

NUJS IP Chair, IPTLS & ShARE

*present*

# PUBLICLY FUNDED PATENTS & TECHNOLOGY TRANSFER: A REVIEW OF THE INDIAN "BAYH DOLE" BILL

12<sup>TH</sup> SEPTEMBER 2009

NATIONAL UNIVERSITY OF JURIDICAL SCIENCES

*NO REGISTRATION COSTS! FOR FURTHER DETAILS CONTACT PRAKRUTHI P. GOWDA  
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## INTRODUCTION

In January 2009, the government introduced the Protection and Utilisation of Public Funded Intellectual Property Bill, 2008 in the Rajya Sabha. The Indian bill is based to some degree on the US Bayh-Dole Act, which according to *The Economist* unlocked "all the inventions and discoveries that had been made in laboratories throughout the US with the help of taxpayers' money" and one that helped "reverse America's precipitous slide into industrial irrelevance."

This conference will aim to generate more awareness around the Bill and what it stands for. For one, the Bill presents a great opportunity to regulate publicly funded research and patenting activities associated with this for the first time.

The conference will examine the wordings of the current Indian bill, with a view to helping improve it. In particular, the conference will try and examine the current structure of university research and technology licensing in India and see if the Bill can be tailored better to help promote the permeation of more university research to society in the form of useful products/services and/or knowledge transfer. The conference will also examine whether, and to what extent, concerns of public interest can be addressed in the present bill. Illustratively, it will seek ways in which the Bill can promote more non-exclusive licensing, which in turn is likely to enable a wider utilisation of publicly funded research. It will also examine whether, and to what extent, the current Bill can be improved to promote more transparency in publicly funded research (and the results thereto) by creating a list of public funds, the recipients, the usage of such funds and the dissemination of such research through technology and knowledge transfer to the public.

Lastly, the conference will aim to iron out some of the creases in the current wordings of the Bill, creases that are likely to lead to litigious waste.



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# PATENTING PUBLICLY FUNDED PATENTS AND TECHNOLOGY TRANSFER: A REVIEW OF THE INDIAN “BAYH DOLE” BILL

1. Welcome Introduction: *Prof (Dr) MP Singh*, Vice Chancellor, NUJS (9.30 am)
2. Setting the Tone: *Prof Shammad Basbeer*, Ministry of HRD Chair, NUJS (9.45 am to 10.10 am)

## **Session 1: Bayh Dole and the International Experience**

1. A Review of the US Bayh Dole and Lessons for India: *Prof Josh Sarnoff*, American University (10.10 to 10.30 am)
2. Global “Bayh Dole” Type Models and Lessons for India: *Susan Finston*, Founder, BayhDole 25 (10.40 to 11.00 am)

**Moderator:** *Dr KK Tripathi*, Department of Biotechnology, Govt of India

**Coffee Break: 11.10 to 11.30 am**

## **Session 2: Publicly Funded Patents and Technology Transfer in India**

1. Drivers of Academic research in India and the role of IPR: Some Econometric Evidence *Prof (Dr) Amit Shovon Ray*, Professor of Economics, Centre for International Trade and Development, JNU, Delhi (11.30 to 11.50 am)
2. Patenting, Innovation and Technology Transfer: The CSIR Experience: *Dr Rekha Chaturvedi*, IGIB, CSIR (12.00 am to 12.20 am)
3. Patenting and Technology Transfer: The IIT Kharagpur Experience: *Prof (Dr) Vivekanandan*, Dean, Rajiv Gandhi School of law, IIT Kharagpur (12.30 pm to 12.50 pm)

**Moderator:** *Ameet Datta*, Partner, Luthra and Luthra

**Lunch: 1:00 to 2:00 pm**

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### **Session 3: The Triple Helix Model and Technology Transfer: Evolving a Framework for Developing Countries**

1. The Triple Helix Model: An Assessment: *Shasvat Purohit*, Franklin Pearce Law Center (2.00 pm to 2.20 pm)
2. The Technology Transfer Eco System: Ground Realities: *Dr Prathiban Srinivasan*, Founder, Patent Eagle (2.30 to 2.50 pm)
3. Inventing, Patenting and Technology Commercialization in Practice: *Dr V. Premnath*, Head, NCL Innovations and Director of Venture Center (3.00 pm to 3.20 am)

**Moderator:** *Ankhi Das*, Head, Corporate Citizenship, Microsoft India

**Coffee Break: 3.20 to 3.45 pm**

### **Session 4: Specific Issues with the Indian Publicly Funded IP Legislation**

1. Implications of extending the Bayh Dole concept to copyrights and trademarks: *Dr NS Gopalakrishnan* (3.45 pm to 4.05 pm)
2. Roundtable Discussion on specific aspects of the Indian Bill : Chaired by *Shamnad Basbeer*. 4.15 to 5.45 pm

**Panelists:** *Dr KK Tripathi*, DBT, Govt of India; *Yogesh Pai*, Centad; *Prof Madbukar Sinha*, Center for WTO; *Priyanka Sharma* (Dua Associates; and *Dinesh Abrol*, Nistads.

**Venue:** NUJS, Salt Lake, Sector III, Kolkata

**Date:** 12<sup>th</sup> September, 2009

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