, was established 25 years back as a consumer rights organisation and has been engaged actively in research and advocacy on policy issues. For more details about CUTS International and CITEE please visit our websites [www.cuts-international.org](http://www.cuts-international.org) and [www.cuts-citee.org](http://www.cuts-citee.org)

Based on the feedback received from the participants and resource persons, the programme was successful in terms of:

- quality of participation;
- resource persons;
- resource materials; and
- administrative and logistical arrangements.

Participants expressed that the training programme was extremely valuable and that it was a great learning experience for them. All participants overwhelmingly found it very useful and looked forward to attend similar training programmes in the future as well for a longer duration.

## **2. Scope**

The programme covered the following crucial areas of IPRs and related WTO issues:

- Overview of the WTO
- Overview of TRIPs Agreement
- Enforcement under the TRIPs Agreement
- Patents in the WTO TRIPs Agreement and the Indian Law
- Group Discussion on ‘Confiscation of Goods in Transit’
- A Brief Overview of IPR Laws in India
- Patent drafting
- Patent filing and grant
- Simulation exercise: drafting a patent application
- Patent protection and the Indian agriculture sector
- Relationship of IPRs with biotechnology, traditional knowledge and access and benefit sharing
- State-of-Play in the WTO negotiations on TRIPs Issues
- Climate Change, Technology Transfer and IPRs

## **3. Participants**

Participants were scientists and technologists working with various ministries/ departments/councils/institutes/research laboratories of Government of India, such as National Research Centre on YAK; Indian Council of Agricultural Research (ICAR); Ministry of New and Renewable Energy; Solar Energy Centre (SEC); Central Sheep and Wool Research Institute (CSWRI), ICAR; Engineers India Limited (A Government of India Undertaking); Balmer Lawrie & Co. Ltd.; and Indian Institute of Spices Research (IISR). *See Annexure I for the list of participants.*

## **4. Resource Persons**

Resource persons comprised of eminent experts, practitioners and academicians in the field of IPR and related WTO issues and patent writing, namely,

- Prabuddha Ganguli, CEO, VISION-IPR, Mumbai
- Sunita K Sreedharan, SKS Law Associates, New Delhi
- Atul Kaushik, Director CUTS Geneva Resource Centre and former TRIPs negotiator for the Government of India
- Rajeshwari Hariharan, Partner, K & S Partners, New Delhi

- Archana A Jatkar, Assistant Policy Analyst, CUTS International
- Joseph George, Research Associate, CUTS International
- Aparna Shivpuri, CUTS International

## 5. Opening Session

**Atul Kaushik** inaugurated the training programme and warmly welcomed all the participants. He started by explaining the objective and structure of the programme and highlighted the point that the intention of Department of Science and Technology and CUTS is to provide tailor-made start up knowledge on various aspects of IPR and related WTO issues to scientists, technologists and academics engaged in research activities at public sector organisations, so as to enable them in coping up with the changing policy framework at both national and international levels. IPRs, with lot of benefits as well as pitfalls, are intangible in nature and are extremely difficult to quantify. Given the macro-economic importance of IPRs and the complexities involved in their valuation and management, it is essential to educate the developers of intellectual properties and keep them informed of the latest advances in IPR law and practice.

Kaushik expressed that conducting an IPR training programme is immensely challenging, as the topics to be covered are vast and therefore, the programme is structured in a flexible manner in order to cater to specific requirements of the participants, keeping in mind their diverse backgrounds. He explained that CUTS aims at three significant achievements through the programme.

Firstly, resource persons engaged in the programme are leading experts with extensive experience as both researchers and practitioners and therefore would be able to accommodate queries cutting across all aspects of IPRs while handling their respective topics. This would benefit each and every participant in the heterogeneous group with varied demands and expectations.

Secondly, the participants would get a clear idea as to where to find answers to IP related questions they might come across in future. In addition, CUTS, as a research repository, is always accessible for consultancy and guidance.

Thirdly, as CUTS is constantly occupied in research and dissemination, interactions with the participants would enrich the organisation's knowledge base and experience. Consequently, long-term mutual benefits through networking and knowledge sharing would be possible.

Finally, an overview of the history of CUTS International, its programme areas, activities and expertise was provided to the participants. Starting with consumer protection activism at the grassroots level, CUTS ventured into research and advocacy in the field of international trade during the peak of Uruguay Round in 1991, and since then has contributed immensely and distinctly as an NGO at the international level. CUTS undertakes a number of similar training programmes, especially in commercial diplomacy and international trade. Training on IPR issues was first undertaken in May 2008 and since then two programmes on the topic were successfully conducted.

At the close of the inaugural session participants were requested to express their expectations from the training programme. Their expectations are summarised below:

- Difference between types of legal instruments used for IP protection like patents, copyrights and trademarks and their application in India.
- Relationship between TRIPs and related Indian legislations.
- Stages and methods involved in patent drafting and the procedure of filing patents.
- Specific topics on feasibility of industrial packaging design registrations, patenting of traditional knowledge, chemical processes and plant varieties.
- Various aspects of IP management.
- The legal issues related to life of patents, IPR infringements etc.
- Difference between Indian and foreign patent laws.
- Specific topic on implications of TRIPs for agriculture research in India.

## **6. Closing Session**

### **Atul Kaushik and Archana Jatkar**

In the closing session, a stocktaking exercise for the entire programme was taken. The significance of IPRs and their implications for research activities in India was revisited briefly. The floor was unanimous in upholding the usefulness and importance of conducting similar training programmes more frequently for generating awareness amongst research community.

Archana Jatkar took feedback from the participants who appreciated the opportunity provided by the programme in terms of a clear understanding of various issues involved in IPRs. The programme served as a platform for the scientists to get exposed to complex IPR issues and understand these issues deeply by sharing and discussing with resource persons as well as among themselves. They commended the rich experience and expertise of resource persons, quality of resource material and overall administration of the training programme. Responding to request for critical comments, some of the participants proposed that future training programmes should be as much wider as possible in coverage by including sectoral IPR issues in energy, agriculture etc.

In his closing remarks, Atul Kaushik expressed his deep appreciation for the initiative of Department of Science and Technology in sponsoring the programme. He stated that the organisers regret any shortcomings which may have occurred during due course of the programme. CUTS will be able to take the learning from feedbacks provided by the participants to the next training event. While thanking all the participants for their active involvement, he acknowledged the hard work and contributions made by resource persons and supporting staff from CUTS.

## **7. Conclusions**

To conclude, the following are some of the highlights of the programme:

- Based on the feedback, participants found both the programme agenda and the networking opportunity, instrumental in making the programme a success. The

ability to take a broad cross-section of the industry into the very depth of the subject in a few days was commendable.

- Participants appreciated the quality of resource persons who were experts in their respective fields and further commended their efforts in connecting the theoretical aspects of IPR with that of practical experiences. According to participants, this effort was remarkable and a proved to be a great learning to them.
- Participants considered the training programme successful in terms of quality of participants, resource persons and resource materials, and administrative and logistic arrangements.
- The group of participants was fairly homogenous and knowledgeable which ensured their active participation with the resource persons, in such manners that some of the sessions were throughout interactive than mere presentations on the subject matter.
- Participants appreciated the resource material and found it to be informative and useful in terms of conveying knowledge on various aspects of IPRs and related WTO issues, which can further be applied at their work places.
- Participants gave the impression that the training programme was organised excellently and individual attention was paid towards each of the participant during the training programme. They appreciated this kind of management and insisted it to be maintained in the future as well.
- The participants also applauded the organisers for efficiently organising the programme and expressed that the sessions were well structured and provided enough opportunity and time for discussions.
- The discussions among participants during simulation exercises and case studies were fruitful and cohesive. It had encouraged the participants to generate new ideas and develop skills.

The training programme proved to be extremely valuable and successful in all aspects, i.e. resource persons, resource material, administration and logistics, etc. However, to become better and improve for future training programmes, suggestions from participants were invited which are summarised as below:

- Many participants expressed their desire to attend similar training programme in future. Approximately 80 percent (i.e. 18 out of 22 participants) expressed the need to extend this training programme to a more advance level.
- Participants expressed that the organisers should have given room assignment to them. It was suggested that there should be more emphasis on case studies so as to make the issue easy to understand and attractive.
- Participants suggested that topics such as practical approach to patents drafting, geographic indication (GI) etc. may be more comprehensively dealt in the program. In depth discussion on Agreement on Agriculture (AoA) in the WTO, with special reference to India, IPR on Agriculture, IPR issues covering agriculture sector especially agricultural economics, GI, Plant Variety Protection, environmental issues and consumer rights, IPR management in organisations/institutions, Patent drafting, Patent and IPR related issues in respect of plant & machineries used in manufacturing processes may also be covered.
- The literature may be provided before the training programme. It would have been more useful to invite resource persons and/or expert from agriculture

related background particularly to teach AoA or provisions from agriculture in TRIPS, principals of patenting in agri products and IPR law practitioners, PVP, Biodiversity act expertise etc.

- Participants expressed their desire to visit CUTS International and its objectives, which they were not able to do fully because of time constraints.

## 8. Summary of Participants’ Feedback

The feedback form was designed with two types of questions: open-ended and close-ended. The analysis of open-ended questions has been described in the first part of feedback analysis report (as recommendations, highlights and suggestions) and the same for close-ended questions were given below. Responses on specific aspects of this training programme are analysed by deriving an average mean. The model is described in Table below by taking the example of responses received on “quality of presentation”. In the feedback form we asked participants to rate each of the sessions on a scale of 1-10, where 9/10 represents **Excellent** and 1 represents **Bad**.

**Table: Participants Feedback on the Training Programme**

<b>Data Value</b>	<b>Frequency (Responses received from participants on the scale of 1-10)</b>	<b>Frequency X Data Value</b>
1 ( <i>Bad</i> )	None	0
2 ( <i>Poor</i> )	None	0
3 ( <i>Poor</i> )	None	0
4 ( <i>All right</i> )	None	0
5 ( <i>Good</i> )	1	5
6 ( <i>Good</i> )	None	0
7 ( <i>V Good</i> )	4	28
8 ( <i>V Good</i> )	5	40
9 ( <i>Excellent</i> )	7	63
10 ( <i>Excellent</i> )	5	50
<b>Sum</b>	22	186
<b>Mean</b>		186/22 = 8.45

Figure 1 represents the average score (mean) on “overall management” of this training programme.

**Figure 1: Overall Management of the Training Programme**

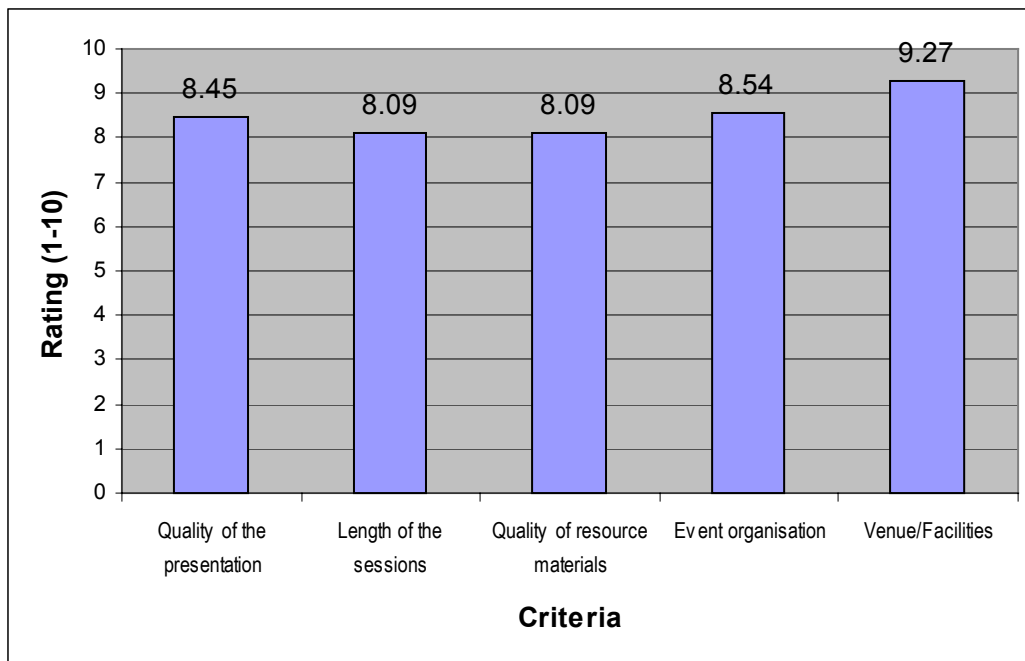
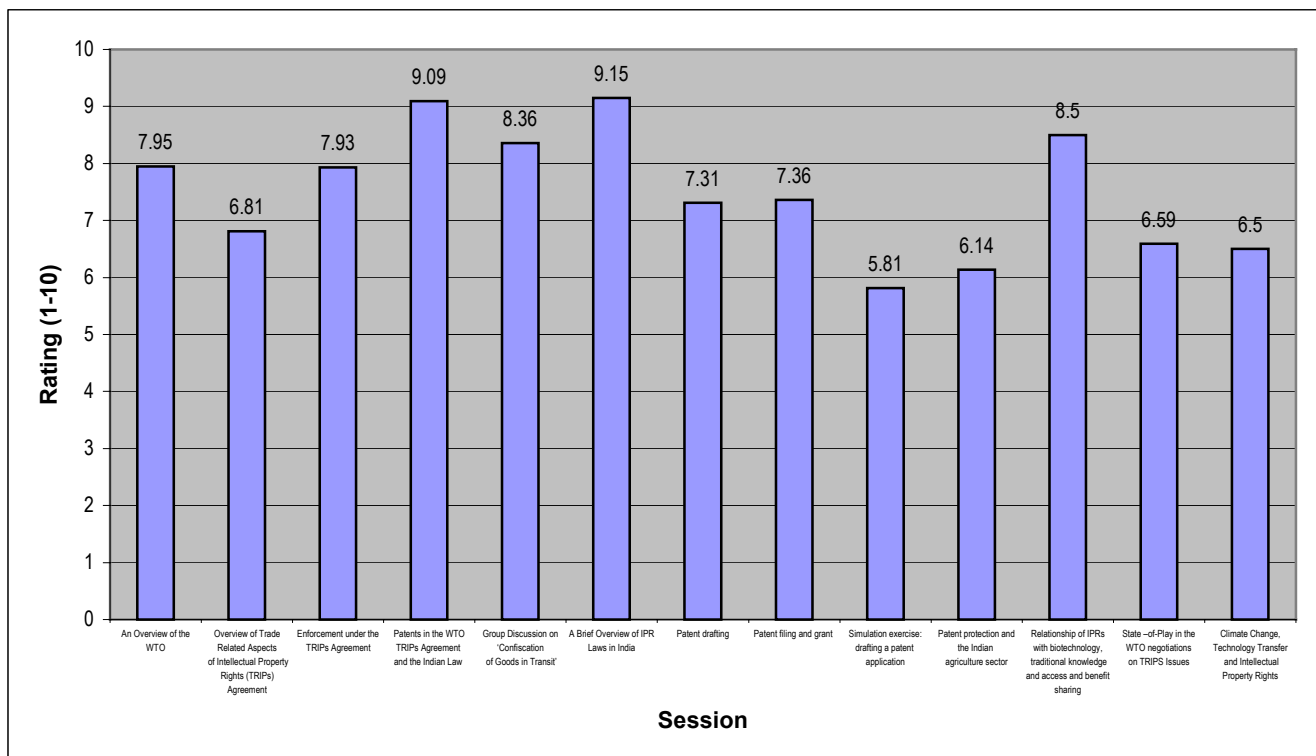


Figure 2 represents average score of sessions during the training programme.

**Figure 2: Average Scores of Sessions**





Department of Science  
and Technology  
Government of India



## *Annexure 1*

### *Training Programme on Intellectual Property Rights and Related WTO Issues (May 25- 29, 2009, Jaipur)*

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