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## Panel to draft intellectual property policy riddled with conflict of interest

Dec 1, 2014, 09.15AM IST TNN [ Rema Nagarajan ]

NEW DELHI: Increased focus on India's intellectual property and patent law has put the spotlight on the IP think tank set up by the Department of Industrial Policy and Promotion (DIPP). It is a six-member panel with zero representation from independent academicians working on the subject and none from civil society groups working on public interest ramifications of intellectual property rights.

So who are the members of this think tank with the primary mandate of drafting the national intellectual property rights policy and to advise the government on IPR issues? The panel is headed by former Intellectual Property Appellate Board (IPAB) chairperson (2011-2013), Prabha Sridevan, who was also a judge of the Madras High Court. Sridevan had upheld the grant of India's first compulsory licence for Bayer's cancer drug Nexavar. Health activists have pointed out that barring Sridevan, all other members of the think tank have serious conflict of interest issues and questioned their inclusion in a body meant to draft the national policy on IP.

Members of the panel include Pratibha Singh a senior lawyer and wife of additional solicitor general Maninder Singh, one-time junior of Finance Minister Arun Jaitley. They have a law firm Singh & Singh, which, according to their website, provides legal services to clients in the area of "intellectual property and enforcement of intellectual property". The website adds: "A substantial part of our work comprises of Intellectual Property". The firm has appeared for various drug companies both MNCs and Indian companies including for Cadila. Incidentally, Dr Unnat Pandit, deputy general manager of Cadila Pharmaceuticals is also a member of the think tank.

The third member is advocate, Punita Bhargava, niece of finance minister Arun Jaitley. She is a founding partner of the firm Inventure that describes itself as a firm providing "legal services in the field of intellectual property laws". "We have built a niche practice in representing Indian and foreign clients in protecting their trademarks in the Indian subcontinent," states the Inventure website. According to the website their clients include major national and international corporations and government organisations across sectors including food and beverage, education, telecommunication, pharmaceutical, consumer goods, media and so on.

In the DIPP listing of members, Narendra K Sabarwal is listed as retired deputy director general, WIPO, but fails to mention his current position as the chair of the IPR committee of the Federation of Indian Chambers of Commerce and Industry (FICCI). FICCI is primarily an industry association known for lobbying to protect industry interests, including strong IP protection. FICCI IPR division is meant to provide "a platform for continuous interactions between industry, law firms, IP consultants, IP outsourcing firms" according to the FICCI website.

The think tank also includes Rajeev Srinivasan, director of Asian School of Business in Kerala, a private business school. It is surprising that DIPP did not choose any of the seasoned IP academicians. The HRD ministry has set up 20 IPR chairs for development and growth of IPR education, research and training— six IPR Chairs in universities, six in IITs, five IPR chairs in National Law Universities and three IPR chairs in IIMs (Kolkata, Bangalore and Ahmedabad). Yet none of these academicians working on IP issues are included.

"The contention that we have no IP policy and to then set up a think tank could be to propose an entirely new direction to our current IP policy. That's problematic. Plus, many members are people with conflict of interest or who have something peripheral to contribute. Why could they not find people from academia without conflict of interest?" asked Dr Amit Sengupta of Jan Swasthya Sahyog, a public health advocacy movement. Health activists asked why retired bureaucrats with abundant experience in handling India's negotiations on IP at international fora or even current bureaucrats dealing with IP issues or retired judges who have handled IP cases could not be included. There seems to be no method in the composition of the think tank in bringing in a diversity of views, said Dr Sengupta.

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